

1 HB430  
2 203854-2  
3 By Representatives McMillan, Rogers, Moore (M), Drummond,  
4 Warren, Forte, Clarke and Shiver  
5 RFD: State Government  
6 First Read: 10-MAR-20

SYNOPSIS: Under existing law, Robert E. Lee's Birthday is an enumerated legal public holiday observed on the third Monday in January.

This Bill would specify that Robert E. Lee Day would be observed on the second Monday in October.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to state holidays; to amend Section 1-3-8 of the Code of Alabama 1975, to specify that Robert E. Lee Day would be observed on the second Monday in October.

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) Sunday, Christmas Day, New Year's Day, Martin Luther King, Jr.'s birthday, Robert E. ~~Lee's Birthday~~ Lee Day,

1 George Washington's birthday, Thomas Jefferson's birthday,  
2 Confederate Memorial Day, National Memorial Day, Jefferson  
3 Davis' birthday, the Fourth day of July, Labor Day, Columbus  
4 Day and Fraternal Day, Veterans Day, American Indian Heritage  
5 Day, and the day designated by the Governor for public  
6 thanksgiving shall each be deemed a holiday. If any holiday  
7 falls on Sunday, the following day is the holiday. If any  
8 holiday falls on Saturday, the preceding day is the holiday.  
9 Veterans Day shall be observed by the closing of all state,  
10 county, and municipal offices, all banks located within this  
11 state, and the public schools on such day. Public schools,  
12 grades K to 12, inclusive, and all public two-year  
13 institutions of higher education shall also be closed on  
14 National Memorial Day, and such closing shall be applicable to  
15 all students and non-essential employees. The Superintendent  
16 of Banks, with the concurrence of not less than two members of  
17 the State Banking Board, may authorize any state bank to close  
18 on National Memorial Day, the last Monday in May, and on such  
19 other days as may be declared by the Governor to be state  
20 holidays in honor of a special event. If any authorized state  
21 holiday falls on Friday, the Superintendent of Banks may  
22 authorize the Saturday following that Friday to be a holiday.  
23 The superintendent may also authorize the closing of banks at  
24 12:00 noon on the day prior to Christmas Day, and the day  
25 prior to New Year's Day, if such days 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~~ Lee Day- ~~the third the~~  
5 second Monday in ~~January~~ October.

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

26                   "(d) In addition to the legal holidays provided  
27 above all state employees, except those employed in Baldwin

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

14 "(e) All state holidays shall be observed by the  
15 closing of all state offices. Any state office may remain open  
16 on a state holiday upon written notice by the appointing  
17 authority to the State Personnel Board at least 60 days in  
18 advance of the holiday. Provided, that any state office may be  
19 opened in the event of an emergency and the State Personnel  
20 Board may grant a blanket approval for the openings of state  
21 offices needing to be open on holidays on a regular basis for  
22 essential services. Any state employee working on a state  
23 holiday shall receive a day of compensatory leave or paid  
24 compensation in lieu of the holiday as provided herein.

25 "(f) Each employee shall attempt to schedule any  
26 compensatory leave day provided in lieu of a regularly  
27 scheduled holiday, subject to the approval of the supervisor,

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

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

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

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