

1 HB377
2 205856-1
3 By Representative Dismukes
4 RFD: Ethics and Campaign Finance
5 First Read: 03-MAR-20

SYNOPSIS: Under the Legislative Double Dipping Prohibition Act, a member of the Legislature may not be a public employee of any state agency or department or of any public educational institution, including a local board of education or public two- and four-year institution of higher education.

This bill would remove teachers and administrators of public K-12 schools from the double dipping prohibition.

A BILL
TO BE ENTITLED
AN ACT

Relating to public employees; to amend Section 29-1-26, Code of Alabama 1975, to revise the double dipping law by allowing legislators to simultaneously work as a teacher or administrator of a public K-12 school.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 29-1-26, Code of Alabama 1975, is
2 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~~ subsection,
15 employee means 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~~ individual
19 receiving pension benefits from the Retirement Systems of
20 Alabama.

21 "(2) ~~A person~~ An individual who is personally
22 providing services under a personal or professional services
23 contract paid for by the department, agency, board,
24 commission, or educational entity, including the Department of
25 Postsecondary Education or a two-year institution of higher
26 education, except that ~~persons~~ individuals appointed by any
27 court or any district attorney in this state to provide legal

1 services on a temporary, case-by-case, or part time basis
2 shall not be considered an employee for purposes of this
3 section.

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

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

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

1 ~~"(2) The continued employment of a legislator, until~~
2 ~~November 5, 2014, if the legislator is an employee or teacher~~
3 ~~as provided in subdivision (1) of subsection (b) on December~~
4 ~~1, 2010. Any individual employed as a teacher or administrator~~
5 ~~of any K-12 public school.~~

6 "(3) Any contract as provided in subdivision (2) or
7 subdivision (3) of subsection (b) that is in force on December
8 1, 2010, if the contract expires before November 5, 2014.

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

17 "(5) Any contract with providers of Medicaid
18 services in the ordinary and normal course of their
19 profession.

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

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

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

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

6 "(g) It is the intent of this section to treat the
7 employees of, and ~~persons~~ individuals providing services under
8 a personal or professional services contract paid for by, 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 on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.