



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

REPEAL AGRICULTURAL PROVISIONS

House Bill 5584 as introduced
Sponsor: Rep. Gene DeRosett

Senate Bill 1056 as passed by the Senate
Sponsor: Sen. George McManus, Jr.

Senate Bill 1081 as passed by the Senate
Sponsor: Sen. Burton Leland

Senate Bill 1082 as passed by the Senate
Sponsor: Sen. Harry Gast

First Analysis (9-27-00)
**Committee: Agriculture and Resource
Management**

THE APPARENT PROBLEM:

On June 22, 1999, the Senate Majority Leader established the Senate Law Revision Task Force to review state statutes and recommend for repeal those laws that “to reasonable modern minds [were] clearly arcane or irrelevant to life in modern Michigan. According to the task force’s December 16, 1999, report, “Inherent in [the task force’s] mission was the belief that arcane and/or irrelevant statutes that remained enforceable were detrimental to the public welfare” for the following reasons: (1) “Michigan residents must be free from the threat of the state arbitrarily enforcing arcane and/or irrelevant laws;” (2) “Residents must never be required to be aware of and abide by laws that no reasonable person could ever know were extant, let alone enforceable;” and (3) Governmental resources – especially precious law enforcement resources – should not be squandered perpetuating and/or imposing arcane and/or irrelevant laws upon residents.”

According to its report, the task force began by reviewing statutes enacted in the 19th century, scheduling public meetings, and seeking public input. The task force also sought suggestions from the chief judges of each of Michigan’s district, circuit, and appellate courts, the prosecutors from each of Michigan’s 83 counties, the State Bar of Michigan, various legal associations, and the law enforcement community, as well as all Michigan legislators, the executive branch’s agencies and departments, the Michigan Law Review Commission, and the Mackinac

Center for Public Policy. The task force compiled a list of hundreds of laws that might deserve to be repealed or amended, and then conducted a detailed analysis of each law’s original intent and existing utility. The result was the introduction of legislation, in both the Senate and the House, repealing many statutes and provisions within statutes.

THE CONTENT OF THE BILLS:

Three of the bills would repeal or delete the director of the Department of Agriculture’s authority to promulgate certain rules and regulations, while one bill would substitute “the director of the Department of Agriculture” for current references to “the state dairy and food commissioner.”

House Bill 5584 would repeal section 4 of Public Act 213 of 1962 (MCL 287.174). The 5-section act encourages the raising of “started pullets” (domestic fowl between the age of 7 to 24 weeks that are intended to be used for producing eggs), and section 4 authorizes the director of the Department of Agriculture (MDA) to promulgate rules and regulations for sanitary conditions and disease control regarding started pullets.

Senate Bill 1056 would repeal section 13 of Public Act 158 of 1964 (MCL 290.463). The act provides for the licensing of wholesale potato dealers, and section 13 requires the director of the Department of Agriculture to promulgate rules to enforce and administer the act.

Senate Bill 1081 would delete a provision in the Michigan Penal Code (MCL 750.297e) that authorizes the director of the Department of Agriculture to promulgate rules and regulations for enforcing and administering the law regarding the labeling of kosher foods.

Senate Bill 1082 would amend Public Act 184 of 1913 (MCL 445.331), which regulates sales of farm products by “commission merchants” (who sell farm produce on commission), to replace references to the “state dairy and food commissioner” with references to the director of the Department of Agriculture.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, House Bill 5584 has no fiscal implications. (9-27-00)

According to the Senate Fiscal Agency, none of the Senate bills would have any fiscal impact on state or local governments. (3-21-00)

ARGUMENTS:

For:

The bills are the result of the work of the Senate Law Revision Task Force, which has recommended the repeal of a large number of obsolete, antiquated, and archaic laws and provisions in law. The task force says that the provisions are “arcane” (a word meaning “mysterious, secret, or obscure”) or irrelevant. The consensus seems to be that these provisions have outlived their usefulness, have fallen into desuetude, and should not remain in the law books. (They do, however, sometimes provide an interesting glimpse into the state’s history, and in particular, the legislature’s ongoing attempts to address the problems of the day. And while the task force’s useful efforts remind us, as the report says, that not all laws “stand the test of time,” perhaps we can generously assume that some of them served a useful purpose in their time.) The bills described in the analysis are part of a large package of bills addressing obsolete laws, and the task force report should be consulted for a fuller discussion of each of the recommendations for appeal.

House Bill 5584 and Senate Bills 1056 and 1081 pertain to the director of the Department of Agriculture’s authority to promulgate rules and regulations regarding started pullets, wholesale potato dealers, and the labeling of kosher foods, respectively. According to the Senate task force report, the MDA contends that these grants of rule-making authority are

unnecessary, and the director of the governor’s Office of Regulatory Reform has recommended the repeal of these grants of authority – a recommendation in which the Senate task force concurred. Senate Bill 1082 pertains to a section of an act that prohibits the sale of produce within a city without a license and requires persons wishing to sell produce to file a license application with the state Dairy and Food Commissioner, which no longer exists (having been absorbed, according to the Senate task force report, into the office of the director of the Department of Agriculture with the 1965 passage of statutes arising from the approval of the Michigan Constitution of 1963). Therefore, the Senate task force recommended the repeal of this section (though actually the bill would not repeal the section but instead would strike current references to “the Dairy and Food Commissioner” and substitute “the director of the Department of Agriculture”).

POSITIONS:

The Potato Growers of Michigan indicated support of Senate Bill 1056. (9-26-00)

Analyst: S. Ekstrom/C. Couch

#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.