



SENATE BILL No. 128

January 13, 1993, Introduced by Senator DI NELLO and referred to the Committee on Government Operations.

A bill to amend section 1 of Act No. 124 of the Public Acts of 1865, entitled as amended

"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,"

as amended by Act No. 4 of the Public Acts of 1984, being section 435.101 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 124 of the Public Acts of
2 1865, as amended by Act No. 4 of the Public Acts of 1984, being
3 section 435.101 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 1. The following days namely: January 1, New Year's
6 day; the third Monday in January in conjunction with the federal
7 holiday, Martin Luther King, Jr. day; February 12, Lincoln's

1 birthday; the third Monday of February, Washington's birthday;
2 the last Monday of May, Memorial or Decoration day; July 4; the
3 first Monday in September, Labor day; ~~the second Monday in~~
4 October 12, Columbus day; November 11, Veterans' day; December
5 25, Christmas day; every Saturday from 12 noon until 12 midnight,
6 which is designated a half holiday; and the fourth Thursday of
7 November, Thanksgiving day, for all purposes regarding the
8 presenting for payment or acceptance, and the protesting and
9 giving notice of the dishonor of bills of exchange, bank checks,
10 and promissory notes, also for the holding of courts, except as
11 otherwise provided in this act, shall be treated and considered
12 as the first day of the week, commonly called Sunday, and as
13 public holidays or half holidays. Bills, checks, and notes oth-
14 erwise presentable for acceptance of payment on these days ~~shall~~
15 ~~be considered as~~ ARE payable and presentable for acceptance or
16 payment on the next secular or business day following the holiday
17 or half holiday. A law in this state ~~shall~~ DOES not affect the
18 validity of, or render void or voidable, the payment, certifica-
19 tion, or acceptance of a check or other negotiable instrument or
20 any other transaction by a bank in this state, because done or
21 performed on a Saturday between 12 noon and midnight, if the pay-
22 ment, certification, acceptance, or other transaction would be
23 valid if done or performed before 12 noon on that Saturday. This
24 act does not compel a bank, savings and loan association, or
25 building and loan association in this state, which by law or
26 custom is entitled to close at 12 noon on a Saturday, to keep
27 open for the transaction of business or to perform the acts or

1 transactions described in this section, on a Saturday after that
2 hour except at its own option. ~~in construing~~ FOR PURPOSES OF
3 this section, every Saturday, unless a whole holiday, ~~shall~~ IS
4 A SECULAR OR BUSINESS DAY for the holding of court and the trans-
5 action of business authorized by the laws of this state. ~~be con-~~
6 ~~sidered a secular or business day.~~ If the return or adjourn day
7 in an action, matter, or hearing before a court, officer, refer-
8 ee, or arbitrators, falls on any of the days mentioned in this
9 section except Sunday, ~~then~~ that action, matter, or proceeding,
10 commenced or adjourned, shall not ~~—~~ ABATE by reason of coming
11 on any of those days except Sunday, ~~abate,~~ but shall stand con-
12 tinued on the next succeeding day, at the same time and place
13 unless the next day is the first day of the week, or a holiday,
14 in which case it shall stand continued to the day succeeding the
15 first day of the week or holiday, at the same time and place.
16 ~~When~~ IF the first day of the general term of a circuit court,
17 as fixed by the order of a circuit judge, falls upon either of
18 the days mentioned in this section or when a circuit court is
19 adjourned to a day mentioned in this section, that court may be
20 adjourned to the following secular day. This act ~~shall~~ DOES
21 not prevent or invalidate the entry, issuance, service, or execu-
22 tion of a writ, summons, or confession of judgment, or other
23 legal process, the holding courts or the transaction of lawful
24 business except banking on any of the Saturday afternoons desig-
25 nated in this act as half holidays, ~~nor shall this act~~ AND DOES
26 NOT prevent a bank, savings and loan association, or building and
27 loan association from keeping its doors open or transacting its

1 business on Saturday afternoons, if by vote of its directors it
2 elects to do so. The legislative body of a county or city may,
3 by ordinance or resolution, provide for the closing of county or
4 municipal offices for any or for all purposes on every Saturday.
5 This act ~~shall~~ DOES not affect state employees working on a
6 Sunday in accordance with their employment as construed by the
7 civil service commission.