

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 408 (as enrolled)
Sponsor: Senator Philip E. Hoffman
Committee: Economic Development, International Trade and Regulatory Affairs

Date Completed: 5-28-97

RATIONALE

Public Act 309 of 1941 provides for the regulation of trade practices among barbers, haircutters, and barber and haircutting schools and colleges. Specifically, the Act allows the State board of examiners of barbers to regulate trade practices including reasonable service charges and hours of operation, unfair and unsanitary practices among barber shops, haircutting shops, and barber and haircutting schools and colleges. Further, the Act provides for the regulation of practices such as payment to students, operation for profit, and student training service hours among barber and haircutting schools and colleges. The Act states, however, that it is enforceable only in a county with a population of 500,000. Since this Act was declared unconstitutional in *Klosinski v Michigan State Board of Examiners of Barbers*, 308 Mich 70 (1944), it has been suggested that the law should be repealed.

CONTENT

The bill would repeal Public Act 309 of 1941.

MCL 338.651-338.662

BACKGROUND

In *Klosinski v Michigan State Board of Examiners of Barbers*, the Michigan Supreme Court found that Public Act 309 of 1941 violated Article 5, Section 30 of the State Constitution of 1908, which provided, "The legislature shall pass no local or special act in any case where a general act can be made applicable...". (That language currently is contained in Article 4, Section 29 of the State Constitution of 1963.) According to the Court, Public Act 309 "...as passed by the legislature was understood and intended to be effective only in Wayne county; but it also appears...that the regulations sought to be imposed under the act are

no more fitted to or required in Wayne county than in other parts of the State. ...[I]t definitely appears that the test of whether the regulations sought to be imposed are necessary or proper has no reasonable or logical relation to a county's population being more or less than 500,000."

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Since Public Act 309 of 1941 was declared unconstitutional, it should be removed from the books. This law has not been enforced in over 50 years and is clearly outdated. Barber shops, haircutting shops, and barber and haircutting schools and colleges would still be regulated under the Occupational Code.

Legislative Analyst: N. Nagata

FISCAL IMPACT

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

Fiscal Analyst: M. Tyszkiewicz

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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.