

1 HB415
2 196778-1
3 By Representatives Rogers, Moore (M) and Morris
4 RFD: State Government
5 First Read: 11-APR-19

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8 SYNOPSIS: Existing law stipulates that the birthday of
9 Robert E. Lee is celebrated annually on the third
10 Monday in January.

11 This bill would stipulate that the birthday
12 of Robert E. Lee is celebrated annually on the
13 fourth Monday in April.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 To amend Section 1-3-8, Code of Alabama 1975, as
20 last amended by Act 2018-527, 2018 Regular Session; to
21 stipulate that the birthday of Robert E. Lee is celebrated
22 annually on the fourth Monday in April.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 1-3-8, Code of Alabama 1975, as
25 last amended by Act 2018-527, 2018 Regular Session, is amended
26 to read as follows:

27 "§1-3-8.

1 "(a) Sunday, Christmas Day, New Year's Day, Martin
2 Luther King, Jr.'s birthday, Robert E. Lee's birthday, George
3 Washington's birthday, Thomas Jefferson's birthday,
4 Confederate Memorial Day, National Memorial Day, Jefferson
5 Davis' birthday, the Fourth day of July, Labor Day, Columbus
6 Day and Fraternal Day, Veterans' Day, American Indian Heritage
7 Day, and the day designated by the Governor for public
8 thanksgiving shall each be deemed a holiday. If any holiday
9 falls on Sunday, the following day is the holiday. If any
10 holiday falls on Saturday, the preceding day is the holiday.
11 Veterans' Day shall be observed by the closing of all state,
12 county, and municipal offices, all banks located within this
13 state, and the public schools on such day. Public schools,
14 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. The Superintendent
18 of Banks, with the concurrence of not less than two members of
19 the state Banking Board, may authorize any state bank to close
20 on National Memorial Day, the last Monday in May, and on such
21 other days as may be declared by the Governor to be state
22 holidays in honor of a special event. If any authorized state
23 holiday falls on Friday, the Superintendent of Banks may
24 authorize the Saturday following that Friday to be a holiday.
25 The superintendent may also authorize the closing of banks at
26 12:00 noon on the day prior to Christmas Day, and the day
27 prior to New Year's Day, if such days fall on business days.

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

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

6 "~~(2)~~(1) George Washington's birthday - the third
7 Monday in February.

8 "~~(3)~~(2) Confederate Memorial Day - the fourth Monday
9 in April.

10 "(3) Robert E. Lee's birthday - 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) In addition to the legal holidays provided
25 above, Mardi Gras shall be deemed a holiday in Mobile and
26 Baldwin Counties and all state offices shall be closed in
27 those counties on Mardi Gras.

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

16 "(e) All state holidays shall be observed by the
17 closing of all state offices. Any state office may remain open
18 on a state holiday upon written notice by the appointing
19 authority to the State Personnel Board at least 60 days in
20 advance of the holiday. ~~Provided, that~~ However, any state
21 office may be opened in the event of an emergency and the
22 State Personnel Board may grant a blanket approval for the
23 openings of state offices needing to be open on holidays on a
24 regular basis for essential services. Any state employee
25 working on a state holiday shall receive a day of compensatory
26 leave or paid compensation in lieu of the holiday as provided
27 herein.

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

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

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

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