

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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| Senate Bill 1056 (as enrolled) | <u>PUBLIC ACT 377 of 2000</u> |
| Senate Bill 1057 (as enrolled) | <u>PUBLIC ACT 338 of 2000</u> |
| Senate Bills 1058, 1059, and 1060 (as enrolled) | <u>PUBLIC ACTS 103-105 of 2000</u> |
| Senate Bill 1068 (as enrolled) | <u>PUBLIC ACT 106 of 2000</u> |
| Senate Bill 1069 (as enrolled) | <u>PUBLIC ACT 120 of 2000</u> |
| Senate Bill 1071 (as enrolled) | <u>PUBLIC ACT 121 of 2000</u> |
| Senate Bill 1073 (as enrolled) | <u>PUBLIC ACT 122 of 2000</u> |
| Senate Bill 1085 (as enrolled) | <u>PUBLIC ACT 107 of 2000</u> |
| Senate Bills 1088 and 1089 (as enrolled) | <u>PUBLIC ACTS 101 and 102 of 2000</u> |
| Senate Bill 1106 (as enrolled) | <u>PUBLIC ACT 401 of 2000</u> |
| Senate Bill 1120 (as enrolled) | <u>PUBLIC ACT 123 of 2000</u> |
| Senate Bill 1124 (as enrolled) | <u>PUBLIC ACT 337 of 2000</u> |
| Senate Bills 1125, 1126, and 1127 (as enrolled) | <u>PUBLIC ACTS 113-115 of 2000</u> |
| Senate Bills 1128 and 1129 (as enrolled) | <u>PUBLIC ACTS 108 and 109 of 2000</u> |
| Senate Bill 1135 (as enrolled) | <u>PUBLIC ACT 151 of 2000</u> |
| Senate Bills 1136 and 1137 (as enrolled) | <u>PUBLIC ACTS 172 and 173 of 2000</u> |
| Senate Bills 1141 and 1142 (as enrolled) | <u>PUBLIC ACTS 324 and 325 of 2000</u> |
| Senate Bills 1145 and 1146 (as enrolled) | <u>PUBLIC ACTS 326 and 327 of 2000</u> |
| Senate Bills 1159 and 1160 (as enrolled) | <u>PUBLIC ACTS 117 and 118 of 2000</u> |
| Senate Bill 1172 (as enrolled) | <u>PUBLIC ACT 427 of 2000</u> |
| Sponsor: Senator George A. McManus, Jr. (S.B. 1056) | |
| Senator Joanne G. Emmons (S.B. 1057-1060) | |
| Senator Raymond M. Murphy (S.B. 1068) | |
| Senator Alma Wheeler Smith (S.B. 1069, 1089 & 1120) | |
| Senator Dave Jaye (S.B. 1071) | |
| Senator Leon Stille (S.B. 1073) | |
| Senator Thaddeus G. McCotter (S.B. 1128 & 1172) | |
| Senator Walter H. North (S.B. 1085) | |
| Senator Mike Rogers (S.B. 1088) | |
| Senator Shirley Johnson (S.B. 1106) | |
| Senator Bill Schuette (S.B. 1124) | |
| Senator Joel D. Gougeon (S.B. 1125) | |
| Senator Mike Goschka (S.B. 1126 & 1159) | |
| Senator John J. H. Schwarz, M.D. (S.B. 1127) | |
| Senator Bev Hammerstrom (S.B. 1129, & 1160) | |
| Senator Loren Bennett (S.B. 1135-1137) | |
| Senator Bill Bullard, Jr. (S.B. 1141) | |
| Senator Gary Peters (S.B. 1142) | |
| Senator Ken DeBeaussiaert (S.B. 1145) | |
| Senator Jackie Vaughn, III (S.B. 1146) | |
| Senate Committee: Government Operations | |
| House Committee: | Agriculture and Resource Management (S.B. 1056, 1069, 1071 & 1073) |
| | Veterans Affairs (S.B. 1057 & 1172) |
| | Education (S.B. 1058-1060 & 1120) |
| | Conservation and Outdoor Recreation (S.B. 1068 & 1124-1129) |
| | Local Government and Urban Policy (S.B. 1085, 1159 & 1160) |
| | Great Lakes and Tourism (S.B. 1088 & 1089) |
| | Criminal Law and Corrections (S.B. 1106) |
| | Transportation (S.B. 1135-1137, 1141, 1142, 1145 & 1146) |

Date Completed: 2-12-01

RATIONALE

The Senate Law Revision Task Force was established in June 1999 and asked to review existing State statutes and recommend the repeal or amendment of those laws that were found to be arcane and/or irrelevant to present-day life in Michigan. To identify such laws, the Task Force sought the input of the public, the law enforcement community, and various legal associations and entities, including the Michigan Law Revision Commission, the State Bar of Michigan, legislators, judges, and prosecutors. After review, the Task Force issued a report in December 1999, recommending that various laws or sections of laws be repealed or eliminated.

CONTENT

The bills repealed various laws, sections of law, or provisions pertaining to agriculture, higher education, drivers, logging, animal bounties, rule-making, highways, and other issues.

Repeal of Agriculture Provisions

Senate Bill 1056 amended Public Act 158 of 1964, which provides for the licensure of wholesale potato dealers, by repealing Section 13. Section 13 required the Director of the Department of Agriculture to promulgate rules to enforce and administer the Act.

Senate Bill 1068 repealed Public Act 275 of 1927, which authorized the refunding of bonds secured by the Michigan State Fair Grounds.

Senate Bill 1069 repealed the Weather Modification Control Act, which prohibited a person from engaging in weather modification activities without a permit issued by the Department of Agriculture.

Senate Bill 1071 repealed Public Act 263 of 1917, which created the office of food and drug commissioner.

Senate Bill 1073 repealed Public Act 96 of 1919, which provided for county cream testers.

Higher Education Repeals

Senate Bill 1057 repealed Public Act 211 of 1863, which required that military tactics and military engineering be added to the course of instruction provided by law for Michigan State University (MSU).

Senate Bill 1058 repealed Section 13 of Public Act 269 of 1909 (the MSU enabling act), which provided that the president, professors, and associate professors of the Michigan Agricultural College constitute the faculty of Michigan State University.

Senate Bill 1059 repealed Section 14 of Public Act 269 of 1909, which required the MSU faculty to pass all rules and regulations necessary to the government and discipline of the college and for the preservation of morals, decorum, and health.

Senate Bill 1060 repealed Section 15 of Public Act 269 of 1909, which provided that the MSU faculty had charge of the laboratories, library, and museums of the institution.

Senate Bill 1120 repealed Sections 12 and 13 of Public Act 151 of 1851 (the University of Michigan enabling act). Section 12 provided that the admission fee to the regular university course in the Department of Literature, Science and the Arts (LS&A) could not exceed \$10, but courses of instruction under Section 9 of the Act had to be open without fee to the citizens of the State. (Section 9 requires the university regents to provide for courses of study in the university for students who do not wish to pursue the usual collegiate course, in LS&A, embracing the ancient languages.) Section 13 provided that the university had to be open to all residents of the State, without tuition, under regulations prescribed by the regents, and to all other persons, under regulations prescribed by the board of regents.

Senate Bill 1127 repealed Public Act 43 of 1897, which provided that water samples could be sent to the University of Michigan for analysis.

Vehicle Code Deletions

The following bills amended the Michigan Vehicle Code or repealed sections of the Code.

Senate Bill 1135 deleted a provision that required the holder of a security interest in possession of a certificate of title to mail or deliver the certificate to the owner by January 1, 1969.

Senate Bill 1136 repealed Section 304, which required probate courts to report to the Secretary of State all name changes authorized by the probate courts.

Senate Bill 1137 deleted a provision that allowed a person to renew a driver license with a class 1, 2, or 3 endorsement, 90 days before the license expired, from November 15, 1989, through March 31, 1992.

Repeal of Logging Acts

Senate Bill 1124 repealed Public Act 229 of 1887, which provided for liens on forest products for labor or services performed in manufacturing lumber or shingles, or cutting, skidding, falling, hauling, banking, driving, running, rafting, or booming logs,

timber, posts, poles, etc.

Senate Bill 1125 repealed Public Act 263 of 1861, which allowed people floating logs in navigable waters to break up log jams caused by others, and gave those who broke up the log jams a lien on the logs or timber for their expenses.

Senate Bill 1126 repealed Public Act 202 of 1867, which required people who floated logs on water to have some previously approved and recorded mark impressed on the logs.

Repeal of Animal Bounties

Senate Bill 1128 repealed Public Act 50 of 1915, which required a local clerk to pay to a person 10 cents for each rat head brought to the clerk.

Senate Bill 1129 repealed Public Act 226 of 1907, which required a local clerk to pay to a person two cents for each dead English sparrow brought to the clerk.

Repeal of Rule-Making Authority

Senate Bill 1159 repealed Section 5 of Public Act 354 of 1972, which permitted the Department of Treasury to promulgate rules to implement the Act. (Public Act 354 authorizes the replacement or payment of lost, destroyed, or wrongfully taken bonds or other evidence of indebtedness issued by a public corporation.)

Senate Bill 1160 deleted a provision of the Shared Credit Rating Act that authorized the board of the Michigan Municipal Bond Authority to promulgate rules necessary to carry out the Act and to exercise the powers granted in the Act.

Repeal of Trunk Line Highway Laws

Senate Bill 1141 repealed Public Act 334 of 1913, which provided for the establishment and maintenance of "state reward trunk line highways", which comprised the highways and bridges specified in the Act and others established in accordance with the Act.

Senate Bills 1142, 1145, and 1146 repealed acts that provided for the establishment of up to 500 miles of additional trunk line highways. Senate Bill 1142 repealed Public Act 19 of the Extra Session of 1919. Senate Bill 1145 repealed Public Act 7 of 1929. Senate Bill 1146 repealed Public Act 27 of the First Extra Session of 1934.

Repeal of Miscellaneous Acts

Senate Bill 1085 repealed Public Act 204 of 1889, which allowed townships in the Upper Peninsula to

license hawkers, peddlers, and pawnbrokers.

Senate Bills 1088 and 1089 repealed sections of Public Act 188 of 1913, which regulates hotels, inns, and public lodging. Senate Bill 1088 repealed Section 6, which required every hotel to provide individual textile towels, and regulation sheets at least 90 inches in length. Senate Bill 1089 repealed Section 8, which created a commission to carry out the provisions of the Act; the commission consisted of the labor commissioner, dairy and food commissioner, Insurance Commissioner, and the executive officer of the State Board of Health.

Senate Bill 1106 amended Public Act 140 of 1935, which prohibits promoting, conducting, or participating in an endurance contest known as a walkathon or similar endurance contest, to provide that the prohibition does not apply to an event that begins and ends on the same day, or an event that is completed within a predetermined time period of less than 12 hours.

Previously, the Act applied to a person, firm, or corporation. The bill provides that the Act applies to a "person", which means an individual, partnership, corporation, association, governmental entity, or other legal entity.

Senate Bill 1172 repealed Section 421 of the Michigan Military Act. Section 421 provided that applications for retirement from the Michigan National Guard under the Act had to be referred to a special board of officers, detailed by order of the Governor. The findings and recommendations of the retirement board were subject to the approval of the Governor.

MCL 290.463 (S.B. 1056)
390.171-390.173 (S.B. 1057)
390.113 (S.B. 1058)
390.114 (S.B. 1059)
390.115 (S.B. 1060)
12.31-12.35 (S.B. 1068)
295.101-295.132 (S.B. 1069)
289.2-289.12 (S.B. 1071)
288.181-288.184 (S.B. 1073)
446.101-446.105 (S.B. 1085)
427.6 (S.B. 1088)
427.8 (S.B. 1089)
752.161 & 752.162 (S.B. 1106)
750.97 (S.B. 1119)
390.12 & 390.13 (S.B. 1120)
426.1-426.15 (S.B. 1124)
426.51-426.57 (S.B. 1125)
426.101-426.107 (S.B. 1126)
390.81 & 390.83 (S.B. 1127)
433.251-433.253 (S.B. 1128)
433.281-433.284 (S.B. 1129)
257.234 (S.B. 1135)
257.304 (S.B. 1136)

257.314 (S.B. 1137)
250.2-250.9 (S.B. 1141)
250.101 (S.B. 1142)
250.131 (S.B. 1145)
250.142 (S.B. 1146)
129.135 (S.B. 1159)
141.1057 (S.B. 1160)
32.821 (S.B. 1172)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The State's compilation of its laws was begun over 160 years ago. While many laws that became outdated, inapplicable, or inappropriate have been repealed or eliminated through the years, many other laws enacted long ago, that are of questionable relevance, have remained on the books. The Senate Law Revision Task Force was established to review existing statutes and recommend the repeal of laws found to be arcane or irrelevant. The Task Force pointed out that arcane or irrelevant laws that remain enforceable are detrimental to the public. The Task Force report stated that Michigan residents must be free from the threat of the State's arbitrarily enforcing laws that are arcane or irrelevant to modern life; that residents must not be required to be aware of and abide by laws that no reasonable person can know exist; and that government resources should not be used to perpetuate and/or impose arcane or irrelevant laws upon the citizens. The bills repealed or deleted statutes or parts of statutes recommended for repeal or deletion by the Task Force.

Supporting Argument

The statutes and portions of statutes the bills repealed or deleted cover a wide range of subjects, and illustrate how laws may, through the passage of time, become arcane. For instance, Senate Bill 1068 repealed a 1927 act that authorized the refunding of bonds secured by the State Fair Grounds. These bonds were retired long ago. The Weather Modification Control Act repealed by Senate Bill 1069, prohibited a person from engaging in weather modification activities without a permit, and a violation of the Act was a misdemeanor punishable by a maximum fine of \$10,000. Since no effective means of modifying the weather has been developed, the Act was not used. Senate Bill 1073 repealed Public Act 96 of 1919, which provided for county cream testers. The Department of Agriculture reports that there are no counties using cream testers. Public Act 50 of 1915, repealed by Senate Bill 1128, required a local clerk to pay a person 10 cents for each rat head brought to the clerk. While this law obviously was used in the past to reduce the rat population, as the Task Force pointed out,

poisons and exterminators have become effective at controlling rats and no communities have encouraged the use of this law in recent times.

Supporting Argument

Senate Bill 1106 updates Public Act 140 of 1935, which prohibits walkathons and similar endurance contests. The type of contest prohibited was described in a 1935 opinion of the Michigan Supreme Court, in a case involving a walkathon derby in which contestants walked, in some cases, for several months, with specified rest periods, until everyone was eliminated but the winner. According to testimony in the case, "...the contest was degrading, the management guilty of chicanery and cheap tricks, the audience boisterous and sometimes shouting cruelties and obscenities, and the contestants exhausted and pitiful..." (*National Amusement Co. v Johnson*, 270 Mich 613). The meaning of "walkathon" has changed over time, however. Today, these events are used as fund raisers for schools and nonprofit organizations and promote physical conditioning and healthy exercise. Rather than repealing the law, the bill sets reasonable limits on walkathons and other endurance contests.

Legislative Analyst: G. Towne

FISCAL IMPACT

**Senate Bills 1056, 1068, 1073, 1085,
1088, 1089, 1124-1126, 1128,
1129, 1135-1137, 1141, 1142,
1145, 1146, 1159, 1160, and 1172**

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

Senate Bills 1057-1060, 1120, & 1127

The repealed sections of these laws have not had practical application for many years. Also, the autonomy bestowed on the State's public universities in the Constitution of 1963 rendered most of these provisions unenforceable. Due to these factors, the repeal of these sections will result in no fiscal impact on the State or local units of government.

Senate Bill 1069

The bill will have no fiscal impact on State or local government. The State does not operate a weather modification permitting program.

Senate Bill 1071

The bill will have no fiscal impact on State or local government. The food and drug commissioner position was abolished in 1965 when the powers and duties of that position and office were transferred to

the Department of Agriculture.

Senate Bill 1106

The bill will have an indeterminate fiscal impact on local government.

There are no statewide data currently available to determine how many people are convicted of promoting, conducting or participating in an endurance contest. To the extent that the bill provides an exception to the law, fewer people may be convicted of this offense. Local units of government will incur reduced costs of incarceration or receive less fine revenue if fewer convictions result.

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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.