

HOUSE BILL NO. 5392

October 13, 2021, Introduced by Reps. Rabhi, Cavanagh, Weiss, Rogers, Morse, Young, Camilleri, Hope, Breen, O'Neal, Tyrone Carter, Garza, Steckloff, Brabec, Ellison, Sneller, Brenda Carter, Stone, Brixie, Thanedar, Clemente, Aiyash, Bolden, Hammoud, Puri, Cherry, Peterson, LaGrand, Anthony and Yancey 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:~~**for all purposes**
2 **related to the presenting for payment or acceptance of, and the**
3 **protesting and giving notice of the dishonor of, bills of exchange,**

bank checks, and promissory notes, and for the holding of courts, except as otherwise provided in this act, shall be treated and considered as the first day of the week, commonly called Sunday, and as public holidays or half-holidays:

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

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

(c) February 12, Lincoln's ~~birthday; the~~ **Birthday**.

(d) **The** third Monday of February, Washington's ~~birthday; the~~ **Birthday**.

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

(f) July 4. ~~;~~ **the**

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

(h) **The** second Monday in October, Columbus ~~day; the~~ **Indigenous Peoples' Day**.

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

(j) **The fourth Thursday of November, Thanksgiving Day**.

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

(l) **Every** Saturday from 12 noon until 12 midnight, which is designated a ~~half holiday; and the fourth Thursday of November, Thanksgiving day, for all purposes regarding the presenting for payment or acceptance, and the protesting and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes, also for the holding of courts, except as otherwise provided in this act, shall be treated and considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays.~~ **half-holiday**.

(2) Bills, checks, and notes otherwise presentable for acceptance of payment on ~~these days shall be~~ **a public holiday or**

1 **half-holiday described in subsection (1) are** considered as payable
 2 and presentable for acceptance or payment on the next secular or
 3 business day following ~~the~~**that** holiday or ~~half holiday~~**half-**
 4 **holiday.**

5 (3) A law in this state ~~shall~~**does** not affect the validity of,
 6 or render void or voidable, the payment, certification, or
 7 acceptance of a check or other negotiable instrument or any other
 8 transaction by a bank in this state, because done or performed on a
 9 Saturday between 12 noon and **12** midnight, if the payment,
 10 certification, acceptance, or other transaction would be valid if
 11 done or performed before 12 noon on that Saturday.

12 (4) This act does not compel a bank, savings and loan
 13 association, or building and loan association in this state ~~, which~~
 14 **that** by law or custom is entitled to close at 12 noon on a Saturday
 15 ~~, to keep~~**remain** open for the transaction of business or to perform
 16 the acts or transactions described in this section ~~, on~~ a Saturday
 17 after that hour except at its own option. ~~in~~

18 (5) **In** construing this section, every Saturday, unless a whole
 19 holiday, shall for the holding of court and the transaction of
 20 business authorized by the laws of this state be considered a
 21 secular or business day.

22 (6) If the return or adjourn day in an action, matter, or
 23 hearing before a court, officer, referee, or ~~arbitrators,~~
 24 **arbitrator** falls on any of the days ~~mentioned~~**described** in ~~this~~
 25 ~~section~~**subsection (1)** except **a** Sunday, then that action, matter,
 26 or proceeding, commenced or adjourned, shall not, by reason of
 27 coming on any of those days except **a** Sunday, abate, but ~~shall stand~~
 28 **stands** continued on the next succeeding day, at the same time and
 29 place unless the next day is the first day of the week, or a

1 holiday, in which case it ~~shall stand~~ **stands** continued to the day
 2 succeeding the first day of the week or holiday, at the same time
 3 and place.

4 (7) When the first day of the general term of a circuit court,
 5 as fixed by the order of a circuit judge, falls ~~upon either of the~~
 6 ~~days mentioned on any of the days described in this section~~
 7 **subsection (1)**, or when a circuit court is adjourned to a day
 8 ~~mentioned described in this section, that subsection (1), the~~ court
 9 may be adjourned to the ~~following~~ **succeeding** secular day.

10 (8) This act ~~shall~~ **does** not prevent or invalidate the entry,
 11 issuance, service, or execution of a writ, summons, or confession
 12 of judgment, or other legal process, the holding **of** courts, or the
 13 transaction of lawful business except banking on any of the
 14 Saturday afternoons designated in this act as ~~half holidays, nor~~
 15 ~~shall this half-holidays.~~

16 (9) **This** act **does not** prevent a bank, savings and loan
 17 association, or building and loan association from ~~keeping its~~
 18 ~~doors~~ **remaining** open or transacting its business on Saturday
 19 afternoons, if by vote of its directors it elects to do so.

20 (10) The legislative body of a county or city may, by
 21 ordinance or resolution, provide for the closing of county or
 22 municipal offices for any ~~or for all purposes~~ **purpose** on ~~every~~
 23 ~~Saturday.~~ **Saturdays.**

24 (11) This act ~~shall~~ **does** not affect state employees working on
 25 a Sunday in accordance with their employment as construed by the
 26 civil service commission.