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REPEAL OBSOLETE HOTEL REQUIREMENTS

House Bill 5592 as introduced
Sponsor: Rep. Jerry Vander Roest

House Bill 5593 as introduced
Sponsor: Rep. Judith Scranton

Senate Bill 1088 as passed by the Senate
Sponsor: Sen. Mike Rogers

Senate Bill 1089 as passed by the Senate
Sponsor: Sen. Alma Wheeler Smith

First Analysis (4-25-00)

**House Committee: Great Lakes and
Tourism**
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 districts, 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 The task force compiled a list of hundreds of laws that might deserve to be repealed or amended, and then conducted a detailed analysis of each law’s original intent and existing utility.

The following bills would repeal sections of Public Act 188 of 1913, which the Senate task force recommends be repealed.

THE CONTENT OF THE BILLS:

The bills would each repeal a section of Public Act 188 of 1913, which regulates hotels, inns, and public lodging. House Bill 5592 would repeal section 4 (MCL 427.4), House Bill 5593 would repeal section 5 (MCL 427.5), Senate Bill 1088 would repeal section 6 (MCL 427.6), and Senate Bill 1089 would repeal section 8 (MCL 427.8) of the act. Section 4 requires certain rope equipment and notices in two-story hotels, Section 5 has certain sanitation requirements and requirements for “water closets and privies,” Section 6 regulates towels and bedding, and Section 8 creates a commission to enforce the act. (See BACKGROUND INFORMATION below.)

House Bills 5592 - 5593 and Senate Bills 1088 - 1089 (4-25-00)

BACKGROUND INFORMATION:

The sections that the bills would repeal read as follows:

Section 4. *Every hotel that is not over 2 stories in height and which is not provided with such fire escape as is described in section 2 [which requires iron fire escapes with certain specified features] hereof, shall provide in every bedroom or sleeping apartment on the second floor a manila rope at least 5/8 of an inch in diameter and knotted every 18 inches, and of sufficient length to reach the ground. Such rope shall be securely fastened to the joists or studdings of the building as near the windows as practicable, and shall be kept coiled in plain sight at all times, nor shall such rope be covered by curtains or other obstructions. Every such hotel shall provide and maintain in a conspicuous place in every bedroom or sleeping apartments above the ground floors, a printed notice calling attention to such rope and giving directions for its use.*

Section 5. *Every hotel shall be well drained and maintained according to established sanitary principles; shall be kept clean and in a sanitary condition and free from effluvia arising from any sewer, drain, privy or other source within the control of the owner, manager, agent or any other person in charge, shall be provided with water closets or privies properly screened for the separate use of males and females, which water closets or privies shall be disinfected as often as may be necessary to keep them at all times in a sanitary condition. (Note: The task force report notes that “[t]he only establishment to which this statute may apply today is a ‘Bed and Breakfast’ which might have communal bathroom facilities.”)*

Section 6. *Every hotel shall have and provide all toilet rooms, bath rooms and sleeping rooms with individual textile towels. Every hotel shall have and provide all beds with regulation sheets, not less than 90 inches in length. Such beds shall also be provided with sufficient number of regulation size blankets or quilts that are kept in a sanitary condition.*

Section 8. *The labor commissioner, dairy and food commissioner, insurance commissioner and the executive director of the state board of health shall constitute a commission for the purpose of carrying into effect the provisions of this act, and same shall be delegated with the power to adopt such rules and regulations as conditions may require.*

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the House bills would have no fiscal implications. (4-20-00)

According to the Senate Fiscal Agency, the Senate bills also would have no fiscal impact on state or local government. (3-21-00)

ARGUMENTS:**For:**

The four sections of Public Act 188 of 1913 that the bills would repeal are no longer necessary. For example, coiled ropes are no longer needed in certain second-story hotel bedrooms, as the state building code requires hotels and motels to have fire escape systems far more sophisticated than escape ropes. Moreover, no state or local building inspectors would approve a structure with only a knotted rope for a fire escape, nor would insurance companies insure buildings with such fire escape systems. Similarly, current building and health codes regulate the safety and cleanliness of hotels’ and motels’ toilet and sewage facilities. The Law Revision Task Force points out that, with regard to the regulation of towels and bedding, the competitive marketplace ensures that a hotel or motel entrepreneur will protect his or her business’ viability by providing the towels and bedding materials sufficient to meet his or her customers’ needs. Finally, the duties of the commission created under the act currently are covered by other state statutes and local health rules, while three of the four offices mentioned are no longer in existence, having been replaced by successor agencies. Thus, the “labor commissioner” currently is replaced by the director of the Department of Consumer and Industry Services, the “dairy and food commissioner” has been replaced by the director of the Department of Agriculture, and the “executive officer of the state board of health” has been replaced by the director of the Department of Community Health.

POSITIONS:

The Michigan Hotel-Motel and Resort Association supports the bills. (4-20-00)

Analyst: S. Ekstrom

■ 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.