

1 SB36  
2 155134-4  
3 By Senator Marsh  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 14-JAN-14  
6 PFD: 10/31/2013

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To amend Sections 36-25-1, 36-25-13, 36-25-16, and  
12 29-1-26, Code of Alabama 1975, relating to prohibited lobbying  
13 activities of former public officials; to provide further for  
14 the definition of "legislative body". To further provide for  
15 the definition of "educational function" to provide that to  
16 avoid being deemed a thing of value the total cost of  
17 attendance at such an event for a public official and his or  
18 her spouse is less than \$500; to further provide for the  
19 definition of "lobbying" to include any discussion with  
20 legislators on behalf of one's employer; to further provide  
21 for the definition of "value" and to make the ability to  
22 receive tickets to sold out events, or to purchase season  
23 tickets without making the donation required of the general  
24 public a thing of value; to further define "widely attended  
25 event" to ensure that public officials comprise no more than  
26 10 percent of the attendees of such an event; to prohibit a  
27 former Governor or member of his or her family from lobbying

1 any entity of state government for four years after his or her  
2 term expires; to prohibit former public officials from  
3 lobbying the Legislature, regardless of their office, for two  
4 years after their service; to prohibit the family members of  
5 public officials from receiving state contracts during the two  
6 years after such official leaves office; to prohibit public  
7 officials and their family members from being employed by a  
8 state agency or state contractor during their term and for two  
9 years thereafter; to expand reporting of lobbyists of the  
10 executive and legislative branches to include non-business  
11 entities on whose behalf they are lobbying and reporting any  
12 familial relationship with any public official, public  
13 employee, or individual who has served as a public official in  
14 the last 10 years; to expand the prohibition on legislative  
15 double dipping to the family members of legislators; to expand  
16 the definition of "substantial financial interest" under the  
17 double dipping law to include employment by or compensation to  
18 a legislator and his or her family members; to clarify that  
19 the Medicaid provider exemption under the double dipping law  
20 is for health care professionals only; to delete language  
21 limiting part-time income under the double dipping law; to  
22 clarify that former legislators are subject to reimbursing the  
23 state for violations of the double dipping law; to prohibit  
24 state contractors, those with five percent of greater equity  
25 stake in a state contractor, and the employers of state  
26 officials and former state officials from providing campaign  
27 contributions to state officials; to create a new Section

1 17-5-15.2 to prohibit campaign contributions to state  
2 officials from state contractors.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 36-25-1, 36-25-13, 36-25-16, and  
5 29-1-26, Code of Alabama 1975, are amended to read as follows:

6 "§36-25-1.

7 "Whenever used in this chapter, the following words  
8 and terms shall have the following meanings:

9 "(1) BUSINESS. Any corporation, partnership,  
10 proprietorship, firm, enterprise, franchise, association,  
11 organization, self-employed individual, or any other legal  
12 entity.

13 "(2) BUSINESS WITH WHICH THE PERSON IS ASSOCIATED.  
14 Any business of which the person or a member of his or her  
15 family is an officer, owner, partner, board of director  
16 member, employee, or holder of more than five percent of the  
17 fair market value of the business.

18 "(3) CANDIDATE. This term as used in this chapter  
19 shall have the same meaning ascribed to it in Section  
20 17-22A-2.

21 "(4) COMMISSION. The State Ethics Commission.

22 "(5) COMPLAINT. Written allegation or allegations  
23 that a violation of this chapter has occurred.

24 "(6) COMPLAINANT. A person who alleges a violation  
25 or violations of this chapter by filing a complaint against a  
26 respondent.

1           "(7) CONFIDENTIAL INFORMATION. A complaint filed  
2 pursuant to this chapter, together with any statement,  
3 conversations, knowledge of evidence, or information received  
4 from the complainant, witness, or other person related to such  
5 complaint.

6           "(8) CONFLICT OF INTEREST. A conflict on the part of  
7 a public official or public employee between his or her  
8 private interests and the official responsibilities inherent  
9 in an office of public trust. A conflict of interest involves  
10 any action, inaction, or decision by a public official or  
11 public employee in the discharge of his or her official duties  
12 which would materially affect his or her financial interest or  
13 those of his or her family members or any business with which  
14 the person is associated in a manner different from the manner  
15 it affects the other members of the class to which he or she  
16 belongs. A conflict of interest shall not include any of the  
17 following:

18           "a. A loan or financial transaction made or  
19 conducted in the ordinary course of business.

20           "b. An occasional nonpecuniary award publicly  
21 presented by an organization for performance of public  
22 service.

23           "c. Payment of or reimbursement for actual and  
24 necessary expenditures for travel and subsistence for the  
25 personal attendance of a public official or public employee at  
26 a convention or other meeting at which he or she is scheduled  
27 to meaningfully participate in connection with his or her

1 official duties and for which attendance no reimbursement is  
2 made by the state.

3 "d. Any campaign contribution, including the  
4 purchase of tickets to, or advertisements in journals, for  
5 political or testimonial dinners, if the contribution is  
6 actually used for political purposes and is not given under  
7 circumstances from which it could reasonably be inferred that  
8 the purpose of the contribution is to substantially influence  
9 a public official in the performance of his or her official  
10 duties.

11 "(9) DAY. Calendar day.

12 "(10) DEPENDENT. Any person, regardless of his or  
13 her legal residence or domicile, who receives 50 percent or  
14 more of his or her support from the public official or public  
15 employee or his or her spouse or who resided with the public  
16 official or public employee for more than 180 days during the  
17 reporting period.

18 "(11) DE MINIMIS. A value twenty-five dollars (\$25)  
19 or less per occasion and an aggregate of fifty dollars (\$50)  
20 or less in a calendar year from any single provider, or such  
21 other amounts as may be prescribed by the Ethics Commission  
22 from time to time by rule pursuant to the Administrative  
23 Procedure Act or adjusted each four years from August 1, 2012,  
24 to reflect any increase in the cost of living as indicated by  
25 the United States Department of Labor Consumer Price Index or  
26 any succeeding equivalent index.

1           "(12) ECONOMIC DEVELOPMENT FUNCTION. Any function  
2 reasonably and directly related to the advancement of a  
3 specific, good-faith economic development or trade promotion  
4 project or objective.

5           "(13) EDUCATIONAL FUNCTION. A meeting, event, or  
6 activity held within the State of Alabama, or if the function  
7 is predominantly attended by participants from other states,  
8 held within the continental United States, which is organized  
9 around a formal program or agenda of educational or  
10 informational speeches, debates, panel discussions, or other  
11 presentations concerning matters within the scope of the  
12 participants' official duties or other matters of public  
13 policy, including social services and community development  
14 policies, economic development or trade, ethics, government  
15 services or programs, or government operations, and which,  
16 taking into account the totality of the program or agenda,  
17 could not reasonably be perceived as a subterfuge for a purely  
18 social, recreational, or entertainment function, and the total  
19 cost of travel and attendance for a public official and his or  
20 her spouse is less than five hundred dollars (\$500).

21           "(14) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The  
22 spouse or a dependent of the public employee.

23           "(15) FAMILY MEMBER OF THE PUBLIC OFFICIAL. The  
24 spouse, a dependent, an adult child and his or her spouse, a  
25 parent, a spouse's parents, a sibling and his or her spouse,  
26 of the public official.

1                   "(16) GOVERNMENTAL CORPORATIONS AND AUTHORITIES.

2       Public or private corporations and authorities, including but  
3       not limited to, hospitals or other health care corporations,  
4       established pursuant to state law by state, county or  
5       municipal governments for the purpose of carrying out a  
6       specific governmental function. Notwithstanding the foregoing,  
7       all employees, including contract employees, of hospitals or  
8       other health care corporations and authorities are exempt from  
9       the provisions of this chapter.

10                   "(17) HOUSEHOLD. The public official, public  
11       employee, and his or her spouse and dependents.

12                   "(18) LAW ENFORCEMENT OFFICER. A full-time employee  
13       of a governmental unit responsible for the prevention or  
14       investigation of crime who is authorized by law to carry  
15       firearms, execute search warrants, and make arrests.

16                   "(19) LEGISLATIVE BODY. The ~~Senate of Alabama, the~~  
17       ~~House of Representatives~~ Legislature of Alabama, a county  
18       commission, city council, city commission, town council, or  
19       municipal council or commission, and any committee or  
20       subcommittee thereof.

21                   "(20) LOBBY or LOBBYING. The practice of promoting,  
22       opposing, or in any manner influencing or attempting to  
23       influence the introduction, defeat, or enactment of  
24       legislation before any legislative body; opposing or in any  
25       manner influencing the executive approval, veto, or amendment  
26       of legislation; or the practice of promoting, opposing, or in  
27       any manner influencing or attempting to influence the



1 enactment, promulgation, modification, or deletion of  
2 regulations before any regulatory body. The term does not  
3 include providing public testimony before a legislative body  
4 or regulatory body or any committee thereof.

5 However, any person who, on behalf of his or her  
6 employer or a third-party with whom he or she has a contract,  
7 speaks with a member or members of a legislative body about  
8 proposed, pending, or potential legislation, formally or  
9 informally, shall be deemed to be engaged in lobbying.

10 "(21) LOBBYIST.

11 "a. The term lobbyist includes any of the following:

12 "1. A person who receives compensation or  
13 reimbursement from another person, group, or entity to lobby.

14 "2. A person who lobbies as a regular and usual part  
15 of employment, whether or not any compensation in addition to  
16 regular salary and benefits is received.

17 "3. A consultant to the state, county, or municipal  
18 levels of government or their instrumentalities, in any manner  
19 employed to influence legislation or regulation, regardless  
20 whether the consultant is paid in whole or part from state,  
21 county, municipal, or private funds.

22 "4. An employee, a paid consultant, or a member of  
23 the staff of a lobbyist, whether or not he or she is paid, who  
24 regularly communicates with members of a legislative body  
25 regarding pending legislation and other matters while the  
26 legislative body is in session.

1            "b. The term lobbyist does not include any of the  
2 following:

3            "1. An elected official on a matter which involves  
4 that person's official duties.

5            "2. A person or attorney rendering professional  
6 services in drafting bills or in advising clients and in  
7 rendering opinions as to the construction and effect of  
8 proposed or pending legislation, executive action, or rules or  
9 regulations, where those professional services are not  
10 otherwise connected with legislative, executive, or regulatory  
11 action.

12           "3. Reporters and editors while pursuing normal  
13 reportorial and editorial duties.

14           "4. Any citizen not lobbying for compensation who  
15 contacts a member of a legislative body, or gives public  
16 testimony on a particular issue or on particular legislation,  
17 or for the purpose of influencing legislation and who is  
18 merely exercising his or her constitutional right to  
19 communicate with members of a legislative body.

20           "5. A person who appears before a legislative body,  
21 a regulatory body, or an executive agency to either sell or  
22 purchase goods or services.

23           "6. A person whose primary duties or  
24 responsibilities do not include lobbying, but who may, from  
25 time to time, organize social events for members of a  
26 legislative body to meet and confer with members of  
27 professional organizations and who may have only irregular

1 contacts with members of a legislative body when the body is  
2 not in session or when the body is in recess.

3 "7. A person who is a member of a business,  
4 professional, or membership organization by virtue of the  
5 person's contribution to or payment of dues to the  
6 organization even though the organization engages in lobbying  
7 activities.

8 "8. A state governmental agency head or his or her  
9 designee who provides or communicates, or both, information  
10 relating to policy or positions, or both, affecting the  
11 governmental agencies which he or she represents.

12 "(22) MINOR VIOLATION. Any violation of this chapter  
13 in which the public official or public employee receives an  
14 economic gain in an amount less than two hundred fifty dollars  
15 (\$250) or the governmental entity has an economic loss of less  
16 than two hundred fifty dollars (\$250).

17 "(23) PERSON. A business, individual, corporation,  
18 partnership, union, association, firm, committee, club, or  
19 other organization or group of persons.

20 "(24) PRINCIPAL. A person or business which employs,  
21 hires, or otherwise retains a lobbyist. A principal is not a  
22 lobbyist but is not allowed to give a thing of value.

23 "(25) PROBABLE CAUSE. A finding that the allegations  
24 are more likely than not to have occurred.

25 "(26) PUBLIC EMPLOYEE. Any person employed at the  
26 state, county, or municipal level of government or their  
27 instrumentalities, including governmental corporations and

1 authorities, but excluding employees of hospitals or other  
2 health care corporations including contract employees of those  
3 hospitals or other health care corporations, who is paid in  
4 whole or in part from state, county, or municipal funds. For  
5 purposes of this chapter, a public employee does not include a  
6 person employed on a part-time basis whose employment is  
7 limited to providing professional services other than  
8 lobbying, the compensation for which constitutes less than 50  
9 percent of the part-time employee's income.

10 "(27) PUBLIC OFFICIAL. Any person elected to public  
11 office, whether or not that person has taken office, by the  
12 vote of the people at state, county, or municipal level of  
13 government or their instrumentalities, including governmental  
14 corporations, and any person appointed to a position at the  
15 state, county, or municipal level of government or their  
16 instrumentalities, including governmental corporations. For  
17 purposes of this chapter, a public official includes the  
18 chairs and vice-chairs or the equivalent offices of each state  
19 political party as defined in Section 17-13-40.

20 "(28) REGULATORY BODY. A state agency which issues  
21 regulations in accordance with the Alabama Administrative  
22 Procedure Act or a state, county, or municipal department,  
23 agency, board, or commission which controls, according to rule  
24 or regulation, the activities, business licensure, or  
25 functions of any group, person, or persons.

1           "(29) REPORTING PERIOD. The reporting official's or  
2 employee's fiscal tax year as it applies to his or her United  
3 States personal income tax return.

4           "(30) REPORTING YEAR. The reporting official's or  
5 employee's fiscal tax year as it applies to his or her United  
6 States personal income tax return.

7           "(31) RESPONDENT. A person alleged to have violated  
8 a provision of this chapter and against whom a complaint has  
9 been filed with the commission.

10           "(32) STATEMENT OF ECONOMIC INTERESTS. A financial  
11 disclosure form made available by the commission which shall  
12 be completed and filed with the commission prior to April 30  
13 of each year covering the preceding calendar year by certain  
14 public officials and public employees.

15           "(33) SUPERVISOR. Any person having authority to  
16 hire, transfer, suspend, lay off, recall, promote, discharge,  
17 assign, or discipline other public employees, or any person  
18 responsible to direct them, or to adjust their grievances, or  
19 to recommend personnel action, if, in connection with the  
20 foregoing, the exercise of the authority is not of a merely  
21 routine or clerical nature but requires the use of independent  
22 judgment.

23           "(34) THING OF VALUE.

24           "a. Any gift, benefit, favor, service, gratuity,  
25 tickets or passes to an entertainment, social or sporting  
26 event, unsecured loan, other than those loans and forbearances  
27 made in the ordinary course of business, reward, promise of

1 future employment, or honoraria or other item of monetary  
2 value.

3 "b. The term, thing of value, does not include any  
4 of the following, provided that no particular course of action  
5 is required as a condition to the receipt thereof:

6 "1. A contribution reported under Chapter 5 of Title  
7 17 or a contribution to an inaugural or transition committee.

8 "2. Anything given by a family member of the  
9 recipient under circumstances which make it clear that it is  
10 motivated by a family relationship.

11 "3. Anything given by a friend of the recipient  
12 under circumstances which make it clear that it is motivated  
13 by a friendship and not given because of the recipient's  
14 official position. Relevant factors include whether the  
15 friendship preexisted the recipient's status as a public  
16 employee, public official, or candidate and whether gifts have  
17 been previously exchanged between them.

18 "4. Greeting cards, and other items, services with  
19 little intrinsic value which are intended solely for  
20 presentation, such as plaques, certificates, and trophies,  
21 promotional items commonly distributed to the general public,  
22 and items or services of de minimis value.

23 "5. Loans from banks and other financial  
24 institutions on terms generally available to the public.

25 "6. Opportunities and benefits, including favorable  
26 rates and commercial discounts, available to the public or to  
27 a class consisting of all government employees.

1           "7. Rewards and prizes given to competitors in  
2 contests or events, including random drawings, which are open  
3 to the public.

4           "8. Anything that is paid for by a governmental  
5 entity or an entity created by a governmental entity to  
6 support the governmental entity or secured by a governmental  
7 entity under contract, except for tickets to a sporting event  
8 offered by an educational institution to anyone other than  
9 faculty, staff, or administration of the institution.

10          "9. Anything for which the recipient pays full  
11 value.

12          "10. Compensation and other benefits earned from a  
13 non-government employer, vendor, client, prospective employer,  
14 or other business relationship in the ordinary course of  
15 employment or non-governmental business activities under  
16 circumstances which make it clear that the thing is provided  
17 for reasons unrelated to the recipient's public service as a  
18 public official or public employee.

19          "11. Any assistance provided or rendered in  
20 connection with a safety or a health emergency.

21          "12. Payment of or reimbursement for actual and  
22 necessary transportation and lodging expenses, as well as  
23 waiver of registration fees and similar costs, to facilitate  
24 the attendance of a public official or public employee, and  
25 the spouse of the public official or public employee, at an  
26 educational function or widely attended event of which the  
27 person is a primary sponsor. This exclusion applies only if

1 the public official or public employee meaningfully  
2 participates in the event as a speaker or a panel participant,  
3 by presenting information related to his or her agency or  
4 matters pending before his or her agency, or by performing a  
5 ceremonial function appropriate to his or her official  
6 position; or if the public official's or public employee's  
7 attendance at the event is appropriate to the performance of  
8 his or her official duties or representative function.

9 "13. Payment of or reimbursement for actual and  
10 necessary transportation and lodging expenses to facilitate a  
11 public official's or public employee's participation in an  
12 economic development function.

13 "14. Hospitality, meals, and other food and  
14 beverages provided to a public official or public employee,  
15 and the spouse of the public official or public employee, as  
16 an integral part of an educational function, economic  
17 development function, work session, or widely attended event,  
18 such as a luncheon, banquet, or reception hosted by a civic  
19 club, chamber of commerce, charitable or educational  
20 organization, or trade or professional association.

21 "15. Any function or activity pre-certified by the  
22 Director of the Ethics Commission as a function that meets any  
23 of the above criteria.

24 "16. Meals and other food and beverages provided to  
25 a public official or public employee in a setting other than  
26 any of the above functions not to exceed for a lobbyist  
27 twenty-five dollars (\$25) per meal with a limit of one hundred



1 fifty dollars (\$150) per year; and not to exceed for a  
2 principal fifty dollars (\$50) per meal with a limit of two  
3 hundred fifty dollars (\$250) per year. Notwithstanding the  
4 foregoing, the lobbyist's limits herein shall not count  
5 against the principal's limits and likewise, the principal's  
6 limits shall not count against the lobbyist's limits.

7 "17. Anything either (i) provided by an association  
8 or organization to which the state or, in the case of a local  
9 government official or employee, the local government pays  
10 annual dues as a membership requirement or (ii) provided by an  
11 association or organization to a public official who is a  
12 member of the association or organization and, as a result of  
13 his or her service to the association or organization, is  
14 deemed to be a public official. Further included in this  
15 exception is payment of reasonable compensation by a  
16 professional or local government association or corporation to  
17 a public official who is also an elected officer or director  
18 of the professional or local government association or  
19 corporation for services actually provided to the association  
20 or corporation in his or her capacity as an officer or  
21 director.

22 "18. Any benefit received as a discount on  
23 accommodations, when the discount is given to the public  
24 official because the public official is a member of an  
25 organization or association whose entire membership receives  
26 the discount.

1 "c. Nothing in this chapter shall be deemed to  
2 limit, prohibit, or otherwise require the disclosure of gifts  
3 through inheritance received by a public employee or public  
4 official.

5 "(35) VALUE. The fair market price of a like item if  
6 purchased by a private citizen. In the case of tickets to  
7 social and sporting events and associated passes, the value is  
8 the face value printed on the ticket. However, if a social or  
9 sporting event is sold out, meaning that the tickets are not  
10 available to the general public at the box office or ticket  
11 office managing the event for purchase at the face value of  
12 the ticket, the ability to purchase a ticket to that event at  
13 face value shall itself be deemed a thing of value. Likewise,  
14 if a team or organization has a method through which a  
15 donation is required to be able to purchase season tickets and  
16 the ability to purchase special event tickets for that team or  
17 organization's events, the ability to purchase season tickets  
18 at face value without paying such a donation shall be deemed a  
19 thing of value. If there is a waiting list for such a program,  
20 the ability to skip the waiting list shall be deemed a thing  
21 of value.

22 "(36) WIDELY ATTENDED EVENT. A gathering, dinner,  
23 reception, or other event of mutual interest to a number of  
24 parties at which it is reasonably expected that more than 12  
25 individuals will attend and that individuals with a diversity  
26 of views or interest will be present, and where public  
27 officials shall comprise 10 percent or less of the attendees.

1           "§36-25-13.

2           "(a) No Governor shall serve for a fee as a lobbyist  
3 or otherwise represent clients, including his or her employer  
4 before any board, agency, commission, department, or  
5 legislative body of the State of Alabama, or any subdivision  
6 thereof, for a period of four years after he or she leaves  
7 office. This prohibition shall extend to the family members of  
8 the Governor as that term is defined in Section 36-25-1(15).  
9 For the purposes of this subsection, such prohibition shall  
10 not include a former Governor or family member of a former  
11 Governor who as an attorney represents a client in a legal,  
12 non-lobbying capacity.

13           "~~(a)~~ (b) No public official shall serve for a fee as  
14 a lobbyist or otherwise represent clients, including his or  
15 her employer before ~~the~~ any board, agency, commission, or  
16 ~~department, or legislative body,~~ of which he or she is a  
17 former member or the Legislature, for a period of two years  
18 after he or she leaves such membership. This prohibition shall  
19 extend to the family members of the public official as that  
20 term is defined in Section 36-25-1(15). For the purposes of  
21 this subsection, such prohibition shall not include a former  
22 member of the Alabama judiciary who as an attorney represents  
23 a client in a legal, non-lobbying capacity.

24           "~~(b)~~ (c) No public employee shall serve for a fee as  
25 a lobbyist or otherwise represent clients, including his or  
26 her employer before the board, agency, commission, or  
27 department, of which he or she is a former employee for a

1 period of two years after he or she leaves such employment.  
2 For the purposes of this subsection, such prohibition shall  
3 not include a former employee of the Alabama judiciary who as  
4 an attorney represents a client in a legal, non-lobbying  
5 capacity.

6 ~~"(c)~~ (d) No public official, director, assistant  
7 director, department or division chief, purchasing or  
8 procurement agent having the authority to make purchases, or  
9 any person who participates in the negotiation or approval of  
10 contracts, grants, or awards or any person who negotiates or  
11 approves contracts, grants, or awards or any family member of  
12 such official as defined by Section 36-25-1(15) shall enter  
13 into, solicit, or negotiate a contract, grant, or award with  
14 the governmental agency of which the person was a member or  
15 employee for a period of two years after he or she leaves the  
16 membership or employment of such governmental agency.

17 ~~"(d)~~ (e) No public official or public employee who  
18 personally participates in the direct regulation, audit, or  
19 investigation of a private business, corporation, partnership,  
20 or individual shall within two years of his or her departure  
21 from such employment solicit or accept employment with such  
22 private business, corporation, partnership, or individual.

23 ~~"(e)~~ (f) No former public official or public employee  
24 of the state may, within two years after termination of office  
25 or employment, act as attorney for any person other than  
26 himself or herself or the state, or aid, counsel, advise,  
27 consult or assist in representing any other person, in

1 connection with any judicial proceeding or other matter in  
2 which the state is a party or has a direct and substantial  
3 interest and in which the former public official or public  
4 employee participated personally and substantially as a public  
5 official or employee or which was within or under the public  
6 official or public employee's official responsibility as an  
7 official or employee. This prohibition shall extend to all  
8 judicial proceedings or other matters in which the state is a  
9 party or has a direct and substantial interest, whether  
10 arising during or subsequent to the public official or public  
11 employee's term of office or employment.

12 "(g) No public official, or family member thereof as  
13 defined by Section 36-25-1(15), may be employed by the State  
14 of Alabama, or any board, agency, commission, or department  
15 thereof, including any two- or four-year educational  
16 institution, during his or her term of office or for two years  
17 thereafter. It shall likewise be unlawful for any business  
18 entity that sells any goods or services to the State of  
19 Alabama, or any subdivision thereof, regardless of amount of  
20 procurement method, to employ a public official or a family  
21 member thereof, as defined by Section 36-25-1(15), during the  
22 public official's term of office or for two years thereafter.

23 ~~"(f)~~ (h) Nothing in this chapter shall be deemed to  
24 limit the right of a public official or public employee to  
25 publicly or privately express his or her support for or to  
26 encourage others to support and contribute to any candidate,  
27 political committee as defined in Section 17-22A-2,

1 referendum, ballot question, issue, or constitutional  
2 amendment.

3 "§36-26-16.

4 (a) When any citizen of the state or business with  
5 which he or she is associated represents for a fee any person  
6 before a ~~regulatory~~ body of the Executive Branch or  
7 Legislative Branch, he or she shall report to the commission  
8 the name of any adult child, parent, spouse, brother, or  
9 sister who is a public official or a public employee ~~of that~~  
10 ~~regulatory body of the Executive Branch~~ or who has served as a  
11 public official in any capacity in the last 10 years.

12 "(b) When any citizen of the state or business or  
13 other organization with which the person is associated enters  
14 into a contract for the sale of goods or services to the State  
15 of Alabama or any of its agencies or any county or  
16 municipality and any of their respective agencies in amounts  
17 exceeding seven thousand five hundred dollars (\$7,500), he or  
18 she shall report to the commission the names of any adult  
19 child, parent, spouse, brother, or sister who is a public  
20 official or public employee of ~~the~~ any state agency or  
21 department ~~with whom the contract is made~~ or who has served as  
22 a public official in any capacity in the last 10 years.

23 "(c) This section shall not apply to any contract  
24 for the sale of goods or services awarded through a process of  
25 public notice and competitive bidding.

26 "(d) Each regulatory body of the Executive Branch,  
27 or any agency of the State of Alabama shall be responsible for

1 notifying citizens affected by this chapter of the  
2 requirements of this section.

3 "§29-1-26.

4 "(a) This section shall be known and may be cited as  
5 the Legislative Double Dipping Prohibition Act.

6 "(b) Any other provision of law to the contrary  
7 notwithstanding, and except as provided in subsection (c), a  
8 member of the Legislature, and his or her family members, as  
9 defined by Section 36-25-1(15), during his or her term of  
10 office, may not be an employee of any other branch of state  
11 government, any department, agency, board, or commission of  
12 the state, or any public educational institution including,  
13 but not limited to, a local board of education, a two-year  
14 institution of higher education, or a four-year institution of  
15 higher education. For purposes of this section, employee means  
16 any of the following:

17 (1) An employee as defined in Section 36-27-1, or a  
18 teacher as defined in Section 16-25-1. An employee as defined  
19 in this subsection shall not include any person receiving  
20 pension benefits from the Retirement Systems of Alabama.

21 (2) A person who is personally providing services  
22 under a personal or professional services contract paid for by  
23 the department, agency, board, commission, or educational  
24 entity, including the Department of Postsecondary Education or  
25 a two-year institution of higher education, except that  
26 persons appointed by any court or any district attorney in  
27 this state to provide legal services on a temporary,

1 case-by-case, or part time basis shall not be considered an  
2 employee for purposes of this section.

3 (3) A person who has a substantial financial  
4 interest by reason of full- or part-time employment of himself  
5 or herself of a family member by, compensation to himself or  
6 her self or a family member from, ownership of, control of, or  
7 exercise of power over any interest greater than five percent  
8 of the value of any corporation, partnership, company, joint  
9 venture, or other business entity that is providing goods or  
10 services under any contract paid for by the branch,  
11 department, agency, board, commission, or educational  
12 institution, including the Department of Postsecondary  
13 Education or a two-year institution of higher education,  
14 except for contracts awarded pursuant to competitive bidding,  
15 on sealed bids, to the lowest responsible bidder, and except  
16 where the contract service of the business or the business  
17 entity with the state branch, department, agency, board,  
18 commission, or educational institution consists of acting as a  
19 qualified public depository for a public depositor under  
20 Chapter 14A of Title 41. The competitive bidding requirements  
21 of this subdivision do not apply during an emergency or  
22 disaster situation where the legislator is the single or sole  
23 source provider of necessary emergency equipment or services.

24 "(c) the prohibition provided in subsection (b) does  
25 not apply to any of the following:

26 "(1) Any administrative or teaching contract that  
27 does not extend beyond December 31, 2014.



1           "(2) The continued employment of a legislator, until  
2 November 5, 2014, if the legislator is an employee or teacher  
3 as provided in subdivision (1) of subsection (b) on December  
4 1, 2010.

5           "(3) Any contract as provided in subdivision (2) or  
6 subdivision (3) of subsection (b) that is in force on December  
7 1, 2010, if the contract expires before November 5, 2014.

8           "(4) Membership in or employment by the Alabama  
9 National Guard, the civil defense force, or the state defense  
10 force including, but not limited to, the Naval Militia, the  
11 Alabama State Guard, organized in lieu of the National Guard,  
12 the civilian auxiliary of the United States Air Force known as  
13 the Civil Air Patrol, the National Disaster Medical System, or  
14 any other reserve component of the uniformed services of the  
15 State of Alabama or the United States.

16           "(5) Any contract with providers of Medicaid  
17 services in the ordinary and normal course of their profession  
18 as a physician, nurse, counselor, therapist, pharmacist, or  
19 other health care professional.

20           "~~(6) Any person employed on a part-time basis as~~  
21 ~~referred to in Section 36-25-1, provided the income from such~~  
22 ~~part-time employment does not exceed five percent of the~~  
23 ~~part-time employee's income for each client and the total~~  
24 ~~income from the part-time employment does not exceed 10~~  
25 ~~percent of the part-time employee's total income.~~

26           "(d) Subject to subsection (c), any employment or  
27 contract that violates subsection (b) is void.

1           "(e) A legislator or former legislator shall be  
2 personally liable to the State of Alabama for the amount of  
3 any employment compensation received in violation of  
4 subsection (b).

5           "(f) The Attorney General shall enforce this  
6 section.

7           "(g) It is the intent of this section to treat the  
8 employees of, and persons providing services under a personal  
9 or professional services contract paid for by, the Department  
10 of Postsecondary Education or any public two-year institution  
11 of higher education in the state in the same manner as other  
12 public education employees in the state are treated under this  
13 section."

14           Section 2. Section 17-5-15.2 is added to the Code of  
15 Alabama 1975, to read as follows:

16           §17-5-15.2.

17           (a) It shall be unlawful for any corporation,  
18 partnership, sole proprietorship, or other business entity  
19 which has a contract with the State of Alabama, any board,  
20 agency, commission, department, or legislative body of the  
21 State of Alabama, or any subdivision thereof, to make a  
22 contribution to a candidate for Governor, any constitutional  
23 office, or any candidate for legislative office, unless such  
24 contract was secured by sealed bid or was less than five  
25 hundred dollars (\$500) in value.

26           (b) The prohibition in subsection (a) shall also  
27 apply to any stockholder, partner, shareholder, member, or

1 other individual who holds more than five percent equity share  
2 of such a business entity, his or her spouse or adult  
3 children.

4 (c) The prohibition in subsection (a) shall also  
5 apply to any business entity that employs an elected official  
6 or a former elected official within two years of the end of  
7 his or her term. An elected official shall be deemed employed  
8 by an entity from which he or she receives one dollar (\$1) or  
9 more per year for services rendered.

10 Section 3. This act shall become effective  
11 immediately following its passage and approval by the  
12 Governor, or its otherwise becoming law and shall apply to  
13 public officials elected or re-elected on or after that date.

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Senate

Read for the first time and referred to the Senate  
committee on Constitution, Campaign Finance, Eth-  
ics, and Elections..... 14-JAN-14

Reported from Constitution, Campaign Finance, Eth-  
ics, and Elections as Favorable..... 15-JAN-14

Read for the third time and passed as amended .... 04-FEB-14

Yeas 33  
Nays 0

Patrick Harris  
Secretary