
THIRD READING

Bill No: AB 2596
Author: Low (D), Carrillo (D), Chen (R), Choi (R), Gabriel (D), Cristina Garcia (D), Gipson (D), Kalra (D), Lee (D), McCarty (D), Nguyen (R), Quirk-Silva (D), Ting (D) and Wicks (D), et al.
Amended: 8/22/22 in Senate
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 12-0, 6/28/22
AYES: Dodd, Allen, Archuleta, Becker, Bradford, Hueso, Jones, Kamlager, Melendez, Portantino, Rubio, Wilk
NO VOTE RECORDED: Nielsen, Borgeas, Glazer

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/11/22
AYES: Portantino, Bates, Bradford, Jones, Laird, McGuire, Wieckowski

ASSEMBLY FLOOR: 76-0, 5/25/22 - See last page for vote

SUBJECT: Lunar New Year holiday

SOURCE: Author

DIGEST: This bill recognizes Lunar New Year as a state holiday and authorizes eligible state employees to elect to receive eight hours of holiday credit for that date in lieu of receiving eight hours of personal credit, as specified.

Senate Floor Amendments of 8/22/22 address chaptering conflicts with AB 1655 (Jones-Sawyer, 2022) and AB 1801 (Nazarian, 2022).

ANALYSIS:

Existing law:

- 1) Designates specific days as holidays in the state; and, requires the Governor annually to proclaim the date corresponding with the second new moon following the winter solstice as the Lunar New Year.

- 2) Authorizes state employees to elect to receive eight hours of holiday credit for “Native American Day,” in lieu of receiving eight hours of personal holiday credit, and to elect to use eight hours of vacation, annual leave, or compensating time off, consistent with departmental operational needs and collective bargaining agreements, for “Native American Day,” as specified.
- 3) Designates specific days designated as holidays in this state as judicial holidays, except “Admission Day,” “Columbus Day,” and any other day appointed by the President, but not by the Governor, for a public fast, thanksgiving, or holiday.

This bill:

- 1) Recognizes the Lunar New Year as a state holiday.
- 2) Authorizes eligible state employees to elect to receive eight hours of holiday credit for the date corresponding with the Lunar New Year in lieu of receiving eight hours of personal holiday credit, as specified.
- 3) Excludes “Lunar New Year” from designation as a judicial holiday.
- 4) Repeals the existing requirement that the Governor annually proclaim the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, as the Lunar New Year.

Background

Purpose of this bill. According to the author’s office, “the creation of this holiday through AB 2596 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 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.”

Lunar New Year. 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 six million Asian American, Native Hawaiian, and Pacific Islander Californians. The celebration in communities throughout California reflects 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.

This bill repeals the existing requirement that the Governor annually proclaim the date corresponding with the second new moon following the winter solstice as the Lunar New Year, and instead, includes that date in the list of state holidays. This bill authorizes eligible state employees to elect to receive eight hours of holiday credit for the Lunar New Year in lieu of receiving eight hours of personal holiday credit, similar to the existing authorization for eligible state employees to elect to use eight hours of their holiday credit for “Native American Day.”

Unpaid/Paid holidays. California law does not require a private employer to provide its employees with paid holidays, that it closes its business on any holiday, or that employees be given the day off for any particular holiday. If an employer closes its business on holidays and gives its employees time off from work with pay, that occurred pursuant to a policy or practice adopted by the employer, pursuant to the terms of a collective bargaining agreement, or pursuant to the terms of an employment agreement between the employer and employee, as there is nothing in law that requires such a practice.

At the local level, cities have the liberty to specify by charter, ordinance or resolution what paid holidays the city will provide to its city employees. Similarly, most state workers are bound by the memorandum of understanding that they have negotiated with the Governor.

For all other state employees, they are entitled to the following holidays: January 1, the third Monday in January, the third Monday in February, March 31, the last Monday in May, July 4, the first Monday in September, November 11, Thanksgiving Day, the day after Thanksgiving, December 25, a personal holiday after six months of work, and every day appointed by the Governor for a public fast, thanksgiving, or holiday.

This bill is similar to two bills approved earlier this legislative session by the Senate Governmental Organization Committee, AB 1655 (Jones-Sawyer, 2022) and AB 1801 (Nazarian, 2022). Each bill seeks to add a new state holiday and authorize eligible state employees to elect to utilize eight hours of personal holiday credit, as specified. Additionally, this bill excludes Lunar New Year from the list of designated judicial holidays.

Related/Prior Legislation

AB 1655 (Jones-Sawyer, 2022) adds June 19, known as “Juneteenth,” to the list of state holidays and authorize state employees to elect to take time off with pay in recognition of Juneteenth, as specified. (Pending on the Senate Floor)

AB 1741 (Low, Chapter 41, Statutes of 2022) required the Governor to annually proclaim November 20 as “Transgender Day of Remembrance.”

AB 1801 (Nazarian, 2022) adds April 24, known as “Genocide Awareness Day,” to the list of state holidays and authorizes state employees to elect to take time off with pay, as specified. (Pending on the Senate Floor)

SB 892 (Pan, Chapter 199, Statutes of 2018) required the Governor to annually proclaim the day of Lunar New Year, which occurs between January 21 and February 20, and encouraged all public schools and educational institutions to conduct exercises recognizing the traditions and cultural significance of the Lunar New Year.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, unknown potentially significant General Fund cost pressures, likely in the millions of dollars, to create another negotiable paid holiday for eligible state workers.

SUPPORT: (Verified 8/22/22)

California Attorney General, Rob Bonta
AAPI Equity Alliance

AFSCME, AFL-CIO
Asian Health Services
Asian Resources, Inc.
California Asian Pacific American Bar Association
California Commission on Asian and Pacific Islander American Affairs
California Healthy Nail Salon Collaborative
East West Bank
Greenlining Institute
Oakland Chinatown Chamber of Commerce
The Greenlining Institute

OPPOSITION: (Verified 8/22/22)

None received

ARGUMENTS IN SUPPORT: In support of this bill, the California Commission on Asian and Pacific Islander American Affairs writes that, “AB 2596 aligns with the Commission's mission to recognize the Asian American Californian experience to the forefront of California legislation. AB 2596 is an inclusive bill as it allows all Californians to recognize and celebrate the Lunar New Year as a holiday. Nearly two-thirds of all Asian Americans, mainly of Vietnamese, Chinese, Korean, and Japanese descent, celebrate Lunar New Year. As a societal action in the continued rise in anti-Asian American sentiment, both in hate crime and incident reporting, the CA Legislature can indeed send a powerful message of equity, unity, and solidarity with its Asian Americans, Native Hawaiian, and Pacific Islander communities.”

ASSEMBLY FLOOR: 76-0, 5/25/22

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

NO VOTE RECORDED: Berman, O'Donnell

Prepared by: Brian Duke / G.O. / (916) 651-1530
8/23/22 13:23:08

**** **END** ****