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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 218 (as reported without amendment)

Sponsor: Senator Dan L. DeGrow

Committee: Judiciary

Date Completed: 3-14-89

RATIONALE

Senate Bill 95 would make extensive revisions to the drunk driving provisions of the Michigan Vehicle Code, including the repeal and re-enactment of several sections of the Code and the Michigan Liquor Control Act. It also would amend and re-number some of the existing sections to make the Code more readable and consistent, according to some. The provisions that would be amended and re-numbered, however, are cited in various other statutes. Under the Revised Statutes of 1846, when a provision of law is repealed and in substance re-enacted, references to the repealed provision are to be considered references to the re-enacted provision. No such statutory construction consideration exists, however, for provisions that are amended and re-enacted.

CONTENT

The bill would amend Chapter 1 of the Revised Statutes of 1846 to provide that if a provision of a law were amended and in substance re-enacted, then references in any other law to the amended provision would be considered references to the re-enacted provision.

The bill is tie-barred to Senate Bill 95.

MCL 8.3u

FISCAL IMPACT

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

ARGUMENTS**Supporting Argument**

The bill is necessary in order for some of Senate Bill 95's proposed revisions to be considered continuations of current sections of the Michigan Vehicle Code that would be amended and re-enacted by Senate Bill 95. Without Senate Bill 218, Senate Bill 95 would lead to confusion in instances in which sections of law refer to the Code's drunk driving provisions that would be re-numbered by that bill. Although Senate Bill 218 is tie-barred to Senate Bill 95, Senate Bill 218 also would avert similar confusion concerning other legislation that amended and re-enacted sections of the law.

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S.B. 218 (3-14-89)