

SFA

BILL ANALYSIS

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Senate Fiscal Agency

Lansing, Michigan 48909

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Senate Bills 439, 441, and 442 (as passed by the Senate)**Sponsor: Senator Phil Arthurhultz****Committee: Government Operations****Date Completed: 1-28-88*****RATIONALE***

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 acts where necessary.

CONTENT**Senate Bill 439**

The bill 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 441

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powers of the Department of Commerce regarding investigations of violations of the Act; each section was to have been repealed by Public Act 538 of 1982, effective January 17, 1986.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.

Senate Bill 442

The bill would repeal Enacting Section 2 of Public Act 285 of 1982, which repealed Public Act 11 of 1968, which established the Commission on Handicapper Concerns. Public Act 285, which was to take effect on September 30, 1985, was itself repealed by Public Act 134 of 1985, effective on the same day. (This means that the act that repealed the handicapper Act, that was supposed to be repealed by the ensuing act, was not effectively repealed, but would be repealed by this bill. Public Act 11 of 1968, the handicapper Act, would remain in effect.)

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

ARGUMENTS***Supporting Argument***

The bills are technical. They would simply repeal acts that would have already been repealed or would have expired, but had been declared by Attorney General opinions to contain language that was inadequate to make the repeal or expiration effective.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

S.B. 439, 441, & 442 (1-28-88)