

Regular Session, 1999

SENATE BILL NO. 246

BY SENATOR JONES

HOLIDAYS. Makes Dr. Martin Luther King, Jr.'s birthday a statewide legal holiday.

1 AN ACT

2 To amend and reenact R.S. 1: 55(A)(1) and (6), (B)(1) and (2),(D) and (E)(1);
3 relative to days of public rest and legal holidays; to make Dr. Martin
4 Luther King, Jr.'s birthday a statewide legal holiday; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 1:55(A)(1) and (6), (B)(1) and (2), (D) and (E)(1) are
8 hereby amended and reenacted to read as follows:

9 §55. Days of public rest, legal holidays, and half-holidays

10 A. The following shall be days of public rest and legal holidays
11 and half-holidays:

12 (1) The following shall be days of public rest and legal holidays:
13 Sundays; January 1, New Year's Day; January 8, Battle of New
14 Orleans; the third Monday in January, Dr. Martin Luther King, Jr.'s
15 Birthday; January 19, Robert E. Lee Day; third Monday in February,
16 Washington's Birthday; Good Friday; the last Monday in May, National

1 Memorial Day; June 3, Confederate Memorial Day; July 4,
2 Independence Day; August 30, Huey P. Long Day; the first Monday in
3 September, Labor Day; the second Monday in October, Christopher
4 Columbus Day; November 1, All Saints' Day; November 11, Veterans'
5 Day; the fourth Thursday in November, Thanksgiving Day; December
6 25, Christmas Day; Inauguration Day in the city of Baton Rouge;
7 provided, however, that in the parish of Orleans, the city of Baton
8 Rouge, in each of the parishes comprising the second and sixth
9 congressional districts, except the parish of Ascension, and in each of
10 the parishes comprising the fourteenth and thirty-first judicial districts
11 of the state, the whole of every Saturday shall be a legal holiday, and
12 in the parishes of Catahoula, Caldwell, West Carroll, Concordia, East
13 Carroll, Franklin, Madison, Morehouse, Ouachita, Richland, Tensas,
14 Union, Jackson, Avoyelles, West Feliciana, Rapides, Natchitoches,
15 Grant, LaSalle, Winn, Lincoln, and East Baton Rouge, the whole of
16 every Saturday shall be a holiday for all banking institutions, and in the
17 parishes of Sabine and Vernon each Wednesday and Saturday, from
18 12:00 o'clock noon until 12:00 o'clock midnight, shall be a half-holiday
19 for all banking institutions. All banks and trust companies, however,
20 may, each at its option, remain open and exercise all of its regular
21 banking functions and duties upon January 8; **the third Monday in**
22 **January,** Dr. Martin Luther King, Jr.'s Birthday; January 19;
23 Washington's Birthday; Good Friday; National Memorial Day; June 3;
24 August 30; Christopher Columbus Day; November 1; and Veterans'
25 Day; and all banks and trust companies located in Ward 1 of the parish
26 of Avoyelles may, each at its option, remain open and exercise all of its
27 regular banking functions and duties until 12 o'clock noon on

1 Saturdays; however, when on any of said last named days any bank or
 2 trust company does actually remain open it shall, as to transactions on
 3 such day, to exactly the same extent as if such day were not otherwise
 4 a legal holiday, be not subject to any of the provisions of R.S. 7:85 and
 5 R.S. 7:251 or any other laws of Louisiana covering the matters of
 6 maturity of negotiable instruments and demand, notice, presentment,
 7 acceptance, or protest thereof on legal holidays and half-holidays, and
 8 all instruments payable to or at such bank upon such day shall become
 9 due on such day; and provided, further, that the option of remaining
 10 open shall not, except as otherwise provided in this Paragraph, apply
 11 to Saturdays or Wednesdays which are holidays or half-holidays, or to
 12 Mardi Gras when the same has been declared a legal holiday; and
 13 provided still further that nothing in any law of this state shall in any
 14 manner whatsoever affect the validity of or render void or voidable the
 15 payment, certification, or acceptance of a check or other negotiable
 16 instrument or any other transaction by a bank in Louisiana because
 17 done on any holiday or half-holiday or because done on any day upon
 18 which such bank, if remaining open because of the option given it
 19 herein, if the payment, certification, acceptance, or other transaction
 20 could have been validly done on any other day.

21 * * *

22 (6) The third Monday in January, The the birthday of Dr.
 23 Martin Luther King, Jr. ~~Great American Day and Presidents' Day~~ for
 24 public and parochial schools; ~~provided however, that a local school~~
 25 ~~board shall decide to observe this holiday during a regularly scheduled~~
 26 ~~school day with or without the necessity of adjourning school for all or~~
 27 ~~any portion of the school day.~~

1 B. Legal holidays shall be observed by the departments of the
2 state as follows:

3 (1) In so far as may be practicable in the administration of the
4 government, no employee shall work on New Year's Day, **the third**
5 **Monday in January, Dr. Martin Luther King, Jr.'s Birthday;** Mardi
6 Gras Day, Good Friday, Independence Day, Labor Day, Veterans' Day,
7 Thanksgiving Day, Christmas Day, Inauguration Day once in every
8 four years in the city of Baton Rouge, or General Election Day every
9 two years.

10 (2) ~~Dr. Martin Luther King, Jr.'s Birthday,~~ Robert E. Lee Day,
11 Washington's Birthday, National Memorial Day, Confederate Memorial
12 Day, and Huey P. Long Day shall be observed only in such manner as
13 the governor may proclaim, considering the pressure of the state's
14 business, provided, however, that not more than two such legal
15 holidays shall be proclaimed in any one year, one of which shall be
16 National Memorial Day. ~~The governor shall call as a state holiday at~~
17 ~~least once every two years the birthday of Dr. Martin Luther King, Jr.~~

18 * * *

19 D. Notwithstanding the provisions of ~~R.S. 6:65~~ **R.S. 6:128** or
20 any other law to the contrary, all banking institutions and savings and
21 loan associations located within the parishes of Terrebonne, Lafourche,
22 Iberia, Pointe Coupee, West Baton Rouge, St. Mary, and Iberville, and
23 all banking institutions located within the parishes of Lafayette and St.
24 Landry, shall be closed during any year on Saturdays, Sundays, New
25 Year's Day, Mardi Gras, Independence Day, Labor Day, Thanksgiving
26 and Christmas; provided, however, that when New Year's Day,
27 Independence Day or Christmas fall on a Sunday, said banking

1 institutions and savings and loan associations shall be closed on the
2 next day, and said financial institutions may, each at its option, remain
3 open and exercise all of its regular functions and duties upon January
4 eighth; January nineteenth; the third Monday in February, Washington's
5 Birthday; Good Friday; the last Monday in May, National Memorial
6 Day; June third; August thirtieth; the second Monday in October,
7 Christopher Columbus Day; November first; and November eleventh,
8 Veterans' Day; and further provided that when on any of said last
9 named days any said financial institution does actually remain open it
10 shall, as to transactions on such day, to exactly the same extent as if
11 such day were not otherwise a legal holiday, be not subject to any of
12 the provisions of R.S. 7:85 and R.S. 7:251, or any other laws of
13 Louisiana, covering the matters of maturity of negotiable instruments
14 and demands, notice, presentment, acceptance or protest thereof on
15 legal holidays and half-holidays, and all instruments payable to or at
16 such bank upon such day shall become due on such day; and provided
17 further that the option of remaining open shall not apply to Saturdays
18 or Wednesdays which are holidays or half-holidays, or to Mardi Gras
19 when the same has been declared a legal holiday; and provided further
20 that nothing in any law of this state shall in any manner whatsoever
21 affect the validity of, or render void or voidable, the payment,
22 certification of acceptance of a check or other negotiable instrument,
23 or any other transaction by a bank in Louisiana because done on any
24 holiday or half-holiday or because done on any day upon which such
25 financial institution if remaining open because of the option given it
26 herein, if the payment, certification, acceptance, or other transaction
27 could have been validly done on any other day, provided, however, that

1 in the parishes of Beauregard, Sabine, Vernon, Evangeline and DeSoto
2 the banking institutions may elect to make the whole of Saturdays
3 holidays and close, in lieu of half-holidays on Wednesdays and
4 half-holidays on Saturdays.

5 E.(1)(a)(i) Each clerk of a district court, parish court, and city
6 court shall close his office on the following days: New Year's Day,
7 January first; **the third Monday in January, Dr. Martin Luther**
8 **King, Jr.'s Birthday**; Washington's Birthday, the third Monday in
9 February; Good Friday; Memorial Day, the last Monday in May; the
10 Fourth of July; Labor Day, the first Monday in September; All Saints'
11 Day, November first; Veterans' Day, November eleventh; Thanksgiving
12 Day, the fourth Thursday in November, and the next day, Friday;
13 Christmas Eve Day; Christmas Day; and New Year's Eve Day,
14 December thirty-first.

15 (ii) Whenever New Year's Day, the Fourth of July, or Christmas
16 Day falls on a Saturday, the preceding Friday shall be a holiday.
17 Whenever New Year's Day, the Fourth of July, or Christmas Day falls
18 on a Sunday, the following Monday shall be a holiday.

19 (iii) In addition, in the city courts of Hammond and Sulphur,
20 Ward Four, Mardi Gras ~~and the day on which the national observance~~
21 ~~of Martin Luther King, Jr.'s birthday is celebrated~~ shall be a legal
22 ~~holidays~~ **holiday** and the clerk of court shall close his office on ~~those~~
23 ~~days~~ **that day**. Notwithstanding any other law to the contrary, Mardi
24 Gras shall be a legal holiday for the clerks of court for the parishes of
25 East and West Feliciana, East Baton Rouge, Iberville, Pointe Coupee,
26 West Baton Rouge, St. John the Baptist, St. Charles, Lafourche, St.
27 Mary, Assumption, Terrebonne, St. Martin, Ascension, St. James, St.

1 Tammany, St. Bernard, Jefferson Davis, Livingston, Acadia, Vermilion,
2 Calcasieu, Orleans, and Tangipahoa.

3 (b) ~~In addition, each clerk of a district court shall close his office~~
4 ~~on the day upon which the governor has proclaimed Dr. Martin Luther~~
5 ~~King, Jr.'s birthday as a legal holiday pursuant to R.S. 1:55(B)(2), and,~~
6 ~~notwithstanding~~ **Notwithstanding** the provisions of Paragraph (2) of
7 this Subsection, **each clerk of a district court** shall close his office on
8 any day an emergency situation has been declared by the governor or
9 the local governing authority and governmental entities, including the
10 courthouse, have been ordered to close.

11 (c) ~~In addition, each clerk of a city court or parish court, with the~~
12 ~~approval of the chief judge of the court, may close his office on the day~~
13 ~~proclaimed by the governor or the local governing authority as a~~
14 ~~holiday in honor of Dr. Martin Luther King, Jr.'s birthday.~~

15 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Arthur E. McEnany.

DIGEST

Present law provides that the birthday of Dr. Martin Luther King, Jr., Great American Day and Presidents' Day may be called as a holiday for public schools. Present law further provides that should local school boards exercise this option on a regularly scheduled school day, they may do so, with or without the necessity of adjourning school for all or any portion of the day.

Proposed law provides that the third Monday in January, the birthday of Dr. Martin Luther King, Jr., shall be a legal holiday for all public and parochial schools.

Present law provides that the governor shall call as a legal holiday for the departments of the state, the birthday of Dr. Martin Luther King, Jr. at least once every two years.

Proposed law establishes Dr. Martin Luther King, Jr.'s birthday as a statewide legal holiday for the departments of the state on the third Monday of January.

Present law authorizes the governor to proclaim Dr. Martin Luther King, Jr.'s Birthday as a legal holiday. Requires that the governor proclaim Dr. Martin Luther King, Jr.'s Birthday as a legal holiday at least once every two years.

Proposed law designates the third Monday in January Dr. Martin Luther King, Jr.'s Birthday as a legal holiday to be observed by the state and prohibits state employees, in so far as practicable in the administration of government, from working on such day.

Present law requires clerks of a district court to close on the day proclaimed by the governor as Dr. Martin Luther King, Jr.'s Birthday, and authorized clerks of city or parish courts to close their offices, with approval of the chief judge, on the day proclaimed by the governor or the local governing authority as a holiday in honor of Dr. King.

Proposed law provides that the third Monday in January is designated as Dr. Martin Luther King, Jr.'s Birthday and requires that the clerk of court offices for district, parish and city courts be closed on that day.

(Amends R.S. 1:55(A)(1) and (6), (B)(1) and (2), (D) and (E)(1))