

HOUSE BILL No. 4777

June 10, 1999, Introduced by Reps. Gosselin, Richner, Birkholz, Garcia, Kuipers, DeWeese, Vear, Voorhees, Bishop, Jansen and Raczkowski and referred to the Committee on Employment Relations, Training and Safety.

A bill to promote the uniform regulation of intrastate and interstate commerce; and to prevent certain overlapping, duplicative, or conflicting regulation by local units of government.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "job creation and regulatory responsibility act of 1999".

3 Sec. 2. The legislature expressly intends by this act to do
4 all of the following:

5 (a) Address the proliferation of overlapping, duplicative,
6 and conflicting ordinances and regulations enacted by local units
7 of government that regulate or prohibit certain business activi-
8 ties regulated or permitted by the state or federal government.

9 (b) Recognize the state's clear and compelling interest in
10 addressing the threat to job creation, competition, and economic

1 growth created by ordinances and regulations described in
2 subdivision (a).

3 (c) Promote the fair and uniform regulation of businesses
4 engaged in interstate and intrastate commerce.

5 (d) Allow local units of government to enact, adopt, main-
6 tain, and enforce local ordinances, regulations, and resolutions
7 related to the provisions or subject matter of state or federal
8 law in accordance with this act.

9 Sec. 3. Subject to section 5 and applicable federal law,
10 the state has sole and exclusive authority to enact legislation
11 or adopt regulations relating to the provisions or subject matter
12 of state or federal law. A local unit of government has no
13 authority to enact, adopt, maintain, or enforce any local ordi-
14 nance, regulation, or resolution relating to the provisions or
15 subject matter of state or federal law absent the specific and
16 express delegation of authority described in this act.

17 Sec. 4. (1) Except as provided in section 5, a local unit
18 of government shall not enact, adopt, maintain, or enforce an
19 ordinance, regulation, or resolution that does either of the
20 following:

21 (a) Regulates in any manner subject matter that is described
22 by state or federal law.

23 (b) Duplicates, extends, revises, or regulates in any manner
24 the provisions or subject matter of a state or federal law.

25 (2) An ordinance, regulation, or resolution that violates
26 this section is void.

1 Sec. 5. This act does not prohibit a local unit of
2 government from enacting, adopting, maintaining, or enforcing a
3 local ordinance, regulation, or resolution relating to the provi-
4 sions or subject matter of state or federal law, if that enact-
5 ment or adoption is specifically and expressly authorized by
6 state or federal law.

7 Sec. 6. As used in this act:

8 (a) "Authorized by state or federal law" means authority
9 specifically and expressly conferred by state or federal law, the
10 provisions or subject matter of which the local ordinance, regu-
11 lation, or resolution duplicates, extends, revises, or
12 regulates.

13 (b) "Local unit of government" means a county, city, vil-
14 lage, or township, or any agency, board, or administrative entity
15 of a county, city, village, or township.

16 (c) "State or federal law" means any of the following as
17 they exist on April 1, 1999, or as they are subsequently
18 amended:

19 (i) The minimum wage law of 1964, 1964 PA 154, MCL 408.381
20 to 408.398.

21 (ii) 1965 PA 166, MCL 408.551 to 408.558.

22 (iii) 1978 PA 390, MCL 408.471 to 408.490.

23 (iv) The Michigan occupational safety and health act, 1974
24 PA 154, MCL 408.1001 to 408.1094.

25 (v) The youth employment standards act, 1978 PA 90,
26 MCL 409.101 to 409.124.

1 (vi) The Michigan liquor control code of 1998, 1998 PA 58,
2 MCL 436.1101 to 436.2303.

3 (vii) The Michigan employment security act, 1936 (Ex Sess)
4 PA 1, MCL 421.1 to 421.75.

5 (viii) The state construction code act of 1972, 1972 PA 230,
6 MCL 125.1501 to 125.1531.

7 (ix) Any portion of the Elliott-Larsen civil rights act,
8 1976 PA 453, MCL 37.2101 to 37.2804, that relates to compensation
9 and employment benefits.

10 (x) Any portion of the persons with disabilities civil
11 rights act, 1976 PA 220, MCL 37.1101 to 37.1607, that relates to
12 compensation and employment benefits.

13 (xi) The highway advertising act of 1972, 1972 PA 106,
14 MCL 252.301 to 252.325.

15 (xii) Parts 124 and 129 of the public health code, 1978
16 PA 368, MCL 333.12401 to 333.12434, and 333.12901 to 333.12922.

17 (xiii) The tobacco products tax act, 1993 PA 327,
18 MCL 205.421 to 205.436.

19 (xiv) The Michigan consumer protection act, 1976 PA 331,
20 MCL 445.901 to 445.922.

21 (xv) The Americans with disabilities act of 1990, Public Law
22 101-336, 104 Stat. 327.

23 (xvi) The family and medical leave act of 1993, Public Law
24 103-3, 107 Stat. 6.

25 (xvii) Chapter 411, 46 Stat. 1494, 40 U.S.C. 276a to 276a-5,
26 commonly known as the Davis-Bacon act.

1 (xviii) The fair labor standards act of 1938, chapter 676,
2 52 Stat. 1060, 29 U.S.C. 201 to 216 and 217 to 219.

3 (xix) The national labor relations act, chapter 372, 49
4 Stat. 449, 29 U.S.C. 151 to 158 and 159 to 169.

5 (xx) The occupational safety and health act of 1970, Public
6 Law 91-596, 84 Stat. 1590.

7 (xxi) Section 319 of title III of the federal water pollu-
8 tion control act, chapter 758, 101 Stat. 52, 33 U.S.C. 1329.

9 (d) "Subject matter" includes, but is not limited to, any
10 issue, term, concept, program, service, idea, or topic referenced
11 directly or indirectly by a statute. The term subject matter is
12 to be liberally construed.

13 Sec. 7. This act shall not be construed to extend,
14 restrict, or otherwise affect the authority of a local unit of
15 government under a state or federal statute or regulation, other
16 than a state or federal statute specified in section 6(c). A
17 state or federal statute may limit the authority of local units
18 of government, impliedly or otherwise, regardless of whether the
19 statute is specified in section 6(c). The omission of a state or
20 federal statute from section 6(c) does not, impliedly or other-
21 wise, affect whether that statute limits the authority of a local
22 unit of government.

23 Enacting section 1. This act does not take effect unless
24 all of the following bills of the 90th Legislature are enacted
25 into law:

26 (a) Senate Bill No. _____ or House Bill No. _____ (request
27 no. 03161'99 a).

- 1 (b) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 03161'99 b).
- 3 (c) Senate Bill No. _____ or House Bill No. _____ (request
4 no. 03161'99 c).
- 5 (d) Senate Bill No. _____ or House Bill No. _____ (request
6 no. 03161'99 d).
- 7 (e) Senate Bill No. _____ or House Bill No. _____ (request
8 no. 03161'99 e).
- 9 (f) Senate Bill No. _____ or House Bill No. _____ (request
10 no. 03161'99 f).
- 11 (g) Senate Bill No. _____ or House Bill No. _____ (request
12 no. 03161'99 g).
- 13 (h) Senate Bill No. _____ or House Bill No. _____ (request
14 no. 03161'99 h).
- 15 (i) Senate Bill No. _____ or House Bill No. _____ (request
16 no. 03161'99 i).
- 17 (j) Senate Bill No. _____ or House Bill No. _____ (request
18 no. 03161'99 j).
- 19 (k) Senate Bill No. _____ or House Bill No. _____ (request
20 no. 03161'99 k).
- 21 (l) Senate Bill No. _____ or House Bill No. _____ (request
22 no. 03161'99 l).
- 23 (m) Senate Bill No. _____ or House Bill No. _____ (request
24 no. 03161'99 m).
- 25 (n) Senate Bill No. _____ or House Bill No. _____ (request
26 no. 03161'99 n).

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(o) Senate Bill No. 205.

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