



OFFERED BY SENATOR GIVHAN

SYNOPSIS:

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

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

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

A BILL
TO BE ENTITLED
AN ACT

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



or other person or entity.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§36-13-7

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

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

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

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

Section 2. This act shall become effective immediately.