



**House
Legislative
Analysis
Section**

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ENV'L. PROTECTION ACT

AS ENROLLED

**Senate Bill 320 as passed by the Senate
First Analysis (5-26-94)**

**Sponsor: Senator Vern Ehlers
Senate Committee: Natural Resources and
Environmental Affairs
House Committee: Conservation,
Environment & Great Lakes**

THE APPARENT PROBLEM:

The attorney general opined in 1980 that there was a conflict between the language of the Executive Organization Act and Public Act 17 of 1921, the Department of Natural Resources enabling act, with regard to the appointment of members of the Natural Resources Commission. He further opined that the language of the Executive Organization Act was controlling. Senate Bill 257, now pending before the House, would recodify all of the statutes relating to natural resources and environmental protection; it would repeal and replace many current statutes, including the DNR enabling act. To avoid recodifying the conflict in the new environmental law, and because language related to the Natural Resources Commission structure seems most appropriately placed in the new law, it has been suggested that the Executive Organization Act be amended to remove the language in question.

THE CONTENT OF THE BILL:

The bill would amend the Executive Organization Act to specify that the Natural Resources Commission would be created under the proposed Natural Resources and Environmental Protection Act. The bill would delete language that dictates the membership of the commission. The bill is tied to Senate Bill 257.

MCL 16.354

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill has no fiscal implications. (5-25-94)

ARGUMENTS:

For:

The bill would simply remove from the Executive Organization Act language pertaining to the membership of the Natural Resources Commission, referring instead to the composition of the commission as provided in the Natural Resources and Environmental Protection Act, the major recodification of environmental statutes proposed in Senate Bill 257. The bill would properly place language relating to the NRC in the new environmental act, and avoid recodifying the prior conflict between the two laws, which might open the door to new legal challenges in an issue thought to be settled years ago.

POSITIONS:

The Department of Natural Resources supports the bill. (5-25-94)

Senate Bill 320 (5-26-94)