

SENATE BILL NO. 1233

September 15, 1998, Introduced by Senator VAN REGENMORTER and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1984 PA 274, entitled "Michigan antitrust reform act," by amending sections 1 and 4 (MCL 445.771 and 445.774).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Person" means an individual, corporation, business
3 trust, partnership, association, or any other legal entity.

4 (b) "Relevant market" means the geographical area of actual
5 or potential competition in a line of trade or commerce, all or
6 any part of which is within this state.

7 (c) "TELECOMMUNICATIONS PROVIDER" MEANS A TELECOMMUNICATIONS
8 PROVIDER AS DEFINED BY SECTION 102(CC) OF THE MICHIGAN TELECOM-
9 MUNICATIONS ACT, 1991 PA 179, MCL 484.2102.

10 (d) ~~(c)~~ "Trade or commerce" means the conduct of a
11 business for profit or not for profit producing or providing

1 goods, commodities, property, or services and includes, without
2 limitation, advertising, franchising, solicitation, offering for
3 sale, lease, or distribution of a service or property, tangible
4 or intangible, real, personal or mixed, or any other article of
5 commerce.

6 (E) ~~(d)~~ "Unit of government" means this state or an
7 agency, instrumentality, political subdivision, or public corpo-
8 ration of this state, including, but not limited to, municipal
9 corporations, quasi-municipal corporations, and authorities ~~,~~
10 and including their officials, employees, and agents when acting
11 in their official capacity.

12 Sec. 4. (1) Labor of a human being is not a commodity or an
13 article of commerce.

14 (2) This act shall not be construed to forbid the existence
15 and operation of any labor, agricultural, or horticultural organ-
16 ization instituted for the purpose of mutual help, while lawfully
17 carrying out its legitimate objects.

18 (3) This act shall not be construed to prohibit, invalidate,
19 or make unlawful any act or conduct of any unit of government,
20 when the unit of government is acting in a subject matter area in
21 which it is authorized by law to act, except for purposes of con-
22 ducting an investigation and the obtaining of appropriate injunc-
23 tive or other equitable relief, other than civil penalties,
24 ~~pursuant to~~ UNDER section 7.

25 (4) This act shall not apply to a transaction or conduct
26 specifically authorized under the laws of this state or the
27 United States, or specifically authorized under laws, rules,

1 regulations, or orders administered, promulgated, or issued by a
2 regulatory agency, board, or officer acting under statutory
3 authority of this state or the United States.

4 (5) A transaction or conduct ~~made unlawful~~ PROHIBITED by
5 this act ~~shall not be construed to violate~~ IS NOT A VIOLATION
6 OF this act ~~where~~ IF it is the subject of a legislatively man-
7 dated pervasive regulatory scheme, including, but not limited to,
8 the insurance code of 1956, ~~being sections 500.100 to 500.8302~~
9 ~~of the Michigan Compiled Laws~~ 1956 PA 218, MCL 500.100 TO
10 500.8302, which confers exclusive jurisdiction on a regulatory
11 board or officer to authorize, prohibit or regulate the transac-
12 tion or conduct. THIS SUBSECTION DOES NOT APPLY TO A TRANSACTION
13 OR CONDUCT BY A TELECOMMUNICATIONS PROVIDER.

14 (6) This act shall not apply to a transaction or conduct of
15 an authorized health maintenance corporation, health insurer,
16 medical care corporation, or health service corporation or health
17 care corporation when the transaction or conduct is to reduce the
18 cost of health care and is permitted by the commissioner. This
19 subsection ~~shall~~ DOES not affect the enforcement of the federal
20 antitrust act by federal courts or federal agencies.