

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0539.01 Kate Meyer x4348

HOUSE BILL 12-1040

HOUSE SPONSORSHIP

Casso,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING RECOGNITION OF SEPTEMBER 11 AS A STATE HOLIDAY,
102 AND, IN CONNECTION THEREWITH, DESIGNATING SEPTEMBER 11
103 AS "PATRIOT DAY".

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://www.leg.state.co.us/billsummaries>.)

Each 10th and 25th anniversary of the terrorist attacks of September 11, 2001, is designated as a legal holiday in Colorado.

In all other years, the bill recognizes September 11, also known as "Patriot Day", as an optional holiday. In such years, a state agency may

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

allow an employee to substitute Patriot Day for another legal holiday, but is required to remain open on September 11.

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 determines that:

4 (a) On September 11, 2001, terrorists hijacked four commercial
5 airplanes in order to cause harm and destruction to the United States of
6 America;

7 (b) On September 11, 2001, at 8:46 a.m. local time, terrorists
8 crashed American Airlines Flight 11 into the North Tower of the World
9 Trade Center in New York City; at 9:03 a.m., terrorists crashed United
10 Airlines Flight 175 into the South Tower of the World Trade Center in
11 New York City; at 9:37 a.m., terrorists crashed American Airlines Flight
12 77 into the Pentagon near Washington, D.C.; and, at 10:03 a.m., United
13 Airlines Flight 93 crashed in southwestern Pennsylvania after a struggle
14 by passengers to regain control of the airplane from terrorists; and

15 (c) Following the attacks of September 11, 2001, Americans
16 displayed bravery, honor, and compassion by uniting to sacrifice for and
17 give generously to those in need.

18 (2) The general assembly also finds that:

19 (a) The service and sacrifice of the men and women of the United
20 States armed forces, reserve forces, and National Guard and their families
21 since September 11, 2001, are feats deserving of special recognition;

22 (b) Furthermore, the United States Navy unit commonly known
23 as SEAL Team 6 has performed with uncommon valor, including in the
24 2011 operation that resulted in the apprehension of Osama bin Laden, the
25 architect of the September 11, 2001, tragedies; and

1 (c) The courageous efforts of first responders, including
2 firefighters, police officers, and emergency personnel, who aided those
3 in need following the tragedies of September 11, 2001, and who, since
4 that time, continue to provide invaluable services across the United
5 States, are also hereby noted.

6 (3) The general assembly hereby declares that, in honor of those
7 who innocently lost their lives, in honor of those who sacrificed their
8 lives to help others, in gratitude for the post-September 11, 2001,
9 services, both domestically and abroad, provided by members of the
10 military, their families, and first responders, and in recognition of its
11 status as a pivotal day in our nation's history, September 11, commonly
12 called "Patriot Day", should be recognized as a state holiday in the state
13 of Colorado.

14 **SECTION 2.** In Colorado Revised Statutes, 24-11-101, **amend**
15 (1) as follows:

16 **24-11-101. Legal holidays - effect.** (1) The following days, viz:
17 The first day of January, commonly called New Year's day; the third
18 Monday in January, which shall be observed as the birthday of Dr. Martin
19 Luther King, Jr.; the third Monday in February, commonly called
20 Washington-Lincoln day; the last Monday in May, commonly called
21 Memorial day; the fourth day of July, commonly called Independence
22 day; the first Monday in September, commonly called Labor day; THE
23 ELEVENTH DAY IN SEPTEMBER, COMMONLY CALLED PATRIOT DAY, IN
24 THOSE YEARS AS DESCRIBED IN SECTION 24-11-113 (3); the second
25 Monday in October, commonly called Columbus day; the eleventh day of
26 November, commonly called Veterans' day; the fourth Thursday in
27 November, commonly called Thanksgiving day; the twenty-fifth day of

1 December, commonly called Christmas day; and any day appointed or
2 recommended by the governor of this state or the president of the United
3 States as a day of fasting or prayer or thanksgiving, are hereby declared
4 to be legal holidays and shall, for all purposes whatsoever, as regards the
5 presenting for payment or acceptance and the protesting and giving notice
6 of the dishonor of bills of exchange, drafts, bank checks, promissory
7 notes, or other negotiable instruments and also for the holding of courts,
8 be treated and considered as is the first day of the week commonly called
9 Sunday.

10 **SECTION 3.** In Colorado Revised Statutes, **add** 24-11-113 as
11 follows:

12 **24-11-113. Patriot Day.** (1) THE ELEVENTH DAY OF SEPTEMBER
13 IN EACH YEAR, THE SAME BEING THE ANNIVERSARY OF THE TERRORIST
14 ATTACKS ON THE UNITED STATES THAT OCCURRED ON SEPTEMBER 11,
15 2001, SHALL BE KNOWN AS "PATRIOT DAY" AND APPROPRIATE
16 OBSERVANCE MAY BE HELD BY THE PUBLIC AND IN ALL PUBLIC SCHOOLS
17 OF THE STATE IN HONOR OF THOSE WHO INNOCENTLY LOST THEIR LIVES
18 AND THOSE WHO BRAVELY SACRIFICED THEIR LIVES TO HELP OTHERS AND
19 IN RECOGNITION OF THE DAY'S IMPORTANCE IN THE HISTORY OF THE
20 UNITED STATES.

21 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF
22 THIS SECTION, THE HEAD OF A STATE AGENCY MAY ALLOW AN EMPLOYEE
23 OF THE AGENCY TO HAVE A DAY OFF WITH PAY ON PATRIOT DAY IN LIEU OF
24 ANY OTHER LEGAL HOLIDAY DESCRIBED IN SECTION 24-11-101 (1) THAT
25 OCCURS IN THE SAME STATE FISCAL YEAR ON A WEEKDAY, OTHER THAN A
26 WEEKDAY ON WHICH AN ELECTION IS HELD THROUGHOUT THE STATE, ON
27 WHICH THE AGENCY IS REQUIRED TO BE OPEN BUT ON WHICH THE

1 OPERATIONS OF THE AGENCY ARE REQUIRED TO BE MAINTAINED AT ONLY
2 A MINIMUM LEVEL.

3 (b) ON SUCH PATRIOT DAYS, EACH STATE AGENCY SHALL REMAIN
4 OPEN AND CONDUCT THE OPERATIONS OF THE AGENCY AT NO LESS THAN
5 A MINIMUM LEVEL.

6 (c) A HOLIDAY ALLOWED UNDER PARAGRAPH (a) OF THIS
7 SUBSECTION (2) IS IN LIEU OF A LEGAL HOLIDAY DESCRIBED IN SECTION
8 24-11-101 (1). THE TOTAL NUMBER OF LEGAL HOLIDAYS IN A STATE
9 FISCAL YEAR AVAILABLE TO AN EMPLOYEE OF A STATE AGENCY IS NOT
10 CHANGED BY THIS SUBSECTION (2).

11 (3) A PATRIOT DAY OCCURRING ON THE FOLLOWING DATES IS A
12 LEGAL HOLIDAY AS DESCRIBED IN SECTION 24-11-101:

13 (a) SEPTEMBER 11, 2021, AND SEPTEMBER 11 EVERY TEN YEARS
14 THEREAFTER; AND

15 (b) SEPTEMBER 11, 2026, AND SEPTEMBER 11 EVERY TWENTY-FIVE
16 YEARS THEREAFTER.

17 **SECTION 4. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2012 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.