

36:1-1

LEGISLATIVE HISTORY CHECKLIST

NJSA 36:1-1 (Establishes legal holiday--Martin Luther King - January 15)

Laws of 1977 Chapter 65

Bill No. A929

Sponsor(s) Owens and others

Date Introduced Pre-filed

Committee: Assembly State Gov't, Federal & Interstate Relations

Senate State Gov't, Federal & Interstate Relations

Amended during passage Yes ~~XX~~ Amendments during passage denoted by asterisks

Date of passage: Assembly Nov. 9, 1976

Senate Feb. 1, 1977

Date of approval April 20, 1977

Following statements are attached if available:

Sponsor statement Yes ~~XX~~ Below

Committee Statement: Assembly Yes ~~XX~~

Senate Yes ~~XX~~

Fiscal Note ~~YES~~ No

Veto message ~~YES~~ No

Message on signing Yes ~~XX~~

Following were printed:

Reports ~~YES~~ No

Hearings ~~YES~~ No

Sponsor's Statement:

This bill establishes January 15, as a legal holiday to be known as Martin Luther King's Birthday.

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10/4/76

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 929

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblymen OWENS, SPIZZIRI, BROWN, CODEY PERKINS, GALLO, ESPOSITO, CALI, ADUBATO, HAWKINS, JACKMAN, BAER, GORMAN, HERMAN, STEWART, GALLAGHER, YATES, PERSKIE, LEFANTE, HAMILTON, PATERO, ORECHIO, KEAN and BORNHEIMER

AN ACT concerning legal holidays, and amending R. S. 36:1-1.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 36:1-1 is amended to read as follows:

2 36:1-1. The following days in each year shall, for all purposes
3 whatsoever as regards the presenting for payment or acceptance,
4 and of the protesting and giving notice of dishonor, of bills of ex-
5 change, bank checks and promissory notes be treated and considered
6 as the first day of the week, commonly called Sunday, and as public
7 holidays: January 1, known as New Year's Day; *January 15,*
8 *known as Martin Luther King's Birthday;* February 12, known as
9 Lincoln's Birthday; the third Monday in February, known as
10 Washington's Birthday; the day designated and known as Good
11 Friday; the last Monday in May, known as Memorial Day; July 4,
12 known as Independence Day; the first Monday in September, known
13 as Labor Day; the second Monday in October, known as Columbus
14 Day; November 11, known as Armistice Day or Veteran's Day; the
15 fourth Thursday in November, known as Thanksgiving Day;
16 December 25, known as Christmas Day; any general election day
17 in this State; every Saturday; and any day heretofore or hereafter
18 appointed, ordered or recommended by the Governor of this State,
19 or the President of the United States, as a day of fasting and
20 prayer, or other religious observance, or as a bank holiday or
21 holidays. All such bills, checks and notes, otherwise presentable for

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

22 acceptance or payment on any of the days herein enumerated, shall
23 be deemed to be payable and be presentable for acceptance or
24 payment on the secular or business day next succeeding any such
25 holiday.

26 Whenever any of the days herein enumerated can and shall fall
27 on a Sunday, the Monday next following shall, for any of the pur-
28 poses herein enumerated be deemed a public holiday; and bills of
29 exchange, checks and promissory notes which otherwise would be
30 presentable for acceptance or payment on such Monday, shall be
31 deemed to be presentable for acceptance or payment on the secular
32 or business day next succeeding such holiday.

33 In construing this section, every Saturday shall, until 12 o'clock
34 noon, be deemed a secular or business day, except as is hereinbefore
35 provided in regard to bills of exchange, bank checks and promissory
36 notes, and the days herein enumerated except bank holidays and
37 Saturdays shall be considered as the first day of the week, com-
38 monly called Sunday, and public holidays, for all purposes what-
39 soever as regards the transaction of business in the public offices
40 of this State, or counties of this State; but on all other days or half
41 days, except Sunday or as otherwise provided by law, such offices
42 shall be kept open for the transaction of business.

1 2. This act shall take effect January 1, ***[1977]*** *1978*.

ASSEMBLY STATE GOVERNMENT, FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 929

STATE OF NEW JERSEY

DATED: MAY 20, 1976

This bill establishes January 15 as a legal holiday to be known as Martin Luther King's birthday. It is a reintroduction of Assembly Bill No. 955 of 1974, which passed the General Assembly on January 5, 1976 by a vote of 49 to 5.

Reprinted below is information from the revised fiscal note to Assembly Bill No. 955, dated December 12, 1974:

The Department of Civil Service estimates that enactment of this legislation would require a State expenditure of \$378,563.00 in fiscal 1974-75, \$397,491.00 in fiscal 1975-76 and \$417,466.00 in fiscal 1976-77. These estimates consider that there are 7,685 State employees in 24 hour per day, 7 day per week work coverage situations. They also consider the average daily rate of compensation and overtime pay at 1½ times the regular rate as well as an estimated cost increase of 5% per year.

The Department further estimates that enactment would require expenditures by local governments in the amount of \$984,264.00 in fiscal 1974-75, \$1,033,477.00 in fiscal 1975-76 and \$1,085,151.00 in fiscal 1976-77. These estimates are based on the assumption that there are 2.6 times as many local government employees as there are State employees.

It should be noted that January 15, 1977 falls on a Saturday and would not then be a holiday for the vast majority of employees.

A previous report to the Senate Revenue, Finance, and Appropriations Committee, dated May 1, 1974, regarding a similar bill in the Senate contained the following summary of estimates from the Office of Fiscal Affairs:

	FY 1975	FY 1976
State Overtime	\$378,563	\$397,492
State Daily Payroll ¹	2,241,000	2,241,000 ²
Municipal Overtime	864,045	907,247
Municipal Daily Payroll	4,775,000	4,775,000 ²

¹ Does not include Rutgers University.

² If number of employees and salaries increased, this figure would be higher.

SENATE STATE GOVERNMENT, FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 929
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 11, 1977

This bill amends the present law (R. S. 36:1-1) to establish January 15, Martin Luther King's birthday, as one of the days which are considered legal holidays in the State. This would increase the number of specific days designated as "public holidays" in each year to 12. The others are New Year's Day (January 1), Lincoln's Birthday (February 12), Washington's Birthday (the third Monday in February), Good Friday, Memorial Day (the last Monday in May), Independence Day (the Fourth of July), Labor Day (the first Monday in September), Columbus Day (the second Monday in October), Armistice or Veteran's Day (November 11), Thanksgiving (the fourth Thursday in November), and Christmas Day (December 25).

The bill was introduced in 1974 as Assembly Bill No. 955 and has been the subject of extensive analysis with respect to its fiscal impact. As noted in the Assembly committee statement the estimate given by the Department of Civil Service in the fiscal note dated December 12, 1974 for the previous bill is as follows:

	1974-75	1975-76	1976-77
State Expenditure	\$378,563.00	\$397,491.00	\$417,466.00
Local government expenditure	984,264.00	1,033,477.00	1,085,151.00

These estimates take into consideration that there are 7,665 State employees in work coverage situations of 24 hours per day, seven days per week.

They also take into account the average daily rate of compensation and overtime pay (1½ times the regular rate) as well as an estimated cost increase of 5% per year. The estimate for the cost to local governments is based on the assumption that there are 2.6 times as many local government employees as there are State employees.

On the other hand a report to the Senate Revenue, Finance and Appropriations Committee on the same bill done by staff of the Office of Fiscal Affairs and dated May 1, 1974 given the following estimate of costs.

	FY 1975	FY 1976
State Overtime	\$378,563	\$397,492
State Daily Payroll ¹	2,241,000	2,241,000 ²
Municipal Overtime	864,045	907,247
Municipal Daily Payroll	4,775,000	4,775,000 ²

¹ does not include Rutgers University.

² if number of employees and salaries increased, this figure would be higher.

Note that the OFA estimate is millions of dollars over that of Civil Service because the former includes the figures for the daily payroll of State and local government employees. The payroll figures do not represent a new cash outlay and, of course are accounted for in the local and State budgets. The Division of Budget and Accounting has informed committee staff that they calculate fiscal impact in terms of new cash outlay. It seems questionable that payroll figures are a valid indicator of the fiscal impact of the creation of a legal holiday.

With the sponsor's agreement the committee amended the bill to make the act effective on January 1, 1978. January 15 falls on a Saturday in 1977 and thus would be a holiday. Many municipalities have not budgeted sufficient funds which would be required for the overtime payments should the holiday fall on this date.

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ASSEMBLY, No. 929

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

APRIL 20, 1977

ANNE BURNS

Governor Brendan Byrne Wednesday signed A-929, sponsored by Assemblyman Ronald Owens (D-Essex), which designates January 15, 1978 as a legal holiday known as Martin Luther King, Jr.'s Birthday.

"It is extremely appropriate that we honor the memory of Martin Luther King, Jr. by designating his birthday as a State holiday" the Governor said.

"Dr. King was neither politician nor war hero nor scientist nor captain of industry. Armed only with words and dedication and a cause that was right and too long delayed, he inspired a great national movement toward social justice and equality," he said.

"I believe Dr. King would be gratified to see how far America has come, how large a portion of her people now share the dream he had. That there is some distance to go, would arouse in him feelings of determination, not defeat. No American, black or white, can evade or ignore the meaning of Dr. King life or death," the Governor said.

The bill also designates the following as legal holidays:

February 12 - Lincoln's Birthday

Third Monday in February - Washington's Birthday

March 24 - Good Friday

Last Monday in May - Memorial Day

July 4 - Independence Day

First Monday in September - Labor Day

Second Monday in October - Columbus Day

November 11 - Armistice or Veterans Day

Fourth Thursday in November - Thanksgiving Day

December 25 - Christmas Day

January 1 - New Year's Day