

**SFA**



BILL ANALYSIS

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Senate Bills 402-405; 408-410; 412; and 415-417 (as passed by the Senate)  
Senate Bill 414 (Substitute S-1 as passed by the Senate)  
Sponsor: Senator Rudy J. Nichols (Senate Bills 402-405, 408, and 409)  
Senator Virgil C. Smith, Jr. (Senate Bills 410, 412, and 414-417)  
Committee: Judiciary

Date Completed: 6-29-89

### RATIONALE

Michigan's 1963 Constitution revised the State's judicial system to eliminate the office of justice of the peace. Several State statutes still make reference to those offices, however. Some people feel that those obsolete references should be deleted from the law books.

### CONTENT

The bills would amend various Acts to delete references to, or repeal sections of law that pertain to, justices of the peace.

Senate Bill 402 would delete references in Public Act 211 of 1893, which provides for a dairy and food commissioner, and Public Act 110 of 1909, which concerns the sale of linseed oil and flaxseed oil. Senate Bill 403 would amend Public Act 78 of 1917, which provides for prison work farms. Senate Bill 404 would amend Public Act 44 of 1899, which provides for the publication of the Michigan Manual. Senate Bill 405 amend Public Act 237 of 1879, which provides for the execution and recording of contracts for the sale of land. Senate Bill 408 would delete references in Public Act 215 of 1895, which provides for the incorporation of fourth class cities, and Public Act 76 of 1917, which authorizes townships and cities to fill vacancies in the office of justice of the peace. Senate Bill 409 would amend the Insurance Code. Senate Bill 410 would amend the law entitled, "Of divorce". Senate Bill 412 would amend Public Act 279 of 1909, which provides for the incorporation of cities. Senate Bill 414 (S-1) would amend Public Act 248 of

1879, which makes it unlawful to allow animals to run at large in certain cities and villages, and would delete references in Chapter 125 of the Revised Statutes of 1846, which provides for the retention and impoundment of beasts. Senate Bill 415 would delete references in Public Act 68 of 1913, which relates to drunkenness on railway trains, and Public Act 198 of 1873, which regulates railroad bridge and tunnel companies. Senate Bill 416 would repeal sections of the Revised Judicature Act that provide for appeals of judgments of justices of the peace. Senate Bill 417 would delete references in the Michigan Penal Code and a law entitled, "Of offenses against chastity, morality and decency".

MCL 289.37 and 290.256 (S.B. 402)  
801.209 and 801.212 (S.B. 403)  
24.35 (S.B. 404)  
565.351 (S.B. 405)  
85.17, 105.7, and 201.52 (S.B. 408)  
500.2033 et al. (S.B. 409)  
552.9a (S.B. 410)  
117.28 (S.B. 412)  
433.53, 433.54, and 433.56 (S.B. 414 (S-1))  
436.203, 466.10, and 467.10 (S.B. 415)  
600.7701 et al. (S.B. 416)  
750.139 et al. and 752.526 et al. (S.B. 417)

### FISCAL IMPACT

The bills would have no fiscal impact on State or local government. Duties performed by justices of the peace, since their abolition in the last constitutional revision, have been absorbed

S.B. 402, etc. (6-29-89)

by other courts. The State would not incur any additional costs under these bills.

## **ARGUMENTS**

### **Supporting Argument**

References to justices of the peace in Michigan's State statutes are obsolete, since the 1963 State Constitution eliminated those positions. The references should be deleted to update the statutes.

Legislative Analyst: P. Affholter

Fiscal Analyst: F. Sanchez

### **A8990/S402A**

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 402

Analysis 1st (9.26.90)

See SB 403

SFA BILL ANALYSIS

Senate Bill 403

Analysis Summary

See SB402

SFA BILL ANALYSIS

Senate Bill 403

Analysis First

See SB 402