

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0804.01 Megan Waples x4348

HOUSE BILL 18-1231

HOUSE SPONSORSHIP

Benavidez, Buckner, Coleman, Herod, Hooton, Jackson, Lontine, Melton, Pettersen, Roberts, Rosenthal, Salazar, Singer, Weissman

SENATE SPONSORSHIP

(None),

House Committees

Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF COLUMBUS DAY AS A LEGAL HOLIDAY,**
102 **AND, IN CONNECTION THEREWITH, MAKING ELECTION DAY A**
103 **LEGAL HOLIDAY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Currently, Columbus day is one of 10 legal holidays in Colorado. **Section 2** of the bill repeals Columbus day as a state legal holiday and replaces it with election day. "Election day" is defined to fall on the day of a general election in even-numbered years and the day on which ballot issues must be decided under the state constitution in odd-numbered

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

years.

Section 1 contains a nonstatutory legislative declaration and **sections 4 and 5** make conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Christopher Columbus left Spain on May 12, 1492, to sail to
5 the Indies. He never arrived in the Indies, but came upon an island in the
6 Caribbean, later called Hispaniola.

7 (b) Although Columbus is recognized as a voyager who
8 discovered the land that became the United States of America, he did not
9 travel to or enter into the territory that became the United States.

10 (c) Upon his arrival in Hispaniola on October 12, 1492, Columbus
11 met the Taino people. Acting under the color of authority of the Spanish
12 crown, Columbus orchestrated inhumane acts of slavery, sexual
13 exploitation, murder, and torture, which resulted in the annihilation of the
14 Taino people.

15 (d) The near decimation of the indigenous peoples of the
16 Americas that was ushered in by the Spanish conquest was soon followed
17 by other European nations. The Columbus voyage triggered a level of
18 inhumanity toward indigenous peoples that still exists.

19 (e) Although the hardships and inequities suffered by indigenous
20 peoples are often underreported in the popular media, Columbus' legacy
21 of abuse and disrespect is still readily apparent today.

22 (f) American Indians and Alaska Natives suffer disproportionately
23 high rates of poverty, suicide, and sexual violence, and are more likely to
24 be killed by police than any other group, when compared to their

1 percentage of the United States population.

2 (g) Chronic underfunding of the Indian Health Service and the
3 Bureau of Indian Education means that American Indians and Alaska
4 Natives often lack access to quality health care and schools.

5 (h) Repealing Columbus day as a state holiday does not diminish
6 the immeasurable contributions of the Italian-American and
7 Spanish-American communities, which communities should be honored.

8 (i) In ceasing to recognize Columbus day, the state of Colorado
9 will join a number of other jurisdictions that have done likewise,
10 including:

11 (I) The states of Alaska, Hawaii, Minnesota, Oregon, South
12 Dakota, and Vermont;

13 (II) The United States cities of Anchorage, Alaska; Phoenix,
14 Arizona; Berkeley, Burbank, Los Angeles, Long Beach, San Luis Obispo,
15 San Fernando, Sebastapol, and Santa Cruz, California; Lawrence, Kansas;
16 Moscow, Idaho; Davenport, Iowa; Belfast, Bangor, Orono, and Portland,
17 Maine; Amherst and Cambridge, Massachusetts; Ann Arbor, Grand
18 Rapids, Alpena, East Lansing, Ypsilanti, and Traverse City, Michigan; St.
19 Paul, Grand Rapids, and Minneapolis, Minnesota; Missoula, Montana;
20 Albuquerque and Santa Fe, New Mexico; Asheville and Carrboro, North
21 Carolina; Oberlin, Ohio; Ithaca and Newstead, New York; Anadarko,
22 Norman, Tulsa, and Tahlequah, Oklahoma; Portland and Eugene, Oregon;
23 Austin, Texas; Seattle, Bellingham, Bainbridge, Yakima, and Olympia,
24 Washington; and Harpers Ferry, West Virginia; and

25 (III) The Colorado cities of Durango, Boulder, and Denver.

26 (j) Therefore, in recognizing the atrocities perpetrated against
27 indigenous peoples by Christopher Columbus and others, it is appropriate

1 to repeal Columbus day as a state holiday.

2 (2) The general assembly further finds and declares that its intent
3 in eliminating a state holiday honoring Columbus' ignominious legacy is
4 not to detrimentally affect state employees by reducing the total number
5 of state holidays that they formerly enjoyed. Therefore, election day is
6 declared as a legal holiday.

7 **SECTION 2.** In Colorado Revised Statutes, 24-11-101, **amend**
8 (1); and **add** (4) as follows:

9 **24-11-101. Legal holidays - effect.** (1) The following days, viz:
10 The first day of January, commonly called New Year's day; the third
11 Monday in January, which shall be observed as the birthday of Dr. Martin
12 Luther King, Jr.; the third Monday in February, commonly called
13 Washington-Lincoln day; the last Monday in May, commonly called
14 Memorial day; the fourth day of July, commonly called Independence
15 day; the first Monday in September, commonly called Labor day; ~~the~~
16 ~~second Monday in October, commonly called Columbus day;~~ ELECTION
17 DAY, AS DEFINED IN SUBSECTION (4) OF THIS SECTION; the eleventh day of
18 November, commonly called Veterans' day; the fourth Thursday in
19 November, commonly called Thanksgiving day; the twenty-fifth day of
20 December, commonly called Christmas day; and any day appointed or
21 recommended by the governor of this state or the president of the United
22 States as a day of fasting or prayer or thanksgiving, are hereby declared
23 to be legal holidays and shall, for all purposes whatsoever, as regards the
24 presenting for payment or acceptance and the protesting and giving notice
25 of the dishonor of bills of exchange, drafts, bank checks, promissory
26 notes, or other negotiable instruments and also for the holding of courts,
27 be treated and considered as is the first day of the week commonly called

1 Sunday.

2 (4) AS USED IN THIS SECTION, "ELECTION DAY" MEANS THE FIRST
3 TUESDAY IN NOVEMBER IN ODD-NUMBERED YEARS OR THE TUESDAY
4 SUCCEEDING THE FIRST MONDAY IN NOVEMBER IN EVEN-NUMBERED
5 YEARS.

6 **SECTION 3.** In Colorado Revised Statutes, 5-1-301, **amend** (6)
7 as follows:

8 **5-1-301. General definitions.** In addition to definitions appearing
9 in subsequent articles, as used in this code, unless the context otherwise
10 requires:

11 (6) "Business day" means any calendar day except Sunday, New
12 Year's day, the third Monday in January observed as the birthday of Dr.
13 Martin Luther King, Jr., Washington-Lincoln day, Memorial day,
14 Independence day, Labor day, ~~Columbus day~~, ELECTION DAY AS DEFINED
15 IN SECTION 24-11-101 (4), Veterans' day, Thanksgiving day, and
16 Christmas day.

17 **SECTION 4.** In Colorado Revised Statutes, 6-1-102, **amend** (2.5)
18 as follows:

19 **6-1-102. Definitions.** As used in this article 1, unless the context
20 otherwise requires:

21 (2.5) "Business day" means any calendar day except Sunday, New
22 Year's day, the third Monday in January observed as the birthday of Dr.
23 Martin Luther King, Jr., Washington-Lincoln day, Memorial day,
24 Independence day, Labor day, ~~Columbus day~~, ELECTION DAY AS DEFINED
25 IN SECTION 24-11-101 (4), Veterans' day, Thanksgiving, and Christmas.

26 **SECTION 5.** In Colorado Revised Statutes, 24-44-103, **add** (1.5)
27 as follows:

1 **24-44-103. Duties and powers of commission.** (1.5) IN LIGHT OF
2 THE ONGOING DISCUSSIONS RELATED TO THE RECOGNITION OF COLUMBUS
3 DAY IN THE STATE, THE COMMISSION SHALL REACH OUT TO THE
4 ITALIAN-AMERICAN COMMUNITY AND NATIVE AMERICAN COMMUNITIES
5 TO FACILITATE A DIALOGUE INTENDED TO DEVELOP A SOLUTION THAT
6 ADDRESSES THE CONCERNS OF BOTH COMMUNITIES.

7 **SECTION 6. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.