

ASSEMBLY THIRD READING

AB 2596 (Low, et al.)

As Amended May 19, 2022

Majority vote

SUMMARY

Repeals existing law that requires the Governor to annually proclaim the Lunar New Year, and instead, recognizes the Lunar New Year as a state holiday, among other provisions.

Major Provisions

- 1) Repeals existing law that requires the Governor to annually proclaim the Lunar New Year.
- 2) Authorize state employees, with certain exceptions, to elect to receive eight hours of holiday credit for the Lunar New Year in lieu of receiving eight hours personal holiday credit, and to elect to use eight hours of vacation, annual leave, or compensating time off, consistent with departmental needs and collective bargaining agreements, for Lunar New Year or the fourth Friday in September.
- 3) Provide that the Lunar New Year is the date corresponding with the new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene.
- 4) Maintains for these purposes, deferential provisions relating to a memorandum of understanding.

COMMENTS*1) Background*

Lunar New Year is a popular holiday in many Asian countries, not just China, Vietnam, and Korea. Other countries that celebrate Lunar New Year include Cambodia, Thailand, the Philippines, Singapore, Malaysia, and Indonesia. It is also celebrated in the United States, England, France, Germany, Canada, and Australia, among others. Much like the Western New Year, people consider the Lunar New Year as a chance to leave behind the troubles of the past year and invite prosperity and good luck.

In 2022, the Lunar New Year began on Tuesday, February 1. While the official dates encompassing the holiday vary by culture, those celebrating consider it the time of the year to reunite with immediate and extended family. The New Year typically begins with the first new moon that occurs between the end of January and spans the first 15 days of the first month of the lunar calendar—until the full moon arrives. Some of the traditional festivities include street parades, food, music, dancing, and fireworks.

Each year in the lunar calendar is represented by one of 12 zodiac animals included in the cycle of 12 stations or "signs" along the apparent path of the sun through the cosmos. The 12 zodiac animals are the rat, ox, tiger, rabbit, dragon, snake, horse, sheep, monkey, rooster, dog, and pig. In addition to the animals, the five elements of earth, water, fire, wood, and metal are also mapped onto the traditional lunar calendar. Each year is associated with an animal that

corresponds to an element. The 2022 Lunar New Year is the year of the water tiger. The water tiger occurs every 60 years.

Lunar New Year represents the most significant and festive holiday for many of the more than 6 million Asian and Pacific Islander (API) Californians. The celebration in communities throughout California reflect the rich cultural history and commitment to racial, religious, and cultural diversity. Many schools throughout the state organize related activities, and at least one school district, the San Francisco Unified School District, closes its schools in observance of the Lunar New Year.

2) *Other Information*

This bill does not provide state employees a new "classic" holiday with compensated time off similar to New Years' Day, Dr. Martin Luther King, Jr. Day, Presidents' Day, Cesar Chavez Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and the day after, and Christmas, in which the employee generally is not required to use accrued leave to be compensated for that day.

This bill recognizes Lunar New Year as state holiday by authorizing state employees, with certain exceptions, to elect to receive eight hours of holiday credit for Lunar New Year, and elect to use eight hours of their vacation, annual leave, or compensating time off for that day, similar to the fourth Friday in September, known as "Native American Day" under existing law.

According to the Author

"The creation of this holiday through [this bill] will recognize the cultural and historical significance of Lunar New Year and acknowledge Asian Americans and all individuals who celebrate this significant occasion. When we think about the opportunities for us to look at a comprehensive approach to tackling the issue of stopping Asian hate, while also uplifting our community, this bill will demonstrate California's unwavering support for the fabric of American diversity and be a strong testament of solidarity with the growing Asian American community which has faced marginalization in the past years."

Arguments in Support

The Greenlining Institute states, among other things that, "[f]or the past two years, the Asian American community has been experiencing a sweeping record of anti-Asian hate and violence. More than 9,000 anti-Asian incidents have been reported across the United States since the coronavirus pandemic began. Additionally, the San Francisco police department reported a 567 percent increase in hate crimes targeted at Asian Americans. [This bill] would add Lunar New Year to the list of California state holidays that we get time off to celebrate, sending a powerful message of inclusion and belonging of the Asian American community and culture. Recognizing Lunar New Year as a state holiday would not only lift up Asian Americans who have long been marginalized but would also send a powerful message that California embraces diversity, and the rest of the country should follow our lead.

The California Attorney General states that, "[o]ur office is excited to support this important legislation to recognize Asian culture and celebrate the fabric of American diversity by making Lunar New Year Day a state holiday. The California Attorney General's Office recognizes that discrimination has no place in our society, including strictly enforcing the recently enacted state law that prohibits state-funded travel to states that discriminate against LGBTQ communities or through the vigorous enforcement of civil rights laws, consumer protections, and pro-bono

services for California's immigrant communities. Establishing Lunar New Year Day would support with increasing the diverse Asian diaspora's visibility and their contributions to society, which is timely given the rise in anti-[API] hate crimes and incidents during the COVID-19 pandemic."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, this bill would result in General Fund and special fund costs pressures of an unknown amount to the extent that state employees decide to observe Lunar New Year.

VOTES**ASM PUBLIC EMPLOYMENT AND RETIREMENT: 6-0-0**

YES: Cooper, Voepel, Calderon, Rodriguez, O'Donnell, Seyarto

ASM GOVERNMENTAL ORGANIZATION: 22-0-0

YES: Santiago, Bigelow, Aguiar-Curry, Berman, Bryan, Villapudua, Cooper, Megan Dahle, Daly, Davies, Eduardo Garcia, Gipson, Jones-Sawyer, Lackey, Low, Mathis, Quirk-Silva, Ramos, Robert Rivas, Blanca Rubio, Salas, Smith

ASM APPROPRIATIONS: 12-0-4

YES: Holden, Bryan, Calderon, Carrillo, Mike Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

ABS, ABST OR NV: Bigelow, Megan Dahle, Davies, Fong

UPDATED

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