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## 4 SYNOPSIS:

5                   Under existing statutory law, the Governor may  
6                   remove from office and discharge from employment any  
7                   person who holds office or employment by virtue of  
8                   appointment by the incumbent Governor or any preceding  
9                   Governor except those employees subject to the Merit  
10                  System Act.

11                  This bill would codify the existing authority of  
12                  the Governor under the Constitution of Alabama of 2022,  
13                  to remove from office or discharge from employment the  
14                  head of any state executive branch agency.

15                  This bill would also provide that the removal  
16                  authority supplements, and shall not be construed to  
17                  diminish, the authority of any other official or entity  
18                  to appoint or remove such an agency head.

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21                  A BILL

22                  TO BE ENTITLED

23                  AN ACT

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25                  Relating to public officers and employees; to amend  
26                  Section 36-13-7, Code of Alabama 1975; to codify the removal  
27                  authority of the Governor without diminishing the appointment  
28                  or removal authority of any other official, board, commission,



29 or other person or entity.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31       Section 1. Section 36-13-7 of the Code of Alabama 1975,  
32 is amended to read as follows:

33       "§36-13-7

34       (a) The Governor ~~is authorized and empowered to~~ may  
35 remove from office ~~and~~ or discharge from employment, ~~with or~~  
36 ~~without cause,~~ any person who holds office or employment in  
37 any ~~of the~~ state executive ~~departments and agencies~~ branch  
38 agency by virtue of appointment by the incumbent Governor or  
39 any preceding Governor or by virtue of appointment by the  
40 agency head, except those employees subject to the Merit  
41 System ~~provisions~~ Act.

42       (b) (1) The Governor may remove from office or discharge  
43 from employment the head of any state executive branch agency.

44       (2) This subsection codifies the existing removal  
45 authority of the Governor under the Constitution of Alabama of  
46 2022. The authority recognized in this subsection supplements,  
47 and shall not be construed to diminish, the authority of any  
48 other official, board, commission, or other person or entity  
49 to appoint or remove such an agency head.

50       (3) Absent extraordinary circumstances, the Governor is  
51 encouraged to consult with the agency head's appointing  
52 authority or, in the case of a multi-member appointing  
53 authority, to consult with the chair of the agency head's  
54 appointing authority before removing an agency head from  
55 office or discharging an agency head from employment."

56       Section 2. This act shall become effective immediately.