

1 HB66
2 115308-1
3 By Representative Bridges
4 RFD: Government Operations
5 First Read: 12-JAN-10
6 PFD: 12/08/2009

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8 SYNOPSIS: Under existing law, employees, including
9 those who provide services under a personal or
10 professional services contract, of the state, a
11 state department, agency, board, or commission, or
12 an educational institution, including a city or
13 county board of education, and public colleges and
14 universities are not ineligible from holding office
15 under the authority of the state.

16 This bill would provide that employees,
17 including those who provide services under a
18 personal or professional services contract, of the
19 state, a state department, agency, board, or
20 commission, or educational institution in this
21 state, including a city or county board of
22 education and public colleges and universities are
23 ineligible from holding any statewide elective
24 office or serving in the Legislature.

25 This bill would provide that an individual
26 who is a public official would not be disqualified
27 from holding the office during the term of a

1 contract that was in effect before the effective
2 date of this bill until the contract can be
3 terminated without penalty.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT
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9 To amend Section 36-2-1, Code of Alabama 1975,
10 relating to eligibility for holding state office; to provide
11 that state employees, including those who provide services
12 under a personal or professional services contract, and
13 employees of public educational institutions in the state are
14 not eligible for state elective office or the Legislature; and
15 to provide that an individual who is a public official would
16 not be disqualified from holding the office during the term of
17 a contract that was in effect before the effective date of
18 this bill.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall be known and may be cited
21 as the End to Double Dipping Act.

22 Section 2. The Legislature finds and declares that
23 it is essential to the maintenance of a democratic society
24 that public officials and employees perform the public
25 business in a manner which serves to promote and maintain the
26 people's trust and confidence in their government. The
27 attainment of this end is impaired when an elected state

1 official holds two or more public offices or public jobs of
2 which the duties or interests, or both, are in actual or
3 apparent conflict. Public trust and confidence in government
4 is further impaired by the appearance of preferential
5 treatment for elected state officials over other state
6 employees and public citizens and the excessive accumulation
7 of governmental power which may result from elected state
8 officials holding two or more public offices or public jobs.
9 Therefore, it is the intent of the Legislature to end the
10 practice of elected state officials holding employment in, or
11 entering into personal or professional services contracts
12 with, agencies and institutions of state government and public
13 educational institutions.

14 Section 3. Section 36-2-1 of the Code of Alabama
15 1975, is amended to read as follows:

16 "§36-2-1.

17 "(a) The following persons shall be ineligible to
18 and disqualified from holding office under the authority of
19 this state:

20 "(1) Those who are not qualified electors, except as
21 otherwise expressly provided~~7.~~

22 "(2) Those who have not been inhabitants of the
23 state, county, district~~2~~ or circuit for the period required by
24 the constitution and laws of the state~~7.~~

25 "(3) Those who shall have been convicted of treason,
26 embezzlement of public funds, malfeasance in office, larceny,
27 bribery~~2~~ or any other crime punishable by imprisonment in the

1 state or federal penitentiary and those who are idiots or
2 insane~~;~~.

3 "(4) Those against whom there is a judgment unpaid
4 for any moneys received by them in any official capacity due
5 to the United States, this state, or any county or
6 municipality thereof;~~and.~~

7 "(5) Soldiers, seamen, or marines in the regular
8 Army or Navy of the United States.

9 "(b) No person holding an office of profit under the
10 United States shall, during his continuance in such office,
11 hold any office of profit under this state, nor shall any
12 person hold two offices of profit at one and the same time
13 under this state, except constables, notaries public, and
14 commissioners of deeds.

15 "(c) After November 1, 2011, no person employed by
16 the state, a state department, agency, board, or commission,
17 or an educational institution in this state, including a city
18 or county board of education, a public two-year college, and a
19 four-year public university may hold at one and the same time
20 a statewide elective office or serve as a member of the
21 Legislature.

22 "(d) No person who personally provides services
23 under a personal services or professional services contract
24 with the state, a state department, agency, board, or
25 commission, or an educational institution in this state,
26 including a city or county board of education, a public
27 two-year college, and a four-year public university may hold

1 at one and the same time a statewide elective office or serve
2 as a member of the Legislature, provided that any person who
3 holds office and who performs services under a contract in
4 existence on the effective date of this act may continue under
5 the current contract so long as it is terminated at the
6 earliest possible date it may be terminated without penalty
7 and the contract is not amended, extended, or renewed."

8 Section 4. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.