

1 SB146
2 147257-2
3 By Senators Orr, Holtzclaw, Scofield, Ward, Williams,
4 Blackwell, Whatley, Marsh, and Bussman
5 RFD: Judiciary
6 First Read: 06-FEB-13

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 41-1-5, Code of Alabama 1975,
12 relating to nepotism within state government.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 41-1-5, Code of Alabama 1975, is
15 amended to read as follows:

16 "§41-1-5.

17 "(a) No officer or employee of the state or of any
18 state department, board, bureau, committee, commission,
19 institution, corporation, authority or other agency of the
20 state shall appoint, or enter a personal service contract
21 with, any person related to him within the fourth degree of
22 affinity or consanguinity to any job, position or office of
23 profit with the state or with any of its agencies.

24 "(b) Any person ~~related to~~ within the fourth degree
25 of affinity or consanguinity of the agency head or appointing
26 authority, ~~within the prohibited degree~~ the appointing
27 authority's designee, deputy director, assistant director, or

1 associate director shall be ineligible to serve in any
2 capacity with the state under authority of such an
3 appointment, and any appointment so attempted shall be void.
4 The provisions of this section shall not prohibit the
5 continued employment of any person who is employed as a public
6 employee as of the effective date of the act adding this
7 amendatory language, nor shall it be construed to hinder,
8 alter, or in any way affect normal promotional advancements
9 under the state Merit System for the employee.

10 "(c) Any person within the fourth degree of affinity
11 or consanguinity of a public employee shall not be the
12 immediate supervisor for or in the chain of command of, or
13 participate in the hiring, evaluation, reassignment,
14 promotion, or discipline of, the public employee within any
15 state department, board, bureau, committee, commission,
16 institution, corporation, authority, or other agency of the
17 state.

18 However, this subsection shall not apply to an
19 employee of a city or county board of education that is
20 currently employed or to a future employee hired into a
21 non-supervisory position posted in accordance with Section
22 16-22-15, where his or her relative will not be the employee's
23 immediate supervisor, and where the employee's relative made
24 no recommendation, cast no vote, and otherwise had no
25 involvement concerning the employee's hiring.

26 "(d) Whoever violates this section is guilty of a
27 misdemeanor and shall be punished by a fine not to exceed

1 \$500.00 or by imprisonment not to exceed one year, or both. A
2 willful violation of this section shall subject the public
3 employee and the person or persons within the fourth degree of
4 affinity or consanguinity of the public employee to
5 disciplinary action, up to and including separation from state
6 service. ~~This section shall not apply, however, in the case of~~
7 ~~an appointment of a person to a position in the classified~~
8 ~~service of the state made from the register of persons~~
9 ~~eligible as certified by the State Director of Personnel.~~

10 ~~"The provisions of this section shall not apply to~~
11 ~~any individual or individuals employed as of September 16,~~
12 ~~1963, in any branch, department or bureau of the state or the~~
13 ~~reappointment of any individuals employed on September 16,~~
14 ~~1963."~~

15 Section 2. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 06-FEB-13

Read for the second time and placed on the calen-
dar 1 amendment..... 14-FEB-13

Read for the third time and passed as amended 20-MAR-13

Yeas 27
Nays 2

Patrick Harris
Secretary