

HOUSE BILL NO. 5191

November 05, 2019, Introduced by Reps. Camilleri, Manoogian, Wittenberg, Love, Haadsma, Koleszar, Pagan, Kuppa, Hammoud, Guerra, Lasinski and Brixie and referred to the Committee on Government Operations.

A bill to amend 1865 PA 124, entitled

"An act to designate the holidays to be observed in acceptance and payment of bills of exchange, bank checks and promissory notes, the business of banking, savings and loan, building and loan, municipal offices, the holding of courts and relative to the continuance of suits,"

by amending section 1 (MCL 435.101), as amended by 1984 PA 4.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. (1) The following days ~~namely: shall be considered and~~
- 2 treated as the first day of the week, commonly called Sunday, and
- 3 as public holidays or half holidays:



1 (a) January 1, New Year's ~~day; the~~ **Day**.

2 (b) **The** third Monday ~~in of~~ January in conjunction with the
3 federal holiday, Martin Luther King, Jr. ~~day; Day~~.

4 (c) February 12, Lincoln's ~~birthday; the~~ **Birth**day.

5 (d) **The** third Monday of February, Washington's ~~birthday; the~~
6 **Birth**day.

7 (e) **The** last Monday of May, Memorial or Decoration ~~day; Day~~.

8 (f) July 4. ~~the~~

9 (g) **The** first Monday ~~in of~~ September, Labor ~~day; the~~ **Day**.

10 (h) **The** second Monday ~~in of~~ October, Columbus ~~day; Day~~.

11 (i) November 11, Veterans' ~~day; Day~~.

12 (j) December 25, Christmas ~~day; every~~ **Day**.

13 (k) **Every** Saturday from 12 noon until 12 midnight, which is
14 designated a half holiday. ~~and the~~

15 (l) **The** fourth Thursday of November, Thanksgiving ~~day; Day~~.

16 (m) **Every day that falls on a date established as a regular**
17 **election date in section 641 of the Michigan election law, 1954 PA**
18 **116, MCL 168.641. For holidays established by this subdivision, all**
19 **employers are encouraged to give their employees at least a half**
20 **day of paid leave to ensure a sufficient opportunity to vote.**

21 (2) **Subsection (1) applies** for all purposes regarding the
22 presenting for payment or acceptance, and the protesting and giving
23 notice of the dishonor of bills of exchange, bank checks, and
24 promissory notes, ~~also and~~ for the holding of courts, except as
25 otherwise provided in this act. ~~shall be treated and considered~~
26 ~~as the first day of the week, commonly called Sunday, and as public~~
27 ~~holidays or half holidays. Bills, checks, and notes otherwise~~
28 ~~presentable for acceptance of payment on these the~~ **days described**
29 **in subsection (1)** shall be considered as payable and presentable



1 for acceptance or payment on the next secular or business day
2 following the holiday or half holiday.

3 (3) A law in this state ~~shall~~**does** not affect the validity of,
4 or render void or voidable, the payment, certification, or
5 acceptance of a check or other negotiable instrument or any other
6 transaction by a bank in this state, because done or performed on a
7 Saturday between 12 noon and **12** midnight, if the payment,
8 certification, acceptance, or other transaction would be valid if
9 done or performed before 12 noon on that Saturday. This act does
10 not compel a bank, savings and loan association, or building and
11 loan association in this state, which by law or custom is entitled
12 to close at 12 noon on a Saturday, to keep open for the transaction
13 of business or to perform the acts or transactions described in
14 this section, on a Saturday after that hour except at its own
15 option. ~~in construing~~**Under** this section, every Saturday, unless a
16 whole holiday, shall for the holding of court and the transaction
17 of business authorized by the laws of this state be considered a
18 secular or business day.

19 (4) If the return or adjourn day in an action, matter, or
20 hearing before a court, officer, referee, or ~~arbitrators,~~
21 **arbitrator** falls on any of the days mentioned in this section
22 except Sunday, then that action, matter, or proceeding, commenced
23 or adjourned, shall not, by reason of coming on any of those days
24 except Sunday, abate, but shall stand continued on the next
25 succeeding day, at the same time and place unless the next day is
26 the first day of the week, or a holiday, in which case it shall
27 stand continued to the day succeeding the first day of the week or
28 holiday, at the same time and place. ~~When~~**If** the first day of the
29 general term of a circuit court, as ~~fixed~~**established** by the order



1 of a circuit judge, falls upon ~~either of the days~~ **a day** mentioned
 2 in this section or ~~when~~ **if** a circuit court is adjourned to a day
 3 mentioned in this section, that court may be adjourned to the
 4 following secular day.

5 (5) This act ~~shall not prevent~~ **does not prohibit** or invalidate
 6 the entry, issuance, service, or execution of a writ, summons, or
 7 confession of judgment, or other legal process, the holding **of**
 8 courts or the transaction of lawful business except banking on any
 9 of the Saturday afternoons designated in this act as half holidays.
 10 ~~, nor shall this act prevent~~ **This act does not prohibit** a bank,
 11 savings and loan association, or building and loan association from
 12 keeping its doors open or transacting its business on Saturday
 13 afternoons, if by vote of its directors it elects to do so.

14 (6) The legislative body of a county or city may, by ordinance
 15 or resolution, provide for the closing of county or municipal
 16 offices for any or for all purposes on every Saturday.

17 (7) This act ~~shall~~ **does** not affect state employees working on
 18 a Sunday in accordance with their employment as construed by the
 19 civil service commission.

20 Enacting section 1. This amendatory act takes effect 90 days
 21 after the date it is enacted into law.

