



**House
Legislative
Analysis
Section**

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**TECHNICAL REPEALS
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**Senate Bill 441 as introduced
First Analysis (3-16-88)**

MAR 30 1988

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**Sponsor: Sen. Phil Arthurhultz
Senate Committee: Government Operations
House Committee: Urban Affairs**

S.B. 441 (3-16-88)

THE APPARENT PROBLEM:

The attorney general has issued a number of opinions stating that a repeal, expiration, or nonapplicability provision in an act is not effective unless reference is made in the title of the act to the repeal "on a specific date." 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 sections of law where necessary. The Condominium Act is one example of this situation.

THE CONTENT OF THE BILL:

The bill would amend the Condominium Act to repeal sections 151, 152, 153, 154, 155, and 157. These sections delegated the powers of the Department of Commerce regarding investigations of violations of the act; each section was to have been repealed by Public Act 538 of 1982, effective January 17, 1986.

MCL 559.251 et al.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill has no fiscal implications. (1-28-88)

ARGUMENTS:

For:

The bill is technical in nature. It would simply repeal sections of the Condominium Act that would have already been repealed, but, like certain other acts, have been declared by attorney general opinion to contain language that was inadequate to make the repeal effective.

POSITIONS:

There are no positions on the bill.