

1 HB10
2 112986-1
3 By Representative Mitchell (Constitutional Amendment)
4 RFD: Government Operations
5 First Read: 12-JAN-10
6 PFD: 09/23/2009

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8 SYNOPSIS: This bill would propose a constitutional
9 amendment specifying that certain persons employed
10 in a managerial capacity by any entity that
11 contracts with any public two-year or four-year
12 institution of higher education in this state may
13 not serve in the Legislature.

14 This bill would state that the purpose of
15 this restriction is to prevent potential undue
16 influence, conflict of interest, or multiple
17 payments by the state to the person.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Proposing an amendment to Section 47 of the
24 Constitution of Alabama of 1901, now appearing as Section 47
25 of the Official Recompilation of the Constitution of Alabama
26 of 1901, as amended, to further provide for the qualifications
27 of legislators.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. The following amendment to the
3 Constitution of Alabama of 1901, is proposed and shall become
4 valid as a part of the Constitution when all requirements of
5 this act are fulfilled:

6 PROPOSED AMENDMENT

7 Section 47 of the Constitution of Alabama of 1901,
8 is amended to read as follows:

9 Section 47.

10 (a) Senators shall be at least twenty-five years of
11 age, and representatives twenty-one years of age at the time
12 of their election. They shall have been citizens and residents
13 of this state for three years and residents of their
14 respective counties or districts for one year next before
15 their election, if such county or district shall have been so
16 long established; but if not, then of the county or district
17 from which the same shall have been taken; and they shall
18 reside in their respective counties or districts during their
19 terms of office.

20 (b) A person employed by any entity that contracts
21 with any public two-year or four-year institution of higher
22 education in this state may not serve in the Legislature if
23 the person is employed by the entity in a managerial capacity
24 and the person has direct substantive influence regarding the
25 contract between the entity and the institution. The purpose
26 of this restriction is to prevent potential undue influence,

1 conflict of interest, or multiple payments by the state to the
2 person.

3 Section 2. An election upon the proposed amendment
4 shall be held in accordance with Sections 284 and 285 of the
5 Constitution of Alabama of 1901, now appearing as Sections 284
6 and 285 of the Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, and the election laws of this
8 state.

9 Section 3. The appropriate election official shall
10 assign a ballot number for the proposed constitutional
11 amendment on the election ballot and shall set forth the
12 following description of the substance or subject matter of
13 the proposed constitutional amendment:

14 "Proposing an amendment to the Constitution of
15 Alabama of 1901, to specify that certain persons employed in a
16 managerial capacity by any entity that contracts with any
17 two-year or four-year state institution of higher education
18 may not serve in the Legislature."

19 "Proposed by Act _____"

20 This description shall be followed by the following
21 language:

22 "Yes () No ()."