



GOVERNOR'S OFFICE

FACT SHEET

ANTI-CORRUPTION REFORM PACKAGE

Legislative Double Dipping Ban

Background

According to the National Conference of State Legislatures, more than 30 states limit or ban dual employment.

Double-dipping negatively affects state government in a variety of ways:

- It jeopardizes integrity, efficiency, impartiality, and accountability in state agencies.
- It creates a working environment in which favorable treatment is based upon politics and not merit, and also may prevent employees from freely associating with their preferred candidate.
- It corrodes public confidence in government because it perpetuates negative perceptions and stereotypes of elected officials.
- It presents conflicts of interest, time, and duty for legislators and the state agencies which employ legislators.

What will this bill do?

- Upon passage, no legislator will be able to be hired by any state executive or judicial agency or department. This ban also applies to public education institutions, including K-12 schools, postsecondary institutions, and four-year colleges and universities.
- This bill also includes a ban on legislators or their companies receiving certain contracts that are paid for by government funds.
- Legislators who are employed with any of these institutions before December 1, 2010 will have until November 5, 2014 to find other employment or resign from the Legislature.
- This bill does not impact the existing State School Board policy that prohibits legislators from working in the two-year college system. This policy was recently upheld by the Alabama Supreme Court and remains in effect as originally passed by the Board.

Effective date

- This bill is effective immediately upon the Governor's signature.

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8 SYNOPSIS: This bill would establish the Legislative
9 Double Dipping Prohibition Act.

10 This bill would prohibit any legislator from
11 being employed by any other branch of government,
12 or department, agency, board, or commission of the
13 state or any public educational institution, during
14 the time serving in the elected office.

15 This bill would provide exceptions.

16 This bill would also provide for enforcement
17 by the Attorney General.

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A BILL

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TO BE ENTITLED

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AN ACT

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To establish the Legislative Double Dipping
24 Prohibition Act; to prohibit a member of the Legislature from
25 being employed with any other branch of government, or
26 department, agency, board, or commission of the state or
27 public educational institution, during the time serving as a

1 legislator; to provide exceptions; to provide for the
2 repayment of compensation earned in violation of the act; and
3 to provide for enforcement by the Attorney General.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

17 (1) An employee as defined in Section 36-27-1, Code
18 of Alabama 1975, or a teacher as defined in Section 16-25-1.

19 (2) A person who is personally providing services
20 under a personal or professional services contract paid for by
21 the department, agency, board, commission, or educational
22 entity.

23 (3) A person who has a substantial financial
24 interest by reason of ownership of, control of, or exercise of
25 power over any interest greater than five percent of the value
26 of any corporation, partnership, company, joint venture, or
27 other business entity that is providing goods or services

1 under any contract paid for by the branch, department, agency,
2 board, commission, or educational institution, except for
3 contracts awarded pursuant to competitive bidding, on sealed
4 bids, to the lowest responsible bidder.

5 (c) The prohibition provided in subsection (b) does
6 not apply to any of the following:

7 (1) The periodic renewal or extension of a teaching
8 contract in force on December 1, 2010, if the contract does
9 not extend beyond December 31, 2014.

10 (2) The continued employment of a legislator, until
11 November 5, 2014, if the legislator is an employee or teacher
12 as provided in subdivision (1) of subsection (b) on December
13 1, 2010.

14 (3) Any contract as provided in subdivision (2) or
15 subdivision (3) of subsection (b) that is in force on December
16 1, 2010, if the contract expires before November 5, 2014.

17 (d) Subject to subsection (c), any employment or
18 contract that violates subsection (b) is void.

19 (e) A legislator shall be personally liable to the
20 State of Alabama for the amount of any employment compensation
21 received in violation of subsection (b).

22 (f) The Attorney General shall enforce this section.

23 (g) Nothing in this section shall be construed to
24 continue the employment or contract of any person who is a
25 member of the Legislature and whose employment or contract is
26 thereby prohibited under any policy, rule, or regulation in
27 effect on the effective date of the act adding this section.

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