House
Legislative
Analysis
Section

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REPEAL OUTDATED AGRICULTURE LAWS

Senate Bill 1069 as passed by the Senate
Sponsor: Sen. Alma Smith

Senate Bill 1071 as passed by the Senate
Sponsor: Sen. Dave Jaye

Senate Bill 1073 as passed by the Senate
Sponsor: Sen. Leon Stille

First Analysis (5-3-00)

House Committee: Agriculture and Resource Management
Senate Committee: Government Operations

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, "[i]nherent in [its] 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."

The task force began reviewing statutes enacted in the 19th century, scheduled public meetings, and sought 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 The task force compiled a list of hundreds of laws that might deserve to be repealed or amended, and then conducted a detailed analysis of each law's original intent and existing utility.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 bills would repeal three statutes related to agriculture, as recommended by the Senate task force.

THE CONTENT OF THE BILLS:

Senate Bill 1069 would repeal the Weather Modification Control Act (MCL 295.101 to 295.132), which prohibits a person from engaging in weather modification activities (defined in the act to mean "an activity performed with the intention of producing artificial changes in the composition, motions, and resulting behavior of the atmosphere, excluding such activities as irrigation activities, snowmaking, and frost control measures performed solely on leased property or on a person's own property and which affect only that property") without a permit issued by the Department of Agriculture. Permit applicants, among other things, must demonstrate certain qualifications, including either (1) a baccalaureate degree from a recognized institution of higher education in mathematics, or the physical sciences and have satisfactorily completed the equivalent of at least 25 semester hours of meteorological studies at a recognized institution of higher education, or (2) not less than four years of professional experience in weather modification field research or activities, and service for at least two years as a project director of weather modification activities. The act allows civil

action for injunctive relief or damages, and violations of the act or rules promulgated under the act are misdemeanors punishable by a fine of up to $10,000. The act took effect on October 1, 1978, and was conditioned on the enactment of enrolled Senate Bill 968, which became Public Act 278 of 1978, and which allowed counties to engage in weather modification.

Senate Bill 1071 would repeal Public Act 263 of 1917 (MCL 289.2 to 289.12), which created the office of food and drug commissioner and abolished (on April 1, 1918) the office of dairy and food commissioner. The food and drug commissioner had "charge of all of the laws of this state relating to the dairy and food, drug and liquor business, weights and measures," and had transferred to and vested in him "all the powers and duties imposed by law upon the dairy and food commissioner." The food and drug commissioner, "his deputies and inspectors," had the powers of a sheriff in making arrests and in enforcing the laws relating to "the prohibition of the manufacture, sale, bartering, furnishing, giving away, receiving, possession and use of intoxicating liquors," as well as "in enforcing the laws relating to dairy, foods, drugs and weights and measures in any place within this state."

Senate Bill 1073 would repeal Public Act 96 of 1919 (MCL 288.181 to 288.184), which requires every county in the state that has an agricultural agent to also designate that agricultural agent "official cream tester" of the county. The official county cream tester ("or his legally authorized deputy") is required, on Friday of each week throughout the year, to receive and "properly" test all samples of cream and milk submitted to him, and to report to the person submitting the samples the results of the test "as relates to the quantity of butter fat contained" in the samples. The official cream tester ("or his deputies or assistants") was prohibited from receiving extra compensation or fees for his testing services.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bills would have no fiscal impact on state or local government. (3-27-00)

ARGUMENTS:

For:

The bills would repeal statutes that are out-dated and no longer needed. For example, the state does not operate a "weather modification" permitting program (Senate Bill 1069), the office of food and drug commissioner (Senate Bill 1071) was abolished in 1965 by Public Act 380, when the commissioner's powers and duties were transferred to the director of the Department of Agriculture, and the services of official county cream testers (Senate Bill 1073) are no longer used.

POSITIONS:

The Department of Agriculture supports the bills. (5-2-00)

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