

SENATE BILL NO. 222

March 10, 2021, Introduced by Senators MCMORROW, IRWIN, BAYER and HOLLIER 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:~~ **must 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; the~~ **Day**.

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

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

7 (e) **The** last Monday of May, Memorial or Decoration ~~day; the~~ **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; the~~ **Indigenous**
11 **Peoples' Day**.

12 (i) **The first Tuesday after the first Monday of November,**
13 **Election Day**.

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

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

16 (l) **Every** Saturday from 12 noon until 12 midnight, which is
17 designated a half holiday. ~~the~~

18 (m) **The** fourth Thursday of November, Thanksgiving ~~day; the~~ **Day**.

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

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

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

1 mentioned in this section or ~~when~~ **if** a circuit court is adjourned
2 to a day mentioned in this section, that court may be adjourned to
3 the following secular day.

4 (5) This act ~~shall not prevent~~ **does not prohibit** or invalidate
5 the entry, issuance, service, or execution of a writ, summons, or
6 confession of judgment, or other legal process, the holding **of**
7 courts or the transaction of lawful business except banking on any
8 of the Saturday afternoons designated in this act as half holidays.

9 ~~, nor shall this act prevent~~ **This act does not prohibit** a bank,
10 savings and loan association, or building and loan association from
11 keeping its doors open or transacting its business on Saturday
12 afternoons, if by vote of its directors it elects to do so.

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

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

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No. 221 of the 101st Legislature is enacted into
21 law.