

1 SB137
2 166812-4
3 By Senator Marsh
4 RFD: Constitution, Ethics and Elections
5 First Read: 03-MAR-15

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Sections 36-25-13 and 36-25-23, as amended
12 by Act 2014-440, 2014 Regular Session, Code of Alabama 1975,
13 relating to prohibiting public officials from lobbying certain
14 legislative, executive, or judicial bodies; to specify that
15 public officials who were former members of those public
16 bodies are prohibited from lobbying for a period of two years
17 following the term for which the public official is elected.
18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 36-25-13 and 36-25-23, as
20 amended by Act 2014-440, 2014 Regular Session, Code of Alabama
21 1975, is amended to read as follows:

22 "§36-25-13.

23 "(a) No former public official shall serve for a fee
24 as a lobbyist or otherwise represent clients, including for
25 his or her employer, before the board, agency, commission,
26 department, or legislative body, of which he or she is a
27 former member for a period of two years after he or she leaves

1 such membership, and in the case of a former elected public
2 official, for a period of two years after the conclusion of
3 the term of office to which he or she was elected. For the
4 purposes of this subsection, such prohibition shall not
5 include a former member of the Alabama judiciary who as an
6 attorney represents a client in a legal, non-lobbying
7 capacity.

8 "(b) ~~Notwithstanding~~ In addition to the provisions
9 of subsection (a), no public official elected to a term of
10 office shall serve for a fee as a lobbyist ~~or otherwise~~
11 ~~represent clients,~~ including for his or her employer, before
12 the executive, legislative, or judicial branch of government,
13 or any board, agency, commission, department, thereof or the
14 legislative body of the level of government to which he or she
15 is a former member for the remainder of the term to which he
16 or she was elected ~~a period of two years following the term of~~
17 ~~office for which he or she was elected, irrespective of~~
18 ~~whether~~ if the member left the office prior to the expiration
19 of the term to which he or she was elected. For the purposes
20 of this subsection, such prohibition shall not ~~include~~ apply
21 to a former member of the Alabama judiciary ~~who as an or~~
22 attorney who represents a client in a legal, non-lobbying
23 capacity.

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

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

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

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

21 "(f) No former public official or public employee of
22 the state may, within two years after termination of office or
23 employment, act as attorney for any person other than himself
24 or herself or the state, or aid, counsel, advise, consult or
25 assist in representing any other person, in connection with
26 any judicial proceeding or other matter in which the state is
27 a party or has a direct and substantial interest and in which

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

10 "(g) Nothing in this chapter shall be deemed to
11 limit the right of a public official or public employee to
12 publicly or privately express his or her support for or to
13 encourage others to support and contribute to any candidate,
14 political committee as defined in Section 17-22A-2,
15 referendum, ballot question, issue, or constitutional
16 amendment.

17 "§36-25-23.

18 ~~"(a) No public official elected to a term of office
19 shall serve for a fee as a lobbyist or otherwise represent a
20 client, including his or her employer, before any legislative
21 body or any branch of state or local government, including the
22 executive and judicial branches of government, and including
23 the Legislature of Alabama or any board, agency, commission,
24 or department thereof, during the term or remainder of the
25 term for which the official was elected . For purposes of this
26 subsection, such prohibition shall not include a former member~~

1 of the Alabama Judiciary who as an attorney represents a
2 client in a legal, non-lobbying capacity.

3 "~~(b)~~ (a) No former member of the House of
4 Representatives or the Senate of the State of Alabama shall be
5 extended floor privileges of either body in a lobbying
6 capacity.

7 "~~(c)~~ (b) No public official, public employee, or
8 group of public officials or public employees shall solicit
9 any lobbyist to give any thing whether or not the thing
10 solicited is a thing of value to any person or entity for any
11 purpose other than a campaign contribution.

12 "~~(d)~~ (c) No principal or lobbyist shall accept
13 compensation for, or enter into a contract to provide lobbying
14 services which is contingent upon the passage or defeat of any
15 legislative action."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Constitution, Ethics and Elections .. 03-MAR-15

Read for the second time and placed on the calen-
dar with 1 substitute and..... 02-APR-15

Read for the third time and passed as amended 30-APR-15

Yeas 28
Nays 0
Abstaining 1

Patrick Harris
Secretary