

HB360 INTRODUCED



1 2JLVIS-1

2 By Representatives Hassell, Gray, Hollis, McClammy,

3 McCampbell, Lawrence, Chestnut, Warren, Forte, Clarke,

4 Jackson, Tillman, Jones, Sellers, Morris, Givan, Moore (M),

5 Hall, Ensler

6 RFD: State Government

7 First Read: 20-Apr-23

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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:

"§1-3-8

(a) The following days are official state holidays:

~~Sunday, Christmas Day,~~

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

(2) Martin Luther King, Jr.'s birthday, ~~Robert E. Lee's~~



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29 ~~birthday, the third Monday in January.~~

30 (3) George Washington's birthday, and Thomas
31 Jefferson's birthday, ~~Confederate Memorial Day, National~~the
32 third Monday in February.

33 (4) Confederate Memorial Day, the fourth Monday in
34 April.

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

36 (6) Jefferson Davis' birthday, the first Monday in
37 June.

38 (7) The Fourth day of July, July 4.

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

40 (9) Columbus Day, ~~and~~ Fraternal Day, and American
41 Indian Heritage Day, the second Monday in October.

42 (10) Veterans' Day, November 11. ~~American Indian~~
43 ~~Heritage Day, and the day~~

44 (11) Thanksgiving Day, as designated by the Governor
45 ~~for public thanksgiving shall each be deemed a holiday.~~

46 (12) Christmas Day, December 25.

47 (b) If any holiday falls on Sunday, the following day
48 is the holiday. If any holiday falls on Saturday, the
49 preceding day is the holiday.

50 (c) Except as otherwise provided in subsection (f), all
51 state holidays shall be observed by the closing of all state
52 offices. In addition, Veterans' Day shall be observed by the
53 closing of all ~~state, county, and municipal offices, all banks~~
54 ~~located within this state,~~ and ~~the~~ all public K-12 schools, ~~on~~
55 ~~such day. Public schools, grades K to 12, inclusive, and all~~
56 ~~public two-year institutions of higher education shall also be~~



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57 ~~closed on National Memorial Day, and such closing shall be~~
58 ~~applicable to all students and non-essential employees~~ and
59 Memorial Day shall be observed by the closing of all public
60 K-12 schools and all public two-year and four-year
61 institutions of higher education.

62 (d) The Superintendent of Banks, with the concurrence
63 of not less than two members of the state Banking Board, may
64 authorize ~~any~~ the closure of state ~~bank to close on National~~
65 ~~Memorial Day, the last Monday in May,~~ banks in observance of
66 any state or federal holiday and on ~~such any~~ other ~~days~~ day as
67 may be declared by the Governor to be a state ~~holidays~~ holiday
68 or by the President of the United States to be a federal
69 holiday in honor of a special event. If ~~any authorized~~ a state
70 holiday falls on Friday, the Superintendent of Banks may
71 authorize the Saturday following that Friday to be a holiday.
72 The superintendent may also authorize the closing of banks at
73 12:00 noon on the day prior to Christmas Day, and the day
74 prior to New Year's Day, if ~~such days~~ the holidays fall on
75 business days.

76 ~~(b) Of the above enumerated legal public holidays, the~~
77 ~~following shall be observed on the dates herein prescribed:~~

78 ~~(1) Robert E. Lee's birthday - the third Monday in~~
79 ~~January.~~

80 ~~(2) George Washington's birthday - the third Monday in~~
81 ~~February.~~

82 ~~(3) Confederate Memorial Day - the fourth Monday in~~
83 ~~April.~~

84 ~~(4) Jefferson Davis' birthday - the first Monday in~~



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85 ~~June.~~

86 ~~(5) Columbus Day and Fraternal Day - the second Monday~~
87 ~~in October.~~

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

89 ~~(7) Martin Luther King, Jr.'s birthday - the third~~
90 ~~Monday in January.~~

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

92 ~~(9) Thomas Jefferson's birthday - the third Monday in~~
93 ~~February.~~

94 ~~(10) American Indian Heritage Day - the second Monday~~
95 ~~in October.~~

96 ~~(e)~~ (e) (1) In addition to the ~~legal~~ state holidays
97 provided ~~above~~ in subsection (a), Mardi Gras shall be deemed a
98 holiday in Mobile and Baldwin Counties and all state offices
99 shall be closed in those counties on Mardi Gras.

100 ~~(d)~~ (2) ~~In addition to the legal holidays provided above~~
101 ~~all~~ All state employees, ~~except~~ other than those employed in
102 Baldwin and Mobile Counties, shall be granted one personal
103 leave day per year. The personal leave day shall be granted on
104 January 1 of each year. All state employees employed in
105 Baldwin and Mobile Counties shall be granted no personal leave
106 day. All ~~such~~ personal leave days granted in any year pursuant
107 to this subdivision shall be used by the end of the calendar
108 year. ~~All such personal leave days shall~~ and must be scheduled
109 during the year with the approval of the supervisor.
110 Supervisors failing to schedule personal leave days for
111 employees shall justify that action in writing to the Director
112 of State Personnel and the employee shall receive pay at a



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113 rate not less than the employee's usual and customary rate of
114 pay for any personal leave day not taken by December 31 of
115 each year.

116 ~~(e)~~ (f) (1) ~~All state holidays shall be observed by the~~
117 ~~closing of all state offices.~~ Any state office may remain open
118 on a state holiday upon written notice by the appointing
119 authority to the State Personnel Board at least 60 days in
120 advance of the holiday. ~~Provided, that~~ In addition, any state
121 office may be opened in the event of an emergency, and the
122 State Personnel Board may grant a blanket approval for the
123 ~~openings~~ opening of state offices needing to be open on
124 holidays on a regular basis for essential services.

125 (2) Any state employee working on a state holiday shall
126 receive a day of compensatory leave or paid compensation in
127 lieu of the holiday ~~as provided herein.~~

128 ~~(f)~~ Each employee shall attempt to schedule any
129 compensatory leave day provided in lieu of a regularly
130 scheduled holiday, subject to the approval of ~~the~~ his or her
131 supervisor, during the quarter that the regularly scheduled
132 holiday occurred. If any compensatory leave day cannot be
133 scheduled during the designated quarter, the compensatory
134 leave day may be accumulated at the request of the employee
135 for up to one year. Supervisors failing to schedule
136 compensatory leave days for employees within the quarter,
137 unless the day is carried forward at the request of the
138 employee, shall justify that action in writing to the Director
139 of State Personnel, and the employee shall receive pay at a
140 rate not less than the employee's usual and customary rate of



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141 pay for any compensatory leave day to which the employee may
142 be entitled and which has not been taken.

143 (g) (1) The first day in December of each year is
144 designated as Mrs. Rosa L. Parks Day in this state. All
145 citizens of this state are requested to devote some portion of
146 Mrs. Rosa L. Parks Day to commemorate the accomplishments of
147 Mrs. Rosa L. Parks, a woman of great courage, vision, love,
148 and faith who helped usher in the modern civil rights movement
149 on December 1, 1955, by refusing to give up her seat on a bus
150 in Montgomery, Alabama. Each resident of this state is
151 requested to observe the day with appropriate activities.

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

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