

1 HB93
2 188982-2
3 By Representative Williams (JD)
4 RFD: State Government
5 First Read: 09-JAN-18

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8 SYNOPSIS: This bill would create the Association of
9 Former Members of the Alabama Legislature and
10 specify the purpose and duties of the association.

11 This bill would establish a board of
12 directors for the association and would provide for
13 the membership, duties, and compensation of board
14 members.

15 This bill would provide for the employment
16 of an executive director and staff for the
17 association.

18 This bill would authorize the board to adopt
19 resolutions to provide for the participation of
20 association employees in the State Employees Health
21 Insurance Plan and the Employees' Retirement System
22 of Alabama.

23 This bill would also provide for the
24 distribution of the residual assets of the
25 association upon the dissolution of the
26 association.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To create the Association of Former Members of the
6 Alabama Legislature; to specify the purpose and duties of the
7 association; to establish a board of directors for the
8 association; to provide for the membership, duties, and
9 compensation of board members; to provide for the employment
10 of the executive director and staff of the association; to
11 provide for the participation of association employees in the
12 State Employees Health Insurance Plan and the Employees'
13 Retirement System of Alabama; and to provide for the
14 distribution of the residual assets of the association upon
15 the dissolution of the association.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) There is established the Association
18 of Former Members of the Alabama Legislature.

19 (b) The purpose of the association is to provide a
20 voluntary bipartisan alliance of former legislative members to
21 cooperatively promote public service and strengthen
22 representative democracy and our republican form of
23 government.

24 (c) The purpose and work of the association may
25 extend beyond state borders to include and involve similar
26 organizations throughout the United States.

1 Section 2. (a) The association shall work in
2 cooperation with incumbent members of the Alabama Legislature,
3 through the offices of the Speaker of the House of
4 Representatives and the President Pro Tempore of the Senate,
5 to create a better understanding of the legislative process
6 throughout the state. The association shall work with all
7 public and private K-12 schools including, but not limited to,
8 parochial schools, independent schools, and home school
9 organizations or groups, both public and private colleges and
10 universities, civic groups, and other community organizations
11 that have educational outreach programs to engage the
12 citizenry by increasing public awareness and understanding of
13 the legislative process.

14 (b) The association may do all of the following:

15 (1) Facilitate the establishment of forums,
16 databases, websites, newsletters, or other media, or organize
17 social and other events, to create increased networking
18 opportunities for former legislative members.

19 (2) Organize educational, charitable, civic, social,
20 and memorial events for the benefit of the Legislature or the
21 public, or both.

22 (3) Work with the Director of the Alabama Department
23 of Archives and History, the Secretary of the Senate, and the
24 Clerk of the House of Representatives to increase and preserve
25 the historical record of all things related to the Alabama
26 Legislature.

27 (c) The association may not do any of the following:

1 (1) Participate in any activity that directly or
2 indirectly involves engagement in partisan or nonpartisan
3 electoral processes of the state or any of its political
4 subdivisions, or of its political parties or political
5 institutions, or both.

6 (2) Participate in any political campaign or endorse
7 any candidate, referendum, issue, or other activity that would
8 ordinarily be under consideration on a national, statewide, or
9 local ballot.

10 (3) Be involved in lobbying activities on behalf of
11 any candidate or political party, or both, or referendum,
12 issue, or other activity pending before the Legislature,
13 except as related to the limited functions of the association
14 as provided by this act.

15 Section 3. (a) For the purposes of this act, a
16 former legislative member is not considered to be an elected
17 or appointed public official unless he or she is then
18 currently holding another elected or appointed public office
19 including, but not limited to, the positions of county
20 commissioner, mayor, judge, or cabinet member, or is serving
21 as a member of the board of directors of the association, or
22 in another position that would otherwise subject him or her to
23 the state ethics laws.

24 (b) The association shall file the appropriate
25 articles with the Secretary of State to be considered a public
26 nonprofit civic and educational corporation. The association
27 shall also obtain certification as a Section 501(c)(3)

1 organization under the Internal Revenue Code, and none of the
2 net proceeds of the association shall inure to the personal or
3 private benefit of any individual.

4 Section 4. (a) The association shall be governed by
5 a board of directors. The association shall adopt, and revise
6 as necessary, a set of bylaws to govern the board and the
7 association that are consistent with the laws of this state. A
8 copy of the bylaws, and any amendments thereto, shall be filed
9 with the Secretary of State.

10 (b) The initial board shall be composed of 10 former
11 members of the Alabama Legislature, jointly appointed by the
12 Speaker of the House of Representatives and the President Pro
13 Tempore of the Senate. One member shall be appointed from each
14 of the seven congressional districts in the state, and three
15 members shall be appointed from the state at-large. The two
16 major political parties in the state shall be equally
17 represented on the board. The initial members appointed to the
18 board shall serve terms of two years; thereafter, members
19 shall be elected and serve for terms established in the bylaws
20 of the association. The appointing authorities shall
21 coordinate their appointments so that diversity of gender,
22 race, and geographical areas is reflective of the makeup of
23 this state.

24 (c) The initial members appointed to the board shall
25 elect a chair, a vice chair, a secretary, and a treasurer from
26 among the membership, who shall serve in that capacity during
27 their entire time of office. Thereafter, board officers shall

1 be elected and serve for terms established in the bylaws of
2 the association. The positions of chair and vice chair shall
3 rotate between the major political parties. A vacancy in the
4 membership of the board shall be filled in the manner
5 established in the bylaws of the association.

6 (d) The members of the board shall not be
7 compensated for their service on the board, but shall receive
8 the same per diem and travel allowance as is paid by law for
9 state employees for each day actually employed in the
10 discharge of their official duties on the board, as approved
11 by the chair, out of the funds of the association.

12 (e) The board may change the name of the
13 association, provided that the new name shall include the
14 phrase "former members of the Legislature," and the change in
15 no way shall affect any rights, privileges, or
16 responsibilities of the association.

17 Section 5. (a) The board and the association may
18 engage in cooperative agreements or contracts, or both, with
19 public and private entities for purposes that are in
20 accordance with this act.

21 (b) The board and the association may accept gifts,
22 contributions, membership fees, donations of funds, real or
23 personal property, bequests, grants, appropriations, or other
24 forms of financial assistance for the purposes provided in
25 this act, from any federal entity, from the State of Alabama,
26 or from any state agency or political subdivision of the
27 state, or from any foundation, corporation, private

1 individual, or other entity, and the board and the association
2 may engage in fund raising to support the purposes of the
3 association.

4 (c) The association shall adopt a written charter,
5 in accordance with the bylaws of the association, which shall
6 list the charter members of the association and shall be on
7 permanent display in a public area of the Alabama State House,
8 in a location selected by the Clerk of the House of
9 Representatives.

10 Section 6. (a) The board may engage the services, by
11 employment or otherwise, of a part-time or full-time executive
12 director. The executive director shall serve as the chief
13 administrative officer for the association and, with the
14 consent of the board, may engage the services, by employment,
15 assistance, or contract, of any staff the board determines
16 necessary to fulfill the purposes of the association. The
17 executive director shall serve at the pleasure of the board,
18 and staff members shall serve at the pleasure of the executive
19 director. Staff members shall receive the same travel
20 allowance as is paid by law for state employees, provided the
21 travel is approved in advance by the executive director and
22 that payment is made out of the funds of the association.

23 (b) The board, by resolution, may execute agreements
24 on terms and conditions as required by the State Employees
25 Health Insurance Board for the employees of the association
26 who are not former members of the Legislature to participate
27 in the State Employees Health Insurance Plan.

1 (c) The board, by resolution, may execute agreements
2 on terms and conditions as required by the Board of Control of
3 the Employees' Retirement System of Alabama for the employees
4 of the association who are not former members of the
5 Legislature to participate in the Employees' Retirement System
6 of Alabama.

7 (d) For the purposes of this section, the
8 association is deemed a public or quasi-public organization of
9 the state within the meaning of Section 36-27-6, Code of
10 Alabama 1975, provided the employer costs of subsection (b)
11 and subsection (c) shall be the sole responsibility of the
12 association.

13 Section 7. The association may be dissolved by
14 legislative act. Upon dissolution, the residual assets of the
15 association may be distributed to another public corporation
16 or organization described in Section 501(c)(3) of the Internal
17 Revenue Code or the Alabama Department of Archives and
18 History.

19 Section 8. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.