

1 HB161
2 146606-1
3 By Representative Long
4 RFD: Ethics and Campaign Finance
5 First Read: 14-JAN-14

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8 SYNOPSIS: Currently, under the Legislative Double
9 Dipping Prohibition Act, members of the Legislature
10 are prohibited from being employed by certain
11 public entities.

12 This bill would also prohibit legislators
13 from entering into contracts for legal services
14 with county and municipal entities.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Section 29-1-26, Code of Alabama 1975,
21 relating to prohibited public employment by members of the
22 Alabama Legislature; to further prohibit certain public entity
23 contracts for legal services.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§29-1-26.

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

3 "(b) Any other provision of law to the contrary
4 notwithstanding, and except as provided in subsection (c), a
5 member of the Legislature, during his or her term of office,
6 may not be an employee of any other branch of state
7 government, any department, agency, board, or commission of
8 the state, or any public educational institution including,
9 but not limited to, a local board of education, a two-year
10 institution of higher education, or a four-year institution of
11 higher education. For purposes of this section, employee means
12 any of the following:

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

17 "(2) A person who is personally providing services
18 under a personal or professional services contract paid for by
19 the department, agency, board, commission, or educational
20 entity, including the Department of Postsecondary Education or
21 a two-year institution of higher education, except that
22 persons appointed by any court or any district attorney in
23 this state to provide legal services on a temporary,
24 case-by-case, or part time basis shall not be considered an
25 employee for purposes of this section.

26 "(3) A person who has a substantial financial
27 interest by reason of ownership of, control of, or exercise of

1 power over any interest greater than five percent of the value
2 of any corporation, partnership, company, joint venture, or
3 other business entity that is providing goods or services
4 under any contract paid for by the branch, department, agency,
5 board, commission, or educational institution, including the
6 Department of Postsecondary Education or a two-year
7 institution of higher education, except for contracts awarded
8 pursuant to competitive bidding, on sealed bids, to the lowest
9 responsible bidder, and except where the contract service of
10 the business or the business entity with the state branch,
11 department, agency, board, commission, or educational
12 institution consists of acting as a qualified public
13 depository for a public depositor under Chapter 14A of Title
14 41. The competitive bidding requirements of this subdivision
15 do not apply during an emergency or disaster situation where
16 the legislator is the single or sole source provider of
17 necessary emergency equipment or services.

18 "(c) ~~The~~ Except as provided in subsection (d), the
19 prohibition provided in subsection (b) does not apply to any
20 of the following:

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

23 "(2) The continued employment of a legislator, until
24 November 5, 2014, if the legislator is an employee or teacher
25 as provided in subdivision (1) of subsection (b) on December
26 1, 2010.

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

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

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

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

21 "(d) Notwithstanding any provision of subsection
22 (b), (c), or (h), a member of the Legislature, during his or
23 her term of office, may not enter into a contract for legal
24 services with a county, a municipality, or any board, agency,
25 or entity of a county or municipality.

26 "(e) Subject to subsection (c), any employment or
27 contract that violates subsection (b) or (d) is void.

1 "~~(e)~~ (f) A legislator shall be personally liable to
2 the State of Alabama for the amount of any employment
3 compensation received in violation of subsection (b) or (d).

4 "~~(f)~~ (g) The Attorney General shall enforce this
5 section.

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

13 Section 2. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.