

1 HB58  
2 216015-1  
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 Jefferson Davis' birthday as a state holiday and would add State Employee Appreciation Day 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 Jefferson Davis' birthday and add State Employee Appreciation Day 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:

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

3           "§1-3-8.

4           "(a) The following days are official state holidays:  
5 ~~Sunday, Christmas Day,~~

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

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

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

12           "(4) Confederate Memorial Day, the fourth Monday in  
13 April.

14           "(5) Memorial Day, the last Monday in May. Jefferson  
15 Davis' birthday,

16           "(6) State Employee Appreciation Day, the first  
17 Monday in June. the

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

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

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

22           "(10) Veterans' Day, November 11. American Indian  
23 Heritage Day, and the day

24           "(11) Thanksgiving Day, as designated by the  
25 Governor for public thanksgiving shall each be deemed a  
26 holiday.

27           "(12) Christmas Day, December 25.

1           "(b) If any holiday falls on Sunday, the following  
2 day is the holiday. If any holiday falls on Saturday, the  
3 preceding day is the holiday.

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

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

1 to Christmas Day, and the day prior to New Year's Day, if such  
2 days the holidays fall on business days.

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

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

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

10 ~~"(3) Confederate Memorial Day - the fourth Monday in~~  
11 ~~April.~~

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

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

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

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

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

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

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

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

1           "~~(d) (2)~~ ~~In addition to the legal holidays provided~~  
2 ~~above all~~ All state employees, ~~except other than~~ those  
3 employed in Baldwin and Mobile Counties, shall be granted one  
4 personal leave day per year. The personal leave day shall be  
5 granted on January 1 of each year. All state employees  
6 employed in Baldwin and Mobile Counties shall be granted no  
7 personal leave day. All ~~such~~ personal leave days granted in  
8 any year pursuant to this subdivision shall be used by the end  
9 of the calendar year. ~~All such personal leave days shall and~~  
10 must be scheduled during the year with the approval of the  
11 supervisor. Supervisors failing to schedule personal leave  
12 days for employees shall justify that action in writing to the  
13 Director of State Personnel and the employee shall receive pay  
14 at a rate not less than the employee's usual and customary  
15 rate of pay for any personal leave day not taken by December  
16 31 of each year.

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

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

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

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

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

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