HB360 INTRODUCED

2JLVIS-1

By Representatives Hassell, Gray, Hollis, McClammy, McCampbell, Lawrence, Chestnut, Warren, Forte, Clarke, Jackson, Tillman, Jones, Sellers, Morris, Givan, Moore (M), Hall, Ensler

RFD: State Government

First Read: 20-Apr-23
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
birthday, the third Monday in January.


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

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

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


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

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

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

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


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

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

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

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

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

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

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

(4) Jefferson Davis' birthday - the first Monday in
(5) Columbus Day and Fraternal Day - the second Monday in October.

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

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

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

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

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

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

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

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

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

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

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

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

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