

# HOUSE BILL No. 5114

December 3, 2015, Introduced by Reps. Zemke, LaVoy, Hovey-Wright, Geiss, Love and Moss 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:**

4       (A) January 1, New Year's ~~day, the~~ **DAY.**

5       (B) **THE** third Monday in January in conjunction with the  
6       federal holiday, Martin Luther King, Jr. ~~day, the~~ **DAY.**

7       (C) February 12, Lincoln's ~~birthday, the~~ **BIRTHDAY.**

8       (D) **THE** third Monday of February, Washington's ~~birthday, the~~  
9       **BIRTHDAY.**

(E) **THE** last Monday of May, Memorial or Decoration ~~day,~~**DAY.**

(F) July 4. ~~the~~

(G) **THE** first Monday in September, Labor ~~day,~~**the DAY.**

(H) **THE** second Monday in October, Columbus ~~day,~~**DAY.**

(I) November 11, Veterans' ~~day,~~**DAY.**

(J) December 25, Christmas ~~day,~~**every DAY.**

(K) **EVERY** Saturday from 12 noon until 12 midnight, which is designated a half holiday. ~~and the~~

(L) **THE** fourth Thursday of November, Thanksgiving ~~day,~~**DAY.**

(M) **EVERY DAY THAT FALLS ON A DATE ESTABLISHED AS A REGULAR ELECTION DATE IN SECTION 641 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.641. FOR HOLIDAYS ESTABLISHED BY THIS SUBDIVISION, ALL EMPLOYERS ARE ENCOURAGED TO GIVE THEIR EMPLOYEES AT LEAST A HALF DAY OF PAID LEAVE TO ENSURE A SUFFICIENT OPPORTUNITY TO VOTE.**

(2) **SUBSECTION (1) APPLIES** 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~~**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.~~ Bills, checks, and notes otherwise presentable for acceptance of payment on ~~these~~**THE** days **DESCRIBED IN SUBSECTION (1)** shall be considered as payable and presentable for acceptance or payment on the next secular or business day following the holiday or half holiday.

(3) A law in this state ~~shall~~**DOES** not affect the validity of, or render void or voidable, the payment, certification, or

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

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

1 this section, that court may be adjourned to the following secular  
2 day.

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

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

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