

Senate Fiscal Agency
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Senate Bills 1108 and 1109 (as passed by the Senate)
House Bills 5581, 5582, 5592, 5593, 5595 through 5602 (as passed by the Senate)
House Bill 5603 (Substitute H-1 as passed by the Senate)
House Bills 5604, 5620, 5626, 5631, and 5633 (as passed by the Senate)
Sponsor: Senator Thaddeus G. McCotter (S.B. 1108 & 1109)

Representative Sandra Caul (H.B. 5581)
Representative David Mead (H.B. 5582)
Representative Jerry Vander Roest (H.B. 5592)
Representative Judith Scranton (H.B. 5593)
Representative Ron Jelinek (H.B. 5595)
Representative Steve Vear (H.B. 5596)
Representative Joanne Voorhees (H.B. 5597)
Representative Rick Johnson (H.B. 5698 & 5601)
Representative Gary Woronchak (H.B. 5599)
Representative Randy Richardville (H.B. 5600)
Representative Mike Pumford (H.B. 5602)
Representative Lauren Hager (H.B. 5603 & 5604)
Representative Judson Gilbert III (H.B. 5620)
Representative Mary Ann Middaugh (H.B. 5626)
Representative Scott Shackleton (H.B. 5631)
Representative Paul Tesanovich (H.B. 5633)

Senate Committee: Government Operations

Natural Resources and Environmental Affairs (H.B. 5581)

House Committee: Conservation and Outdoor Recreation (H.B. 5581, 5582, & 5633)

Great Lakes and Tourism (H.B. 5592 & 5593)

Transportation (H.B. 5595-5604, 5620, 5626, & 5631)

Date Completed: 6-15-00

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 After review, the Task Force issued a report in December 1999, recommending that various laws be repealed or eliminated.

Senate Bill 1108 would amend the Code of Criminal Procedure to delete a provision of the sentencing guidelines under which a violation of Section 348 of the Michigan Penal Code is a class H offense against public safety, with a four-year statutory maximum sentence.

Senate Bill 1109 would repeal Section 348 of the Michigan Penal Code, which specifies that it is a felony to incite or attempt to incite any Indian nation, tribe, chief, or individual to violate any peace treaty, disturb the peace, or violate any law of the United States.

CONTENT

The bills would repeal certain acts or sections of acts, or would amend various acts to delete certain provisions, as described below.

Repeal of Indian Incitement Provisions

Repeal of Agricultural Provisions

House Bill 5582 would amend Public Act 313 of 1929, which provides for the control and eradication of white pine blister rust, to delete language that requires the Agriculture Commissioner to enforce the measures specified in the Act for the control of this pest; empowers the Commissioner to make rules and procedures necessary to carry out the Act; and requires State departments cooperating with the Department of Agriculture to promulgate rules and regulations in harmony with those promulgated by that Department. Under the bill, the Department would be required to enforce and administer the measures specified in the Act, and all State departments would be required to cooperate with the Department to control and eradicate white pine blister rust.

House Bill 5633 would amend Public Act 162 of 1955, which provides for the licensure and inspection of agricultural liming material, to delete language that empowers the Director of the Department of Agriculture to prescribe and enforce rules and regulations relating to the sale of liming materials.

Repeal of Transportation Provisions

House Bill 5595 would repeal Public Act 350 of 1921, which establishes and provides for the maintenance, construction, and marking of trunk line roads of Colgrove Highway between the States of Michigan and Indiana.

House Bill 5596 would repeal Public Act 36 of 1919, which regulates the planting of certain trees along State highways; provides for the maintenance, protection, care, and supply of those trees; and imposes a penalty for destroying or injuring them.

House Bill 5597 would repeal Sections 663 through 666 of the Michigan Vehicle Code, which contain regulations pertaining to passing streetcars, stopping for streetcars, blocking streetcar tracks, and driving through or over safety zones.

House Bill 5598 would amend the Michigan Vehicle Code to delete a provision that prohibits a licensed motor vehicle manufactured after January 1, 1956, from operating on the highways unless it is equipped with a windshield washer maintained in operable condition at all times and capable of cleaning the windshield so as to leave the driver with a clear view of the highway or an intersecting highway.

House Bill 5599 would repeal Section 3 of Public Act 269 of 1929, which pertains to the unlawful use of names or insignia. Section 3 prohibits a person from displaying on his or her motor vehicle any emblem or insignia of any organization, association, fraternity, lodge, club, or order, unless the vehicle owner is a

member of that group, or unless the emblem or insignia is displayed solely for the purpose of participation in a public parade or at a public fair, exhibit, or carnival. A violation of the Act is a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$100.

House Bill 5600 would repeal Public Act 340 of 1921, which established a public wagon road leading from the City of Monroe to the boundary line between the States of Michigan and Ohio.

House Bill 5601 would repeal Public Act 57 of 1962, which authorized the construction of a bridge over Missaukee Lake to Redman Island.

House Bill 5602 would repeal Public Act 324 of 1921, which establishes and provides for the construction, improvement, maintenance, and marking of a trunk line highway within Mecosta, Osceola, and Missaukee Counties.

House Bill 5603 (H-1) would repeal Public Act 147 of 1935, which created the State Bridge Commission. The bill also would repeal Section 356 of the Executive Organization Act, which transferred the State Bridge Commission to the Department of Transportation and abolished the Commission.

House Bill 5604 would repeal Public Act 294 of 1947, which enabled the State Bridge Commission to sell real estate it owned in the City of Sarnia.

House Bill 5620 would amend the Michigan Vehicle Code to delete a provision that prohibits a person from operating a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet. The bicycle, however, may not be equipped with, nor must a person use upon a bicycle, a siren or whistle.

House Bill 5626 would repeal Public Act 341 of 1921, which establishes and provides for the construction, improvement, maintenance, and marking of a trunk line highway from Paw Paw to Gobleville to Allegan.

House Bill 5631 would repeal Public Act 82 of 1959, which authorized the construction of a bridge over the public navigable waters of Crooked Lake in Emmet County to connect Oden Island and the mainland and required the board of county road commissioners of Emmet County to file with the Department of Conservation, evidence of its acceptance of the bridge and connecting roads.

Repeal of Miscellaneous Acts

House Bill 5581 would repeal Public Act 221 of 1899, which requires persons engaged in procuring ice from lakes and streams to erect suitable danger signals and barricades; requires harbor masters and

assessing officers whose districts contain the lakes and streams to enforce the Act; and makes a violation of the Act a misdemeanor punishable by imprisonment for up to three months and/or a maximum fine of \$100.

House Bills 5592 and 5593 would repeal Sections 4 and 5, respectively, of Public Act 188 of 1913, which contains various requirements for hotels, inns, and public lodging houses. Under Section 4, each hotel that is not over two stories high and does not have a fire escape must provide in every bedroom or sleeping apartment on the second floor a manila rope that meets certain specifications. The hotel also must maintain in every second-floor bedroom or sleeping apartment a notice calling attention to the rope and giving directions for its use.

Section 5 requires each hotel to be well drained and maintained according to sanitary principles; kept clean and in a sanitary condition and free from effluvia (vapors) from any sewer, drain, privy, or other source within the control of the owner or manager; and provided with water closets or privies properly screened for the separate use of males and females and disinfected as often as necessary to keep them sanitary at all times.

MCL 777.16q (S.B. 1108)
750.348 (S.B. 1109)
752.351-752.353 (H.B. 5581)
286.102 (H.B. 5582)
427.4 (H.B. 5592)
427.5 (H.B. 5593)
250.171 (H.B. 5595)
247.231-247.235 (H.B. 5596)
257.663-257.666 (H.B. 5597)
257.709 (H.B. 5598)
450.53 (H.B. 5599)
250.181 (H.B. 5600)
254.351 & 254.352 (H.B. 5601)
250.151 (H.B. 5602)
16.456 et al. (H.B. 5603)
254.181 (H.B. 5604)
257.662 (H.B. 5620)
250.161 (H.B. 5626)
254.111 & 254.112 (H.B. 5631)
290.538 (H.B. 5633)

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, remain 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 its citizens. The bills would repeal or delete statutes or parts of statutes recommended for repeal or deletion by the Task Force.

Supporting Argument

The statute and portions of statutes the bills would repeal or delete cover a wide range of subjects, and illustrate how many laws may, through the passage of time, become obsolete or irrelevant. For example, House Bill 5581 would repeal a 1899 act that requires warning markings for an ice cutting site. With the invention of refrigerators, the need to cut ice no longer exists. Senate Bill 1109 would repeal a section of the Michigan Penal Code that makes it a felony to incite any Indians. It has been pointed out that current laws regarding inciting to riot adequately addresses any outbreak of violence and that no law should single out one group of people on the basis of race as being more susceptible to incitement than any other group of people. House Bills 5595, 5600, 5602, and 5626 would repeal various acts that establish trunkline highways or public wagon roads in certain areas. Apparently, the acts are irrelevant since these areas are now governed by the State Trunkline Highway System under the Michigan Transportation Fund law. House Bill 5633 would amend a 1955 act that regulates the transport and sale of liming material, and House Bill 5582 would amend a 1929 act that provides for the control and eradication of white pine blister rust. The Department of Agriculture reports that a rule-making authority is not needed to administer these activities.

Legislative Analyst: N. Nagata

FISCAL IMPACT

Senate Bills 1108 & 1109

The bills would have an indeterminate impact on State government. There are no data available to indicate how many offenders a year are convicted of inciting or attempting to incite Indians to violate peace treaties or U.S. laws.

House Bill 5581

As there appear to be no readily available data as to when the last fine was levied under Public Act 221 of 1899 (revenue potential to libraries) or the last time a person was jailed for the same reason (a potential cost to county jails), it seems reasonable to conclude that this bill should have no measurable fiscal impact.

**House Bills 5582, 5592, 5593, 5595-
5604, 5620, 5626, 5631, & 5633**

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

Fiscal Analyst: K. Firestone
C. Thiel
M. Tyszkiewicz
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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.