

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

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under the Legislative Double Dipping  
9 Prohibition Act, a member of the Legislature may  
10 not be a public employee of any state agency or  
11 department or of any public educational  
12 institution, including a local board of education  
13 or public two- and four-year institution of higher  
14 education.

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

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT

22  
23 Relating to public employees; to amend Section  
24 29-1-26, Code of Alabama 1975, to revise the double dipping  
25 law by allowing legislators to simultaneously work as a  
26 teacher or administrator of a public K-12 school.

27 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.