

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 ( )."