

1 SB146
2 147257-1
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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8 SYNOPSIS: This bill would prohibit nepotism within
9 state government.

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
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15 To amend Section 41-1-5, Code of Alabama 1975,
16 relating to nepotism within state government.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§41-1-5.

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

1 "(b) Any person related to within the fourth degree
2 of affinity or consanguinity of the agency head or appointing
3 authority, within the prohibited degree the appointing
4 authority's designee, deputy director, assistant director, or
5 associate director shall be ineligible to serve in any
6 capacity with the state under authority of such an
7 appointment, and any appointment so attempted shall be void.
8 The provisions of this section shall not prohibit the
9 continued employment of any person who is employed as a public
10 employee as of the effective date of the act adding this
11 amendatory language, nor shall it be construed to hinder,
12 alter, or in any way affect normal promotional advancements
13 under the state Merit System for the employee.

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

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
26 employee and the person or persons within the fourth degree of
27 affinity or consanguinity of the public employee to

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

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

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