



**House
Legislative
Analysis
Section**

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REPEALERS

Senate Bill 439 as passed by the Senate
Senate Bill 442 as passed by the Senate
First Analysis (3-17-88)

RECEIVED
MAR 30 1988

Sponsor: Senator Phil Arthurhultz Mich. State Law Library
Senate Committee: Government Operations
House Committee: Senior Citizens and Retirement

THE APPARENT PROBLEM:

According to the attorney general, whenever an act repeals something, or provides for the future expiration of itself, parts of itself, or all or part of some other act, this fact, according to the attorney general, must be mentioned in the act's title. Thus, there are a number of acts or portions of acts that contain language which repeals or declares them expired, and yet are the subject of an attorney general opinion that suggests that the language in the act is inadequate to discontinue the act. It has been suggested that this situation be corrected by passing new bills to repeal acts where necessary.

THE CONTENT OF THE BILL:

Senate Bill 439 would repeal Public Act 520 of 1980. The act created the Council on Public Employee Retirement Systems, and contained a provision that declared that the act expired on September 30, 1986.

(MCL 38.1141 - 38.1148)

Senate Bill 442 would repeal enacting section 2 of Public Act 285 of 1982, which repealed Public Act 11 of 1968, which established the Commission on Handicapper Concerns. Public Act 285, which was to take effect on September 30, 1985, was itself repealed by Public Act 134 of 1985, effective on the same day. (This means that the act that was to have repealed the handicapper act, and that was itself supposed to have been repealed by a subsequent act, was not effectively repealed, but would be repealed by this bill. Public Act 11 of 1968, the handicapper act, would remain in effect.)

(MCL 395.308)

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bills would have no fiscal impact on state or local government. (1-28-88)

ARGUMENTS:

For:

Senate Bill 439 would simply repeal an act that would have already expired. The Council on Public Retirement Systems was intended to be an oversight committee on state retirement systems. The council, however, has never been constituted by the legislative council. No appointments were ever made to the council, nor were any funds ever appropriated. Existing legislative committees and staff have provided vigorous oversight over retirement issues for the last decade. Almost all informational and research responsibilities of the council are within the scope and capabilities of the executive branch. The council, as envisioned, would have been an unnecessary duplication of services.

For:

Senate Bill 442 would enable the Michigan Commission on Handicapper Concerns to continue its valuable work. The commission, housed within the Department of Labor, is the state's primary advocate for all handicappers. It assists agencies seeking federal funds in complying with federal anti-discrimination and handicapper accessibility requirements; serves as a source of information for handicappers, employers, governmental agencies and others; and has worked successfully to heighten public awareness of handicapper issues and to obtain the statutory changes necessary to protect handicappers rights.

S.B. 439 & 442 (3-17-88)

POSITIONS:

A representative of the Bureau of Retirement Systems in the Department of Management and Budget testified in support of Senate Bill 439. (3-16-88)

The Retirement Coordinating Council takes no position on Senate Bill 439. (3-16-88)

The Department of Labor has no position on Senate Bill 442. (3-16-88)

The Michigan Commission on Handicapper Concerns has taken no position on Senate Bill 442. (3-16-88)