

# SENATE BILL No. 1259

April 30, 2002, Introduced by Senator MURPHY 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  
2 AND TREATED AS THE FIRST DAY OF THE WEEK, COMMONLY CALLED SUNDAY,  
3 AND AS PUBLIC HOLIDAYS OR HALF HOLIDAYS:

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

5       (B) THE third Monday in January in conjunction with the fed-  
6 eral holiday, Martin Luther King, Jr. day. ~~the~~

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

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

1 (E) THE last Monday of May, Memorial or Decoration day. →

2 (F) July 4. ~~→ the~~

3 (G) THE first Monday in September, Labor day. ~~→ the~~

4 (H) THE second Monday in October, Columbus day. →

5 (I) THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER IN  
6 EACH EVEN NUMBERED YEAR, GENERAL ELECTION DAY.

7 (J) November 11, Veterans' day. →

8 (K) December 25, Christmas day. ~~→ every~~

9 (L) EVERY Saturday from 12 noon until 12 midnight, which is  
10 designated a half holiday. ~~→ and the~~

11 (M) THE fourth Thursday of November, Thanksgiving day. →

12 (2) SUBSECTION (1) APPLIES for all purposes regarding the  
13 presenting for payment or acceptance, and the protesting and  
14 giving notice of the dishonor of bills of exchange, bank checks,  
15 and promissory notes, ~~also~~ AND for the holding of courts,  
16 except as otherwise provided in this act. ~~→, shall be treated and~~  
17 ~~considered as the first day of the week, commonly called Sunday,~~  
18 ~~and as public holidays or half holidays.~~ Bills, checks, and  
19 notes otherwise presentable for acceptance of payment on ~~these~~  
20 THE days DESCRIBED IN SUBSECTION (1) shall be considered as pay-  
21 able and presentable for acceptance or payment on the next secu-  
22 lar or business day following the holiday or half holiday.

23 (3) A law in this state ~~shall~~ DOES not affect the validity  
24 of, or render void or voidable, the payment, certification, or  
25 acceptance of a check or other negotiable instrument or any other  
26 transaction by a bank in this state, because done or performed on  
27 a Saturday between 12 noon and midnight, if the payment,

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

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

1       (5) ~~This~~ EXCEPT AS PROVIDED IN SECTIONS 583 AND 750 OF THE  
2 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.583 AND 168.750, THIS  
3 act ~~shall not prevent~~ DOES NOT PROHIBIT or invalidate the  
4 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  
7 any of the Saturday afternoons designated in this act as half  
8 holidays. ~~, nor shall this act prevent~~ THIS ACT DOES NOT  
9 PROHIBIT a bank, savings and loan association, or building and  
10 loan association from keeping its doors open or transacting its  
11 business on Saturday afternoons, if by vote of its directors it  
12 elects to do so.

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

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

19       Enacting section 1. This amendatory act does not take  
20 effect unless Senate Bill No. 1260  
21                               of the 91st Legislature is enacted into  
22 law.