
THIRD READING

Bill No: AB 855
Author: Ramos (D), et al.
Introduced: 2/17/21
Vote: 21

SENATE JUDICIARY COMMITTEE: 10-0, 6/8/21

AYES: Umberg, Borgeas, Caballero, Durazo, Gonzalez, Hertzberg, Laird, Stern,
Wieckowski, Wiener

NO VOTE RECORDED: Jones

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 75-0, 4/26/21 - See last page for vote

SUBJECT: Judicial holidays

SOURCE: Judicial Council of California

DIGEST: This bill removes Columbus Day as a judicial holiday and replaces it with Native American Day.

ANALYSIS:

Existing law:

- 1) Establishes state holidays, including:
 - a) Native American Day, on the fourth Friday in September.
 - b) Columbus Day, on the second Monday in October. (Gov. Code, § 6700.)
- 2) Designates all state holidays as judicial holidays, except for Admission Day and Native American Day. (Code Civ. Proc., § 135.)
- 3) Provides that the courts shall be closed for the transaction of judicial business on judicial holidays, subject to certain exceptions. (Code Civ. Proc., § 134.)

This bill adds Columbus Day to, and removes Native American Day, from the list of state holidays that are not judicial holidays, making Native American Day a judicial holiday in lieu of Columbus Day.

Comments

Native American Day and Columbus Day are both existing state holidays.¹ State employees do not, for the most part, receive either date off from work.²

Judicial holidays are dates when no court business may be conducted, with certain exceptions.³ Judicial holidays are set by statute, and currently include all state holidays except for Admission Day and Native American Day.⁴ This bill would replace Columbus Day with Native American Day as a judicial holiday. This bill does not remove Columbus Day as a holiday all together; it simply brings the state courts in line with the Legislative and Executive branches by not making Columbus Day a paid day off in the form of a judicial holiday. Supporters of the bill hope that, by eliminating a judicial holiday that is hurtful to many Californians of Native American ancestry and adding a holiday that recognizes the contributions of Native Americans, the state's court system will be more accessible to those Californians.

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

SUPPORT: (Verified 6/21/21)

Judicial Council of California (source)
California Tribal Business Alliance
Morongo Band of Mission Indians
Nashville-Enterprise Miwok-Maidu-Nishinam Tribal Council
San Manuel Band of Mission Indians
Yocha Dehe Wintun Nation

OPPOSITION: (Verified 6/21/21)

None received

¹ Gov. Code, § 6700(a)(11) & (12).

² See California Department of Human Resources, *State Holidays: 2021 Holiday Dates*, <https://www.calhr.ca.gov/employees/pages/state-holidays.aspx> (last visited Jun. 21, 2021).

³ Code Civ. Proc., §§ 133-134.

⁴ *Id.*, § 135.

ARGUMENTS IN SUPPORT: According to the author, “Leading up to the 2020 observance of the Columbus Day holiday by the judicial branch, the question arose as to why the judicial branch continues to observe Columbus Day as a paid holiday when so many other states and government agencies no longer do. AB 855 will focus on removing Columbus Day as a judicial holiday and replacing it with Native American Day, keeping the same number of paid judicial holidays.”

According to bill sponsor Judicial Council of California, “Sponsoring legislation to recognize Native American Day as a judicial holiday furthers the Judicial Council’s mission, as embodied in the council’s strategic plan, ‘to remove all barriers to access and fairness by being responsive to the state’s cultural, ethnic, socioeconomic, linguistic, physical, gender, and age diversities, and to all people.’ In also supports the Chief Justice’s direction to address bias and racism. Finally, it bolsters the Judicial Council’s ongoing efforts to evaluate branch practices, policies, and procedures to identify opportunities to remove barriers to access and fairness while also addressing conscious and unconscious bias, including racism.”

ASSEMBLY FLOOR: 75-0, 4/26/21

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

NO VOTE RECORDED: Cervantes, Kiley, Seyarto

Prepared by: Allison Meredith / JUD. / (916) 651-4113
6/23/21 15:14:21

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