

**SB130 INTRODUCED**



1 3PQNEV-1

2 By Senator Figures

3 RFD: Fiscal Responsibility and Economic Development

4 First Read: 22-Mar-23

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SYNOPSIS:

Existing law establishes Robert E. Lee's birthday as a state 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.

This bill would delete duplicative language and would also 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 specify that Robert E. Lee Day would be observed on the second Monday in October; 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



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29 (a) The following days are official state  
30 holidays:~~Sunday, Christmas Day,~~  
31 (1) New Year's Day, January 1.  
32 (2) Martin Luther King, Jr.'s birthday, ~~Robert E. Lee's~~  
33 ~~birthday,~~ the third Monday in January.  
34 (3) ~~George Washington's birthday, Thomas Jefferson's~~  
35 ~~birthday,~~ Presidents' Day, the third Monday in February.  
36 (4) Confederate Memorial Day, the fourth Monday in  
37 April.  
38 (5) ~~National~~ Memorial Day, the last Monday in May.  
39 (6) Jefferson Davis' birthday, the first Monday in  
40 June.  
41 (7) ~~the Fourth day of July,~~ Independence Day, July 4.  
42 (8) Labor Day, the first Monday in September.  
43 (9) Columbus Day, and Fraternal Day, American Heritage  
44 Day, and Robert E. Lee Day, the second Monday in October.  
45 (10) Veterans' Day, November 11.  
46 (11) Thanksgiving Day and the day after Thanksgiving,  
47 the fourth Thursday in November and the following day.  
48 (12) Christmas Day, December 25.  
49 (b) ~~American Indian Heritage Day, and the day~~  
50 ~~designated by the Governor for public thanksgiving shall each~~  
51 ~~be deemed a holiday.~~ If any holiday falls on Sunday, the  
52 following day is the holiday. If any holiday falls on  
53 Saturday, the preceding day is the holiday. ~~Veterans' Day~~  
54 ~~shall be observed by the closing of all state, county, and~~  
55 ~~municipal offices, all banks located within this state, and~~  
56 ~~the public schools on such day. Public schools, grades K to~~



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57 ~~12, inclusive, and all public two-year institutions of higher~~  
58 ~~education shall also be closed on National Memorial Day, and~~  
59 ~~such closing shall be applicable to all students and~~  
60 ~~non-essential employees.~~

61 (c) Except as otherwise provided in subsection (f), all  
62 state holidays shall be observed by the closing of all state  
63 offices.

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

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

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

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

84 ~~(3) Confederate Memorial Day - the fourth Monday in~~



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85 ~~April.~~

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

87 ~~June.~~

88 ~~(5) Columbus Day and Fraternal Day - the second Monday~~

89 ~~in October.~~

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

91 ~~(7) Martin Luther King, Jr.'s birthday - the third~~

92 ~~Monday in January.~~

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

94 ~~(9) Thomas Jefferson's birthday - the third Monday in~~

95 ~~February.~~

96 ~~(10) American Indian Heritage Day - the second Monday~~

97 ~~in October.~~

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

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



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113 days for employees shall justify that action in writing to the  
114 Director of State Personnel and the employee shall receive pay  
115 at a rate not less than the employee's usual and customary  
116 rate of pay for any personal leave day not taken by December  
117 31 of each year.

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

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

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



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141 of State Personnel, and the employee shall receive pay at a  
142 rate not less than the employee's usual and customary rate of  
143 pay for any compensatory leave day to which the employee may  
144 be entitled and which has not been taken.

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

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

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