

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

1 SB146

2
3
4 ENROLLED, An Act,

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

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 "§41-1-5.

11 "(a) No officer or employee of the state or of any
12 state department, board, bureau, committee, commission,
13 institution, corporation, authority or other agency of the
14 state shall appoint, or enter a personal service contract
15 with, any person related to him within the fourth degree of
16 affinity or consanguinity to any job, position or office of
17 profit with the state or with any of its agencies.

18 "(b) Any person ~~related to~~ within the fourth degree
19 of affinity or consanguinity of the agency head or appointing
20 authority, ~~within the prohibited degree~~ the appointing
21 authority's designee, deputy director, assistant director, or
22 associate director shall be ineligible to serve in any
23 capacity with the state under authority of such an
24 appointment, and any appointment so attempted shall be void.
25 The provisions of this section shall not prohibit the

1 continued employment of any person who is employed as a public
2 employee as of the effective date of the act adding this
3 amendatory language, nor shall it be construed to hinder,
4 alter, or in any way affect normal promotional advancements
5 under the state Merit System for the employee.

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

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

22 "(d) Whoever violates this section is guilty of a
23 misdemeanor and shall be punished by a fine not to exceed
24 \$500.00 or by imprisonment not to exceed one year, or both. A
25 willful violation of this section shall subject the public

1 employee and the person or persons within the fourth degree of
2 affinity or consanguinity of the public employee to
3 disciplinary action, up to and including separation from state
4 service. ~~This section shall not apply, however, in the case of~~
5 ~~an appointment of a person to a position in the classified~~
6 ~~service of the state made from the register of persons~~
7 ~~eligible as certified by the State Director of Personnel.~~

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

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB146

Senate 20-MAR-13

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 07-MAY-13

By: Senator Orr