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REPEAL OUTDATED LAWS GOVERNING MICHIGAN STATE UNIVERSITY

**Senate Bills 1058 - 1060 as passed by the
Senate
First Analysis (4-19-00)**

**Sponsor: Sen. Joanne G. Emmons
House Committee: Education
Senate Committee: Government
Operations**

THE APPARENT PROBLEM:

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 After review, the task force issued a report in December 1999, recommending that various laws or sections of laws be repealed or eliminated.

As a result, legislation has been introduced to repeal outdated laws that govern the operation of Michigan State University.

THE CONTENT OF THE BILLS:

Senate Bill 1058 would repeal section 13 of Public Act 269 of 1909, the Michigan State University enabling act (MCL 390.113), which provides that the president, professors, and associate professors of the Michigan Agricultural College constitute the faculty of Michigan State University.

Senate Bill 1059 would repeal section 14 of Public Act 269 of 1909 (MCL 390.114), which requires the Michigan State University faculty to pass all rules and regulations necessary to the government and discipline of the college and for the preservation of morals, decorum, and health.

Senate Bill 1060 would repeal section 15 of Public Act 269 of 1909 (MCL 390.115), which provides that the Michigan State University faculty has charge of the laboratories, library, and museums of the institution.

FISCAL IMPLICATIONS:

Of Senate Bills 1058, 1059, and 1060, the Senate Fiscal Agency notes that these sections of law have not had practical application for many years. Also, the constitutional autonomy bestowed on the state's public universities in the State Constitution of 1963 renders most of these provisions unenforceable. Due to these factors, there would be no fiscal impact on the state or local units of government, if these sections were repealed. (3-27-00)

ARGUMENTS:

For:

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 While many laws that became outdated, inapplicable, or inappropriate have been repealed or eliminated though the years, many other laws enacted long ago, that are of questionable relevance, remain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 perpetuating and/or imposing arcane or irrelevant laws upon its citizens. The bills would repeal or delete

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statutes or parts of statutes recommended for repeal or deletion by the task force.

POSITIONS:

There were no positions on the bills.

Analyst: J. Hunault

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