

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 855 (Ramos)
Version: February 17, 2021
Hearing Date: June 8, 2021
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Judicial holidays

DIGEST

This bill replaces Columbus Day with Native American Day as an official judicial holiday.

EXECUTIVE SUMMARY

Current law establishes certain state holidays as judicial holidays on which court business generally may not be conducted. One statutory judicial holiday is Columbus Day, meaning the state's courts take the day off while the rest of the state's employees do not. In recognition of the controversy surrounding Columbus Day, and to bring greater recognition to California's Native American and Indigenous populations, this bill would remove Columbus Day as a judicial holiday and replace it with Native American Day.

This bill is sponsored by the Judicial Council of California and is supported by the California Tribal Business Alliance, the Morongo Band of Mission Indians, the San Manuel Band of Mission Indians, and Yocha Dehe Wintun Nation. There is no known opposition.

PROPOSED CHANGES TO THE LAW

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:

- 1) 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

1. Author's comment

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.

2. This bill removes Columbus Day as an official Judicial Holiday and replaces it with Native American Day

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

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. 4, 2021).

³ Code Civ. Proc., §§ 133-134.

except for Admission Day and Native American Day.⁴ This bill would replace Columbus Day with Native American Day as a judicial holiday. The 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.

This Committee has received no indication that the change would deleteriously affect court operations. The dates of the two holidays are reasonably close together – Native American Day is the fourth Sunday in September, while Columbus Day is the second Sunday in October⁵ – so the switch would likely have little impact on schedules. Indeed, given that many trial courts are dark on Fridays, the switch to a Friday holiday might reduce the impact on court operations. Nor has the Committee received any objection to switching out one holiday for the other as a judicial holiday. Supporters of the bill are hopeful 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.

SUPPORT

Judicial Council of California (sponsor)
California Tribal Business Alliance
Morongo Band of Mission Indians
San Manuel Band of Mission Indians
Yocha Dehe Wintun Nation

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 85 (Senate Committee on Budget and Fiscal Review, Ch. 26, Stats. 2015) among other things, provided that Native American Day is not a judicial holiday.

AB 1973 (Roger Hernández, Ch. 537, Stats. 2014) added Native American Day as a state holiday.

⁴ *Id.*, § 135.

⁵ Gov. Code, § 6700(a)(11) & (12).

PRIOR VOTES:

Assembly Floor (Ayes 75, Noes 0)

Assembly Appropriations Committee (Ayes 16, Noes 0)

Assembly Judiciary Committee (Ayes 10, Noes 0)
