



**House  
Legislative  
Analysis  
Section**

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**REPEAL OUT-DATED LAWS**

**Senate Bills 1019 and 1025 as passed by  
the Senate**

**Sponsor: Sen. Thaddeus G. McCotter**

**Senate Bill 1020 as passed by the Senate**

**Sponsor: Sen. Dianne Byrum**

**First Analysis (4-24-02)**

**House Committee: Commerce**

**Senate Committee: Government**

**Operations**

***THE APPARENT PROBLEM:***

The Senate Law Revision Task Force was established in June 1999 and was charged with reviewing existing state statutes and recommending repeal or amendment of those laws that were found to be obsolete 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 After review, the task force issued a report in December 1999, recommending that various laws or sections of laws be repealed or that provisions be eliminated. A number of the provisions in statute that are obsolete deal with rule making by the Department of Agriculture. Others deal with the marking of counterfeit bank bills. Legislation has been introduced to eliminate these provisions.

***THE CONTENT OF THE BILLS:***

One of the bills would repeal a provision concerning the director of the Department of Agriculture's authority to promulgate certain rules and regulations; one bill would substitute "the Department of Agriculture" for current references to "the state dairy and food commissioner;" and one bill would repeal the act regulating the marking of counterfeit bills, as follows:

Senate Bill 1019 would amend Public Act 213 of 1962 (MCL 287.174), which governs the raising of started pullets, to repeal the section which authorizes the director of the Michigan Department of Agriculture to promulgate rules and regulations outlining the testing, certification, and fees for determining the condition of "started pullets."

Senate Bill 1020 would amend Public Act 74 of 1917 (MCL 290.134), which sets standards for baskets and other containers for fruit and vegetables, to delete a requirement that the Dairy and Food Commissioner establish and promulgate rules and regulations allowing reasonable tolerances and variations for climax baskets and containers. The bill would also delete the current reference to the Dairy and Food Department, and substitute, instead, "the Department of Agriculture."

Senate Bill 1025 would repeal Public Act 165 of 1865 (MCL 487.651, 487.652), which requires banks to stamp the words "counterfeit," "altered," or "worthless" on any bank bill that is counterfeit, altered, or worthless.

***BACKGROUND INFORMATION:***

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

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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.

***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bills would have no fiscal impact on the state. (4-23-02)

***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 consensus seems to be that these provisions have outlived their usefulness and should not remain in the law books. For example, Senate Bill 1019 pertains to the director of the Department of Agriculture’s authority to promulgate rules and regulations regarding started pullets. According to the Senate task force report, the MDA contends that this grant of rule-making authority is unnecessary, and the director of the governor’s Office of Regulatory Reform has recommended the act’s repeal – a recommendation in which the Senate task force concurred. Senate Bill 1020 pertains to a section of the act which sets standards for baskets and other containers for fruit and vegetables. The act refers to a requirement that rules and regulations on tolerances and variations for climax baskets and containers be established by the Dairy and Food Commissioner, a post which no longer exists (having been absorbed, according to the 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 task force, with the concurrence of the department, recommended the repeal of this section, although the bill would not repeal the section but instead would strike current references to “the Dairy and Food Commissioner” and substitute “the Department of Agriculture.” Senate Bill 1025 would repeal the act which requires banks to mark “fake” bank bills as “counterfeit,” “altered,” or “worthless.” According to the Senate task force report, the statute was enacted at a time when uniform currency was not available from the federal government. Consequently, banks once had to print and issue their own bank notes. Since this is no longer the case, the task force recommended that the act be repealed.

***POSITIONS:***

The Department of Agriculture supports Senate Bills 1019 and 1020. (4-23-02)

Analyst: R. Young

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■ 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.