

1 HB60
2 216018-1
3 By Representative England
4 RFD: State Government
5 First Read: 11-JAN-22
6 PFD: 01/06/2022

SYNOPSIS: Existing law establishes state holidays.

This bill would remove Robert E. Lee's birthday as a state holiday.

This bill would also delete duplicative language and make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to state holidays; to amend Section 1-3-8, Code of Alabama 1975; to remove Robert E. Lee's birthday as a state holiday; and to delete duplicative language and make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 1-3-8, Code of Alabama 1975, is amended to read as follows:

1 "§1-3-8.

2 "(a) The following days are official state holidays:

3 ~~Sunday, Christmas Day,~~

4 "(1) New Year's Day, January 1.

5 "(2) Martin Luther King, Jr.'s birthday, Robert E.
6 ~~Lee's birthday,~~ the third Monday in January.

7 "(3) George Washington's birthday, Thomas
8 ~~Jefferson's birthday, Confederate Memorial Day, National~~ the
9 third Monday in February.

10 "(4) Confederate Memorial Day, the fourth Monday in
11 April.

12 "(5) Memorial Day, the last Monday in May.

13 "(6) Jefferson Davis' birthday, the first Monday in
14 June. the

15 "(7) The Fourth day of July, July 4.

16 "(8) Labor Day, the first Monday in September.

17 "(9) Columbus Day, and Fraternal Day, and American
18 Indian Heritage Day, the second Monday in October.

19 "(10) Veterans' Day, November 11. American Indian
20 ~~Heritage Day, and the day~~

21 "(11) Thanksgiving Day, as designated by the
22 ~~Governor for public thanksgiving shall each be deemed a~~
23 ~~holiday.~~

24 "(12) Christmas Day, December 25.

25 "(b) If any holiday falls on Sunday, the following
26 day is the holiday. If any holiday falls on Saturday, the
27 preceding day is the holiday.

1 "(c) Except as otherwise provided in subsection (f),
2 all state holidays shall be observed by the closing of all
3 state offices. In addition, Veterans' Day shall be observed by
4 the closing of all ~~state, county, and municipal offices, all~~
5 ~~banks located within this state, and the~~ all public K-12
6 ~~schools, on such day. Public schools, grades K to 12,~~
7 ~~inclusive, and all public two-year institutions of higher~~
8 ~~education shall also be closed on National Memorial Day, and~~
9 ~~such closing shall be applicable to all students and~~
10 ~~non-essential employees~~ and Memorial Day shall be observed by
11 ~~the closing of all public K-12 schools and all public two-year~~
12 ~~and four-year institutions of higher education.~~

13 "(d) The Superintendent of Banks, with the
14 concurrence of not less than two members of the state Banking
15 Board, may authorize ~~any the closure of state bank to close on~~
16 ~~National Memorial Day, the last Monday in May, banks in~~
17 ~~observance of any state or federal holiday and on such any~~
18 ~~other days~~ day as may be declared by the Governor to be a
19 ~~state holidays~~ holiday or by the President of the United
20 ~~States to be a federal holiday~~ in honor of a special event. If
21 ~~any authorized~~ a state holiday falls on Friday, the
22 Superintendent of Banks may authorize the Saturday following
23 that Friday to be a holiday. The superintendent may also
24 authorize the closing of banks at 12:00 noon on the day prior
25 to Christmas Day, and the day prior to New Year's Day, if ~~such~~
26 ~~days~~ the holidays fall on business days.

1 ~~"(b) Of the above enumerated legal public holidays,~~
2 ~~the following shall be observed on the dates herein~~
3 ~~prescribed:~~

4 ~~"(1) Robert E. Lee's birthday - the third Monday in~~
5 ~~January.~~

6 ~~"(2) George Washington's birthday - the third Monday~~
7 ~~in February.~~

8 ~~"(3) Confederate Memorial Day - the fourth Monday in~~
9 ~~April.~~

10 ~~"(4) Jefferson Davis' birthday - the first Monday in~~
11 ~~June.~~

12 ~~"(5) Columbus Day and Fraternal Day - the second~~
13 ~~Monday in October.~~

14 ~~"(6) Veterans' Day - the eleventh day of November.~~

15 ~~"(7) Martin Luther King, Jr.'s birthday - the third~~
16 ~~Monday in January.~~

17 ~~"(8) National Memorial Day - the last Monday in May.~~

18 ~~"(9) Thomas Jefferson's birthday - the third Monday~~
19 ~~in February.~~

20 ~~"(10) American Indian Heritage Day - the second~~
21 ~~Monday in October.~~

22 ~~"(c)(e) (1)~~ In addition to the legal state holidays
23 provided ~~above~~ in subsection (a), Mardi Gras shall be deemed a
24 holiday in Mobile and Baldwin Counties and all state offices
25 shall be closed in those counties on Mardi Gras.

26 ~~"(d)(2)~~ In addition to the legal holidays provided
27 ~~above~~ all All state employees, ~~except~~ other than those

1 employed in Baldwin and Mobile Counties, shall be granted one
2 personal leave day per year. The personal leave day shall be
3 granted on January 1 of each year. All state employees
4 employed in Baldwin and Mobile Counties shall be granted no
5 personal leave day. All ~~such~~ personal leave days granted in
6 any year pursuant to this subdivision shall be used by the end
7 of the calendar year. ~~All such personal leave days shall and~~
8 must be scheduled during the year with the approval of the
9 supervisor. Supervisors failing to schedule personal leave
10 days for employees shall justify that action in writing to the
11 Director of State Personnel and the employee shall receive pay
12 at a rate not less than the employee's usual and customary
13 rate of pay for any personal leave day not taken by December
14 31 of each year.

15 ~~"(e) (f) (1) All state holidays shall be observed by~~
16 ~~the closing of all state offices.~~ Any state office may remain
17 open on a state holiday upon written notice by the appointing
18 authority to the State Personnel Board at least 60 days in
19 advance of the holiday. ~~Provided, that~~ In addition, any state
20 office may be opened in the event of an emergency, and the
21 State Personnel Board may grant a blanket approval for the
22 ~~openings~~ opening of state offices needing to be open on
23 holidays on a regular basis for essential services.

24 "(2) Any state employee working on a state holiday
25 shall receive a day of compensatory leave or paid compensation
26 in lieu of the holiday ~~as provided herein.~~

1 "~~(f)~~ Each employee shall attempt to schedule any
2 compensatory leave day provided in lieu of a regularly
3 scheduled holiday, subject to the approval of ~~the~~ his or her
4 supervisor, during the quarter that the regularly scheduled
5 holiday occurred. If any compensatory leave day cannot be
6 scheduled during the designated quarter, the compensatory
7 leave day may be accumulated at the request of the employee
8 for up to one year. Supervisors failing to schedule
9 compensatory leave days for employees within the quarter,
10 unless the day is carried forward at the request of the
11 employee, shall justify that action in writing to the Director
12 of State Personnel, and the employee shall receive pay at a
13 rate not less than the employee's usual and customary rate of
14 pay for any compensatory leave day to which the employee may
15 be entitled and which has not been taken.

16 "(g) (1) The first day in December of each year is
17 designated as Mrs. Rosa L. Parks Day in this state. All
18 citizens of this state are requested to devote some portion of
19 Mrs. Rosa L. Parks Day to commemorate the accomplishments of
20 Mrs. Rosa L. Parks, a woman of great courage, vision, love,
21 and faith who helped usher in the modern civil rights movement
22 on December 1, 1955, by refusing to give up her seat on a bus
23 in Montgomery, Alabama. Each resident of this state is
24 requested to observe the day with appropriate activities.

25 "(2) Each county and municipality may elect to
26 observe Mrs. Rosa L. Parks Day as a holiday."

1 Section 2. This act shall become effective on
2 January 1, 2023, following its passage and approval by the
3 Governor, or its otherwise becoming law.