

SFA



BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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Mich. State Law Library

OCT 24 1990

RECEIVED

House Bill 4752 (Substitute H-1 as reported without amendment)
House Bill 4753 (as reported without amendment)
House Bill 4754 (Substitute H-1 as reported without amendment)
House Bill 4755 (as reported without amendment)
House Bill 4756 (Substitute H-2 as reported without amendment)
House Bill 4757 (Substitute H-1 as reported without amendment)
House Bill 4758 (Substitute H-1 as reported without amendment)
House Bill 4759 (Substitute H-1 as reported without amendment)
House Bill 4787 (as reported without amendment)
House Bill 4788 (Substitute H-1 as reported with amendment)
House Bill 4789 (as reported without amendment)
House Bill 4790 (as reported without amendment)
House Bill 4791 (Substitute H-2 as reported without amendment)
House Bill 4792 (as reported without amendment)
Sponsor: Representative David Honigman (House Bills 4752-4759)
Representative Perry Bullard (House Bills 4787-4792)
House Committee: Judiciary
Senate Committee: Government Operations

Date Completed: 9-6-90

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.

House Bill 4752 (H-1) would repeal seven separate Acts: Public Act 299 of 1911, which provides for the establishment of justice courts in cities of over 80,000 population; Public Act 269 of 1933, which provides for municipal courts in any city having more than one justice of the peace; Public Act 171 of 1911, which provides for clerks in cities where justices of the peace are paid a salary; Public Act 41 of 1947, which

authorizes a justice of the peace to act in place of another justice under certain circumstances; Public Act 109 of 1947, which provides for associate justices; Public Act 103 of 1947, which allows cities to change the name of a justice court to a municipal court; and Public Act 42 of 1961, which defines the jurisdiction and powers of justice of the peace courts in cities that lie in two or more counties.

House Bill 4753 would delete references in Public Act 359 of 1941, which provides for the control of noxious weeds.

House Bill 4754 (H-1) would repeal three sections of the Code of Criminal Procedure.

House Bill 4755 would delete references in Public Act 85 of 1935, which prohibits a presumption that a married woman who commits an offense in the presence of her husband does so under coercion.

H.B. 4752, etc. (9-6-90)

House Bill 4756 (H-2) would delete references in Public Act 355 of 1927, which provides for the management and control of the Mackinac Island State Park.

House Bill 4757 (H-1) would amend Public Act 146 of 1925, which relates to the relief and support of poor persons.

House Bill 4758 (H-1) would delete references in "An Act Making 10 Hours A Legal Day's Work".

House Bill 4759 (H-1) would amend Public Act 238 of 1879, which provides for the protection of logs, lumber, and timber while they are floating upon the waters of the State.

House Bill 4787 would amend the "Of Libraries and Lyceums" Act, which allows the proprietors of a library to form a corporation.

House Bill 4788 (H-1) would delete references in the General Provisions Relating To Corporations Act.

House Bill 4789 would amend Public Act 137 of 1929, which authorizes the formation of corporations by summer resort owners.

House Bill 4790 would amend Public Act 39 of 1889, which authorizes the formation of corporations for the purchase of grounds for summer homes, camps, and associations.

House Bill 4791 (H-2) would amend Public Act 105 of 1951, which regulates the erection of signs and posters on State, public, or private lands.

House Bill 4792 would delete references in Public Act 87 of 1855, which regulates burying grounds.

MCL 730.1-730.30, 730.101-730.159, 730.201-730.204, 730.301 and 730.302, 730.321-730.328, 730.351-730.354, and 730.571-730.575 (H.B. 4752)
247.70 (H.B. 4753)
774.22a, 774.22b, and 775.5 (H.B. 4754)
780.401 (H.B. 4755)
318.66 (H.B. 4756)
402.18 and 402.19 (H.B. 4757)
408.403 (H.B. 4758)
426.160 (H.B. 4759)
450.691 (H.B. 4787)

450.504 (H.B. 4788)
455.216 (H.B. 4789)
455.62 (H.B. 4790)
752.822 and 752.823 (H.B. 4791)
456.6 (H.B. 4792)

SENATE COMMITTEE ACTION

The Senate Committee on Government Operations adopted an amendment to House Bill 4788 (H-1) to change references in the General Provisions Relating to Corporations Act to corporate meetings called pursuant to court "order" to meetings called pursuant to a court "warrant". The Act currently provides for meetings pursuant to a warrant but the House-passed version of the bill referred to court orders.

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

ARGUMENTS

Supporting Argument

The bills would update Michigan statute by deleting many obsolete references to the abolished office of justice of the peace.

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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.