

PUBLIC AND LOCAL ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN
PASSED AT THE
REGULAR SESSION OF 1939

CONTAINING JOINT RESOLUTIONS, AMENDMENTS TO
CONSTITUTION AND ABSTRACTS OF PROCEEDINGS
RELATIVE TO CHANGE OF BOUNDARIES OF TOWN-
SHIPS AND INCORPORATION, ETC., OF CITIES AND
VILLAGES.



COMPILED BY
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SECRETARY OF STATE

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JOINT RESOLUTIONS, 1939.

[No. 1.]

A JOINT RESOLUTION proposing an amendment to section 21 of article 7 of the state constitution relative to the exercise by circuit court commissioners of like judicial powers as justices of the peace.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to section 21 of article 7 of the state constitution, relative to exercise by circuit court commissioners of like judicial powers as justices of the peace, is hereby proposed, agreed to and submitted to the people of the state.

ARTICLE VII.

Circuit court commissioner; powers.

Sec. 21. The legislature may provide by law for the election of one or more persons in each organized county who may be vested with judicial powers not exceeding those of a judge of the circuit court at chambers, and who may be vested with like judicial powers as are exercised by justices of the peace, with power to hold court and perform judicial acts anywhere in the county, and who when acting in any city having a municipal justice may be vested with like judicial powers as the municipal justice.

Resolved further, That the foregoing proposed amendment be submitted to the people of the state at the next regular election. The secretary of state is hereby required to certify the said proposed amendment to the clerks of the various counties of the state in the manner required by law. It shall be the duty of the board of election commissioners of each county to prepare ballots for the use of electors when voting on said proposed amendment, which ballots, after setting forth the proposed amendment in full, shall be in substantially the following form:

"Vote on amendment amending section 21 of article 7 of the state constitution.

"Shall section 21 of article 7 of the state constitution be amended so as to authorize the vesting in circuit court commissioners of like judicial powers as are exercised by justices of the peace?

"Yes ().

"No ()."

It shall be the duty of the board of election commissioners in each county to deliver the ballots so prepared to the inspectors of election of the several voting precincts within their respective counties within the time ballots to be used at said election are required to be delivered to such inspectors under the general election law. All votes cast upon said amendment shall be counted, canvassed and returned in the same manner as is provided by law for counting, canvassing and returning votes cast for state officers.

The above resolution was rejected by the people April 3, 1939.

AMENDMENTS TO THE CONSTITUTION.

Proposal No. 3.

Amendment to the constitution "to guarantee that gasoline and motor vehicle license plate taxes paid by motorists be used for highways, roads and streets", proposed by initiative petition, and ratified by the people at the general November election of nineteen hundred thirty-eight.

ARTICLE X.

Sec. 22. All taxes imposed directly or indirectly upon gasoline and like fuels sold or used to propel motor vehicles upon the highways of this state, and on all motor vehicles registered in this state, shall, after the payment of the necessary expenses of collection thereof, be used exclusively for highway purposes, including the payment of public debts incurred therefor, and shall not be diverted nor appropriated to any other purpose; provided, the legislature may provide by law a method of licensing, registering, and transferring motor vehicles and their certificates of title, and licensing and regulating motor vehicle dealers and operators; and may prescribe charges sufficient to pay for the enforcement thereof. The provisions of this section shall not apply to the general sales tax, the use tax, the fees and taxes collected under the auto theft and operators' and chauffeurs' license laws which are used for regulatory purposes; the application fees and mileage fees appropriated to the Michigan public utilities commission by Act No. 254 of 1933; the franchise or privilege fees payable generally by corporations organized for profit; nor to ad valorem taxes payable generally by manufacturers, refiners, importers, storage companies, and wholesale distributors on gasoline and like fuels held in stock or bond, and by manufacturers and dealers on motor vehicles in stock or bond.

Proposal No. 1.

Amendment to the constitution relative to the "non-partisan election of judges, etc.," proposed by initiative petition, and ratified by the people at the April election of nineteen hundred thirty-nine.

ARTICLE VII.

Sec. 23. All primary elections and elections of justices of the supreme court, judges of the circuit court, judges of probate courts and all county judicial officers provided for by the legislature under section 21 of article VII of the constitution shall be non-partisan and shall be conducted hereunder. For the purposes of this section, all elections at which candidates for said judicial offices are nominated are designated "primary elections". Nominations for justices of the supreme court shall be made as now or hereafter provided by law; nominations for all other said judicial offices shall be made at non-partisan primary elections. This section is declared to be self-executing. Except as in the constitution otherwise provided, all primary election and election laws, including laws pertaining to partisan primaries and elections, shall, so far as applicable, govern primary elections and elections hereunder.

Nomination petitions for candidates at any primary election hereunder, in

form as designated by the secretary of state, shall be filed at least thirty-five days before such primary election. Nomination petitions for judge of the circuit court shall be filed with the secretary of state, and for all other judicial offices affected hereby with the county clerk. Petitions shall contain the signatures, addresses and dates of signing of a number of qualified voters equal to not less than two per cent, nor more than four per cent, of the total number of votes cast for secretary of state at the last preceding November election in the judicial district or county, as applicable.

One separate judicial ballot containing no party designation shall be used for primary elections and elections hereunder. Such ballots shall contain the names of the candidates certified, or the nominees nominated, as provided herein. There shall be printed upon the ballot under the name of each incumbent judicial officer, who is a candidate for nomination or election to the same office, the designation of that office. At any such primary election no voter shall vote for more candidates for any office than the number to be elected thereto. The candidates receiving the largest number of votes at any such primary election, to a number equal to twice the number of places to be filled, shall be nominated.