



**House
Legislative
Analysis
Section**

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**Senate Bills 403, 404, and 408 as passed by the
Senate**

Sponsor: Senator Rudy J. Nichols

**Senate Bills 410, 411, and 412 as passed by the
Senate**

Sponsor: Senator Virgil C. Smith, Jr.

**Senate Bills 402, 405, 407, and 409 (Substitutes
H-1)**

Sponsor: Senator Rudy J. Nichols

**Senate Bills 413, 414, 415, and 417 (Substitutes
H-1)**

Sponsor: Senator Virgil C. Smith, Jr.

First Analysis (9-26-90)

Senate Committee: Judiciary

House Committee: Judiciary

THE APPARENT PROBLEM:

Michigan's 1963 constitution abolished the office of justice of the peace. Many statutes continue to refer to that office, however. The Michigan Law Revision Commission and others have urged that obsolete references to justices of the peace be removed from Michigan statute.

THE CONTENT OF THE BILLS:

In general, the bills would amend various acts to delete references to justices of the peace, and, where appropriate, replace them with references to district and municipal judges. In addition, some of the bills would repeal various apparently obsolete sections of law, and some of the bills would amend more than one act. A brief description of each bill follows.

Senate Bill 402 would amend two acts: Public Act 211 of 1893 (MCL 289.37), which provided for the appointment of a dairy and food commissioner, and Public Act 110 of 1909 (MCL 290.56) which prohibited the adulteration of linseed oil.

Senate Bill 403 would amend Public Act 78 of 1917 (MCL 801.209 and 801.212), which provides for county work farms.

Senate Bill 404 would amend Public Act 44 of 1899 (MCL 24.35), which provides for the publication of the Michigan Manual.

Senate Bill 405 would amend Public Act 237 of 1879 (MCL 565.351), which deals with contracts for the sale of land.

Senate Bill 407 would amend Public Act 244 of 1881 (MCL 471.36), which deals with the construction of union railroad stations.

Senate Bill 408 would amend two acts: Public Act 215 of 1895 (MCL 85.17 and 105.7), which provides for the incorporation of fourth class cities, and Public Act 76 of

1917 (MCL 201.52), which provides for the filling of municipal judicial vacancies.

Senate Bill 409 would amend the Insurance Code (MCL 500.2033 et al.).

Senate Bill 410 would amend the divorce law (MCL 552.9a).

Senate Bill 411 would amend five acts: Public Act 229 of 1887 (MCL 426.5 et al.; liens for labor and services on forest products), Public Act 263 of 1861 (MCL 426.53; floating of logs in streams), Chapter 126 of the Revised Statutes of 1846 (MCL 570.188; mechanics' liens), Public Act 116 of 1911 (MCL 570.335; liens on hay and grain), and Public Act 160 of 1897 (MCL 570.357 and 570.362; farriers' liens on horses).

Senate Bill 412 would amend Public Act 279 of 1909 (MCL 117.28), the home rule cities act.

Senate Bill 413 would amend Chapter 65 of the Revised Statutes of 1846 (MCL 565.16 et al.), which deals with the execution of deeds.

Senate Bill 414 would amend Public Act 248 of 1879 (MCL 433.53 et al.), which provides for stray animals to be taken to pounds. It also would repeal two sections of Chapter 125 of the Revised Statutes of 1846 (MCL 433.111 and 433.112), which deals with distraining and replevying beasts.

Senate Bill 415 would amend two acts: Public Act 68 of 1913 (MCL 436.203), which prohibits intoxicants in railway trains or interurban cars, and Public Act 198 of 1873 (MCL 466.10 and 467.10), which deals with railroad bridges and tunnels.

Senate Bill 417 would amend two acts and repeal part of a third. It would amend the Michigan Penal Code (MCL 750.139 et al.), and Chapter 158 of the Revised Statutes of 1846 (MCL 752.526 et al.), entitled "Of Offences Against Chastity, Morality, and Decency." It would repeal a section of the penal code and a section of Chapter 171 of the

S.B. 402 et al (9-26-90)

Revised Statutes of 1846 (MCL 801.26), which deals with county jails.

FISCAL IMPLICATIONS:

The House Fiscal Agency says that eliminating obsolete references to justices of the peace would have no fiscal implications. (9-24-90)

ARGUMENTS:

For:

The bills would update various Michigan statutes by ridding them obsolete references to the abolished office of justice of the peace. Such "housekeeping" action has been recommended by the Michigan Law Revision Commission. In addition, several of the bills would take a tentative step toward better efficiency in enactment of legislation. By each amending more than one public act, these bills eliminate the necessity of time-consuming and repetitive votes on making essentially the same change to each of many acts. A multiple-act bill is but a short step from the already-accepted practice of enacting a bill that amends one act but repeals others. To better express the purpose of these bills, each multiple-act bill carries a statement that it is a bill to harmonize provisions of law relating to the abolished office of justice of the peace in regard to a given subject (e.g. liens).

POSITIONS:

A representative of the Michigan Law Revision Commission testified in support of the bills. (9-19-90)

SFA BILL ANALYSIS

Senate Bill 404

Analysis Summary

See SB 402

SFA BILL ANALYSIS

Senate Bill 404

Analysis First

See SB 402

SFA BILL ANALYSIS

Senate Bill 405

Analysis Summary

See SB 402

SFA BILL ANALYSIS

Senate Bill 405

Analysis First

See SB 402

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 405

Analysis 1st 9.26.90

See SB403

SFA BILL ANALYSIS

Senate Bill 406

Analysis Summary

See SB 402

SFA BILL ANALYSIS

Senate Bill 407

Analysis Summary

See SB 402