

1 SB163  
2 216516-1  
3 By Senators Figures, Smitherman, Gudger, Coleman-Madison,  
4 Singleton, Reed, Weaver, Albritton, Sanders-Fortier, Beasley  
5 and Elliott  
6 RFD: Tourism  
7 First Read: 01-FEB-22

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

1 revisions to update the existing code language to current  
2 style.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§1-3-8.

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

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

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

12 "(3) George Washington's birthday, Thomas  
13 ~~Jefferson's birthday,~~ Presidents' Day, the third Monday in  
14 February.

15 "(4) Confederate Memorial Day, the fourth Monday in  
16 April.

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

18 "(6) Jefferson Davis' birthday, the first Monday in  
19 June.

20 "(7) the Fourth day of July, Independence Day, July  
21 4.

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

23 "(9) Columbus Day, and Fraternal Day, American  
24 Heritage Day, and Robert E. Lee Day, the second Monday in  
25 October.

1           "(10) Veterans' Day, ~~American Indian Heritage Day,~~  
2 ~~and the day designated by the Governor for public thanksgiving~~  
3 ~~shall each be deemed a holiday. November 11.~~

4           "(11) Thanksgiving Day and the day after  
5 Thanksgiving, the fourth Thursday in November and the  
6 following day.

7           "(12) Christmas Day, December 25.

8           "(b) If any holiday falls on Sunday, the following  
9 day is the holiday. If any holiday falls on Saturday, the  
10 preceding day is the holiday.

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

20           "(d) The Superintendent of Banks, with the  
21 concurrence of not less than two members of the state Banking  
22 Board, may authorize ~~any~~ the closure of state bank to close on  
23 ~~National Memorial Day, the last Monday in May,~~ banks in  
24 observance of any state or federal holiday and on such any  
25 ~~other days~~ day as may be declared by the Governor to be a  
26 ~~state holidays~~ holiday or by the President of the United  
27 States to be a federal holiday in honor of a special event. If

1 ~~any authorized~~ a state holiday falls on Friday, the  
2 Superintendent of Banks may authorize the Saturday following  
3 that Friday to be a holiday. The superintendent may also  
4 authorize the closing of banks at 12:00 noon on the day prior  
5 to Christmas Day, and the day prior to New Year's Day, if ~~such~~  
6 ~~days~~ the holidays fall on business days.

7 ~~"(b) Of the above enumerated legal public holidays,~~  
8 ~~the following shall be observed on the dates herein~~  
9 ~~prescribed:~~

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

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

14 ~~"(3) Confederate Memorial Day - the fourth Monday in~~  
15 ~~April.~~

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

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

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

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

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

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

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

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

5           "~~(d)~~(2) ~~In addition to the legal holidays provided~~  
6 ~~above~~ all All state employees, ~~except~~ other than those  
7 employed in Baldwin and Mobile Counties, shall be granted one  
8 personal leave day per year. The personal leave day shall be  
9 granted on January 1 of each year. All state employees  
10 employed in Baldwin and Mobile Counties shall be granted no  
11 personal leave day. All ~~such~~ personal leave days granted in  
12 any year pursuant to this subdivision shall be used by the end  
13 of the calendar year. ~~All such personal leave days shall~~ and  
14 must be scheduled during the year with the approval of the  
15 supervisor. Supervisors failing to schedule personal leave  
16 days for employees shall justify that action in writing to the  
17 Director of State Personnel and the employee shall receive pay  
18 at a rate not less than the employee's usual and customary  
19 rate of pay for any personal leave day not taken by December  
20 31 of each year.

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

1 ~~openings~~ opening of state offices needing to be open on  
2 holidays on a regular basis for essential services.

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

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

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

1 in Montgomery, Alabama. Each resident of this state is  
2 requested to observe the day with appropriate activities.

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

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