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House Bill 5595 as introduced
Sponsor: Rep. Ron Jelinek

House Bill 5596 as introduced
Sponsor: Rep. Steve Vear

House Bill 5597 as introduced
Sponsor: Rep. Joanne Voorhees

House Bills 5598 and 5601 as introduced
Sponsor: Rep. Rick Johnson

House Bill 5599 as introduced
Sponsor: Rep. Gary Woronchak

House Bill 5600 as introduced
Sponsor: Rep. Randy Richardville

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 a six month review, the Senate Law Revision Task Force issued a report in December 1999, recommending that various laws or sections of laws be repealed or eliminated.

The broad invitation issued by the Senate to scrutinize the law books for outdated laws was both bipartisan and bicameral, and consequently it was extended to legislators of both parties in the House of Representatives. Among the state representatives who responded to the Senate's appeal were those on the House Transportation Committee, who suggest that 13 laws or sections of law be repealed.

REPEAL OUT-DATED STATUTES

House Bill 5602 as introduced
Sponsor: Rep. Mike Pumford

House Bill 5603 (Substitute H-1)
House Bill 5604 as introduced
Sponsor: Rep. Lauren Hager

House Bill 5620 as introduced
Sponsor: Rep. Judson Gilbert III

House Bill 5626 as introduced
Sponsor: Rep. Mary Ann Middaugh

House Bill 5631 as introduced
Sponsor: Rep. Scott Shackleton

First Analysis (5-4-00)
Committee: Transportation

THE CONTENT OF THE BILLS:

House Bill 5595 would repeal Public Act 350 of 1921 (MCL 250.171), which provided for the construction and repair of Colgrove Highway on the boundary line between the states of Michigan and Indiana.

House Bill 5596 would repeal Public Act 36 of 1919 (MCL 247.231 to 247.235), which regulates the planting of ornamental, nut bearing or other food producing trees along the highways of the state. Specifically, the law specifies that it is the duty of the state highway commissioner and the state board of agriculture to select and plant trees along the highways, and that those trees will be provided by the public domain commission, or the agricultural college. The law also specifies that municipalities may appropriate money to plant, prune, and protect the trees within their jurisdictions, and it sets a bounty for each tree planted along the highway by taxpayers whose land adjoins the roadway. (The bounty is a credit of five cents per tree on the taxpayer's highway repair tax.) Finally, the law

sets penalties for destroying, injuring, or defacing the trees.

House Bill 5597 would repeal four sections of the Michigan Vehicle Code (MCL 257.663 to 257.666) that provide for regulations between drivers of vehicles and streetcars. Specifically, the provisions set stopping distances, passing speeds, obstruction of streetcar tracks, and driving through or over safety zones when people are in them. Under the law, the penalty for a violator of these rules is a civil infraction.

House Bill 5598 would repeal a provision of the Michigan Vehicle Code (MCL 257.709) 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 a provision of Public Act 269 of 1929 (MCL 430.53), which regulates the names and emblems of fraternal and charitable organizations. Specifically, the bill would repeal a section of the law that prohibits a person from displaying on his or her motor vehicle any emblem or insignia of any organization unless the owner of the vehicle is a member of that organization. The law provides for an exception in that it does not apply when the emblems or insignias are displayed solely for purposes of participation in any public parade, or fair, or carnival. The exception also would be repealed.

House Bill 5600 would repeal Public Act 340 of 1921 (MCL 250.181), which authorized the state highway commissioner to establish a route for a public wagon road leading from the city of Monroe in Monroe County to the state's boundary line with Ohio where it connected with a public wagon road in that state. The law also authorized the commissioner to purchase the necessary land for the road, or if necessary to institute condemnation proceedings to obtain the land, employing the same procedures as those used by county road commissioners to condemn and obtain land.

House Bill 5601 would repeal Public Act 57 of 1962 (MCL 254.351 to 254.352), which authorized construction of a bridge over the public navigable waters of Missaukee Lake in Missaukee County, in order to connect Redman Island and the mainland. The act specifies that before such a bridge was constructed, the county road commission was required to file with the Department of Conservation evidence that it accepted the bridge and connecting roads as a part of

the public road system; and to submit plans and specifications relative to the bridge. Under the law the department could make changes in the plans, in order to protect the public interest in the navigable waters.

House Bill 5602 would repeal Public Act 324 of 1921 (MCL 250.151), which directed the state highway commissioner to establish a trunk line highway from Wheatland township in Mecosta county, north through the village of Barryton, and the village of Marion in Osceola county, to the city of McBain in Missaukee county, and then due north following the township line.

House Bill 5603 (Substitute H-1) would repeal Public Act 147 of 1935 (MCL 254.151 to 254.167), which created a state bridge commission. Under the law, the commission was authorized to acquire, improve, construct, operate and maintain bridges; to issue revenue bonds; to provide for the collection of fees, rents, tolls and other charges for the payment of the bonds and the costs of maintenance; to prohibit the state from incurring debt for the purposes specified in the act; and to provide for condemnation.

House Bill 5603 also would eliminate the provision of the Executive Organization Act of 1965 (MCL 16.456), which transferred the state bridge commission (in a type III transfer) to the Department of Transportation and abolished the commission.

House Bill 5604 would repeal Public Act 294 of 1947 (MCL 254.181), which enabled the state bridge commission to sell real estate it owned in Port Huron, Michigan and Sarnia, Ontario, Canada, subject to approval by the state administrative board. The act also specified that the deed of conveyance for the land contain a restrictive clause providing that no part or portion of the land could be used to operate for toll or hire any ferry between the city of Port Huron and the Canadian shore, or for any terminal, dock or wharf used in connection with a ferry operation, until the time the Blue Water Bridge had become toll free. Under the law, proceeds from the sale of land were used to pay either the principal or interest on outstanding bonds.

House Bill 5620 would repeal a provision of the Michigan Vehicle Code (MCL 257.662) 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. However, the law provides that a bicycle cannot be equipped with, nor may a person use upon it, a siren or a whistle. These prohibitions also would be repealed under the bill.

House Bill 5626 would repeal Public Act 341 of 1921 (MCL 250.161), which authorized the state highway commissioner to establish and maintain a trunk line highway from Paw Paw to Gobleville to Allegan.

House Bill 5631 would repeal Public Act 82 of 1959 (MCL 254.111 and 254.112), which provided for the construction of a bridge over the public navigable waters of Crooked Lake in Emmet County to connect Oden Island with the mainland. The law required the board of county road commissioners to file with the Department of Conservation, before construction, evidence of its acceptance of the bridge and connecting roads as a part of the public road system, and to submit plans and specifications. It also allowed the department to make recommended changes in those plans, as necessary to protect the public interest in the navigable waters.

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that the bills have no state or local fiscal impact. (5-1-00)

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.

POSITIONS:

There were no positions on the bills.

Analyst: J. Hunault

■ 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.