

# HB361 INTRODUCED



1 ZQY1RW-1

2 By Representatives McClammy, Gray, Chestnut, Drummond, Hollis,  
3 Hassell, McCampbell, Lawrence, Warren, Forte, Clarke, Jackson,  
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5 Hall, Ensler

6 RFD: State Government

7 First Read: 20-Apr-23

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SYNOPSIS:

Existing law establishes state holidays.

This bill would remove Confederate Memorial 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 Confederate Memorial 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:

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~~



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29 ~~birthday, the third Monday in January.~~

30 (3) George Washington's birthday, and Thomas  
31 Jefferson's birthday, ~~Confederate Memorial Day, National~~the  
32 third Monday in February.

33 (4) Memorial Day, the last Monday in May.

34 (5) Jefferson Davis' birthday, the first Monday in  
35 June.

36 (6) The Fourth day of July, July 4.

37 (7) Labor Day, the first Monday in September.

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

40 (9) Veterans' Day, November 11.~~American Indian Heritage~~  
41 ~~Day, and the day~~

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

44 (11) Christmas Day, December 25.

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

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



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57 Memorial Day shall be observed by the closing of all public  
58 K-12 schools and all public two-year and four-year  
59 institutions of higher education.

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

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

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

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

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

82 ~~(4) Jefferson Davis' birthday - the first Monday in~~  
83 ~~June.~~

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



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85 ~~in October.~~

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

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

88 ~~Monday in January.~~

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

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

91 ~~February.~~

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

93 ~~in October.~~

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

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



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113 each year.

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

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

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



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

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

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