

1 SB414
2 148321-1
3 By Senator Marsh
4 RFD: Education
5 First Read: 11-APR-13

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8 SYNOPSIS: Current law allows a member of the
9 Legislature who was a public employee or teacher on
10 December 1, 2010, to continue in that employment
11 until November 5, 2014.

12 This bill would extend the exemption for
13 continued employment indefinitely.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 To amend Section 29-1-26 of the Code of Alabama
20 1975, relating to the employment of a member of the
21 Legislature from employment in other branches of state
22 government or by public educational institutions; to extend
23 indefinitely the provision allowing the continued employment
24 of a member employed as a public employee or teacher on
25 December 1, 2010.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 29-1-26 of the Code of Alabama
2 1975, is amended to read as follows:

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, during his or her term of office,
9 may not be an employee of any other branch of state
10 government, any department, agency, board, or commission of
11 the state, or any public educational institution including,
12 but not limited to, a local board of education, a two-year
13 institution of higher education, or a four-year institution of
14 higher education. For purposes of this section, employee means
15 any of the following:

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

20 "(2) A person who is personally providing services
21 under a personal or professional services contract paid for by
22 the department, agency, board, commission, or educational
23 entity, including the Department of Postsecondary Education or
24 a two-year institution of higher education, except that
25 persons appointed by any court or any district attorney in
26 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 ownership of, control of, or exercise of
5 power over any interest greater than five percent of the value
6 of any corporation, partnership, company, joint venture, or
7 other business entity that is providing goods or services
8 under any contract paid for by the branch, department, agency,
9 board, commission, or educational institution, including the
10 Department of Postsecondary Education or a two-year
11 institution of higher education, except for contracts awarded
12 pursuant to competitive bidding, on sealed bids, to the lowest
13 responsible bidder, and except where the contract service of
14 the business or the business entity with the state branch,
15 department, agency, board, commission, or educational
16 institution consists of acting as a qualified public
17 depository for a public depositor under Chapter 14A of Title
18 41. The competitive bidding requirements of this subdivision
19 do not apply during an emergency or disaster situation where
20 the legislator is the single or sole source provider of
21 necessary emergency equipment or services.

22 "(c) The prohibition provided in subsection (b) does
23 not apply to any of the following:

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

26 "(2) The continued employment of a legislator, ~~until~~
27 ~~November 5, 2014,~~ if the legislator is an employee or teacher

1 as provided in subdivision (1) of subsection (b) on December
2 1, 2010.

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

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

14 "(5) Any contract with providers of Medicaid
15 services in the ordinary and normal course of their
16 profession.

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

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

25 "(e) A legislator shall be personally liable to the
26 State of Alabama for the amount of any employment compensation
27 received in violation of subsection (b).

1 "(f) The Attorney General shall enforce this
2 section.

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

10 Section 2. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.