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THIRD READING

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Bill No: AB 855  
Author: Ramos (D), et al.  
Amended: 6/24/21 in Senate  
Vote: 21

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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

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**SUBJECT:** Judicial holidays

**SOURCE:** Judicial Council of California

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

*Senate Floor Amendments* of 6/24/21 make nonsubstantive changes and add co-authors to the bill.

**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.<sup>1</sup> State employees do not, for the most part, receive either date off from work.<sup>2</sup>

Judicial holidays are dates when no court business may be conducted, with certain exceptions.<sup>3</sup> Judicial holidays are set by statute, and currently include all state holidays except for Admission Day and Native American Day.<sup>4</sup> 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 6/25/21)

Judicial Council of California (source)  
 California Tribal Business Alliance  
 Morongo Band of Mission Indians  
 Nashville-Enterprise Miwok-Maidu-Nishinam Tribal Council  
 Paskenta Band of Nomlaki Indians  
 San Manuel Band of Mission Indians  
 The Yurok Tribe  
 Tribal Alliance of Sovereign Indian Nations

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<sup>1</sup> Gov. Code, § 6700(a)(11) & (12).

<sup>2</sup> See California Department of Human Resources, *State Holidays: 2021 Holiday Dates*, <https://www.calhr.ca.gov/employees/pages/state-holidays.aspx> (last visited Jun. 25, 2021).

<sup>3</sup> Code Civ. Proc., §§ 133-134.

<sup>4</sup> *Id.*, § 135.

Yocha Dehe Wintun Nation

**OPPOSITION:** (Verified 6/25/21)

None received

**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  
6/30/21 16:18:39

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