



**House
Legislative
Analysis
Section**

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REPEAL OUT-DATED LAWS

**House Bills 5750 (Substitute H-1)
House Bills 5752, 5754, and 5755 as
introduced**

Sponsor: Rep. Bruce Patterson

**Committee: House Oversight and
Operations**

**Senate Bill 1057 as passed by the Senate
Sponsor: Sen. Thaddeus McCotter**

**Senate Committee: Government
Operations**

**House Committee: House Oversight and
Operations**

First Analysis (3-14-02)

House Bills 5750, 5752, 5754, 5755 and Senate Bill 1057 (3-14-02)

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 After review, the task force issued a report in December 1999, recommending that various laws or sections of laws be repealed or that provisions be eliminated.

Many bills to carry out the task force's recommendations were passed during the 1999-2000 legislative session. Now, more such bills are proposed.

THE CONTENT OF THE BILLS:

House Bill 5750 would amend the Motor Fuels Quality Act (MCL 290.644a) to eliminate a provision allowing the Department of Agriculture to promulgate rules.

House Bill 5752 would repeal two sections of the Michigan Vehicle Code (MCL 257.712 and 257.713), which require a person driving a vehicle over 10,000

pounds carrying hazardous material to carry in the vehicle certain warning and safety devices (e.g., flares, electric lanterns, a liquid-burning pot torch, red cloths, and extinguishers), and which prescribe the deployment of the devices around the vehicle if it is stopped on a highway.

House Bill 5754 would repeal three sections of the Natural Resources and Environmental Protection Act (MCL 324.5101-324.5103) that requires the Department of Environmental Quality to submit a report on the environmental consequences, cost effectiveness, and social acceptability of a proposed land disposal wastewater management program, upon receipt of a proposal for such a program by the U.S. Army Corps of Engineers.

House Bill 5755 would repeal Public Act 98 of 1927 (MCL 254.121-254.123), which authorized the state highway commissioner to enter into an agreement with the state of Wisconsin to build a bridge between Menominee, Michigan and Marinette, Wisconsin.

Senate Bill 1057 would repeal a section of Public Act 12 of 1925 (MCL 250.112), which provides for the widening and alteration of state trunkline highways. The section to be repealed requires the state highway commissioner to prepare detailed maps showing proposed highway improvements and submit the maps to the State Administrative Board for approval.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, House Bills 5754 and 5755 and Senate Bill 1057 would have no fiscal impact. (3-11-02 and 3-12-02)

ARGUMENTS:

For:

The statutes recommended for repeal or elimination have been cited as being unneeded, unused, obsolete, or otherwise unnecessary. For example, House Bill 5750 would eliminate the Department of Agriculture's authority to promulgate rules under the Motor Fuels Quality Act; the department has stated that it does not need the rulemaking authority in question. House Bill 5752 would repeal provisions that have been pre-empted by federal motor vehicle safety standards. House Bill 5754 deals with a program that was never initiated by the U.S. Army Corps of Engineers. House Bill 5755 deals with an agreement to build a bridge between Menominee, Michigan and Marinette, Wisconsin; the bridge has been completed.

It has been noted that, while the laws in question may have been justifiable at the time of their enactment, Michigan citizens should not be required to be aware of and abide by laws that have no reasonable relation to modern life. To this end, the Senate task force worked to identify laws for repeal. The bills would help to complete the process of eliminating these laws.

POSITIONS:

There are no positions on the bills.

Analyst: D. Martens

■ 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.