

1 SB3
2 125184-2
3 By Senators Waggoner, Williams, Brewbaker, Holtzclaw, Allen,
4 Holley, Reed, Dial, Bussman, McGill, Taylor, Brooks, Pittman,
5 Whatley, Beason, Sanford, Scofield, Blackwell, Orr, Marsh, and
6 Smith
7 RFD: Constitution, Campaign Finance, Ethics, and Elections
8 First Read: 08-DEC-10

1 SB3

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4 ENROLLED, An Act,

5 To establish the Legislative Double Dipping
6 Prohibition Act; to prohibit a member of the Legislature from
7 being employed with any other branch of government, or
8 department, agency, board, or commission of the state or
9 public educational institution, during the time serving as a
10 legislator; to provide exceptions; to provide for the
11 repayment of compensation earned in violation of the act; and
12 to provide for enforcement by the Attorney General.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. (a) This section shall be known and may
15 be cited as the Legislative Double Dipping Prohibition Act.

16 (b) Any other provision of law to the contrary
17 notwithstanding, and except as provided in subsection (c), a
18 member of the Legislature, during his or her term of office,
19 may not be an employee of any other branch of state
20 government, any department, agency, board, or commission of
21 the state, or any public educational institution including,
22 but not limited to, a local board of education, a two-year
23 institution of higher education, or a four-year institution of
24 higher education. For purposes of this section, "employee"
25 means any of the following:

1 (1) An employee as defined in Section 36-27-1, Code
2 of Alabama 1975, or a teacher as defined in Section 16-25-1.
3 An employee as defined in this subsection shall not include
4 any person receiving pension benefits from the Retirement
5 Systems of Alabama.

6 (2) A person who is personally providing services
7 under a personal or professional services contract paid for by
8 the department, agency, board, commission, or educational
9 entity, including the Department of Postsecondary Education or
10 a two-year institution of higher education, except that
11 persons appointed by any court or any district attorney in
12 this state to provide legal services on a temporary,
13 case-by-case, or part time, basis shall not be considered an
14 employee for purposes of this section.

15 (3) A person who has a substantial financial
16 interest by reason of ownership of, control of, or exercise of
17 power over any interest greater than five percent of the value
18 of any corporation, partnership, company, joint venture, or
19 other business entity that is providing goods or services
20 under any contract paid for by the branch, department, agency,
21 board, commission, or educational institution, including the
22 Department of Postsecondary Education or a two-year
23 institution of higher education, except for contracts awarded
24 pursuant to competitive bidding, on sealed bids, to the lowest
25 responsible bidder, and except where the contract service of

1 the business or the business entity with the state branch,
2 department, agency, board, commission, or educational
3 institution consists of acting as a qualified public
4 depository for a public depositor under Chapter 14A of Title
5 41 of the Code of Alabama 1975. The competitive bidding
6 requirements of this subdivision do not apply during an
7 emergency or disaster situation where the legislator is the
8 single or sole source provider of necessary emergency
9 equipment or services.

10 (c) The prohibition provided in subsection (b) does
11 not apply to any of the following:

12 (1) Any administrative or teaching contract that
13 does not extend beyond December 31, 2014.

14 (2) The continued employment of a legislator, until
15 November 5, 2014, if the legislator is an employee or teacher
16 as provided in subdivision (1) of subsection (b) on December
17 1, 2010.

18 (3) Any contract as provided in subdivision (2) or
19 subdivision (3) of subsection (b) that is in force on December
20 1, 2010, if the contract expires before November 5, 2014.

21 (4) Membership in or employment by the Alabama
22 National Guard, the civil defense force, or the state defense
23 force including, but not limited to, the Naval Militia, the
24 Alabama State Guard, organized in lieu of the National Guard,
25 the civilian auxiliary of the United States Air Force known as

1 the Civil Air Patrol, the National Disaster Medical System, or
2 any other reserve component of the uniformed services of the
3 State of Alabama or the United States.

4 (5) Any contract with providers of Medicaid services
5 in the ordinary and normal course of their profession.

6 (6) Any person employed on a part-time basis as
7 referred to in Section 36-25-1 of the Code of Alabama 1975,
8 provided the income from such part-time employment does not
9 exceed five percent of the part-time employee's income for
10 each client and the total income from the part-time employment
11 does not exceed 10 percent of the part-time employee's total
12 income.

13 (d) Subject to subsection (c), any employment or
14 contract that violates subsection (b) is void.

15 (e) A legislator shall be personally liable to the
16 State of Alabama for the amount of any employment compensation
17 received in violation of subsection (b).

18 (f) The Attorney General shall enforce this section.

19 (g) It is the intent of this act to treat the
20 employees of, and persons providing services under a personal
21 or professional services contract paid for by, the Department
22 of Postsecondary Education or any public two-year institution
23 of higher education in the state in the same manner as other
24 public education employees in the state are treated under the
25 provisions of this act.

1 Section 2. This act shall become effective January
2 17, 2011.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB3

Senate 10-DEC-10

I hereby certify that the within Act originated in and passed the Senate, as amended.

Senate 16-DEC-10

I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report.

McDowell Lee
Secretary

House of Representatives

Passed: 15-DEC-10, as amended

House of Representatives

Passed: 15-DEC-2010, as amended by Conference Committee Report.

By: Senator Waggoner