

SENATE BILL No. 1058

February 5, 2002, Introduced by Senator SIKKEMA and referred to the Committee on Technology and Energy.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (2) This act ~~shall not be construed to forbid~~ DOES NOT
4 PROHIBIT the existence and operation of ~~any~~ A labor, agricul-
5 tural, or horticultural organization ~~instituted~~ CREATED for the
6 purpose of mutual help, while lawfully carrying out its legiti-
7 mate objects.

8 (3) This act ~~shall not be construed to~~ DOES NOT prohibit,
9 invalidate, or make unlawful ~~any~~ AN act or conduct of any unit
10 of government, ~~when~~ IF the unit of government is acting in a
11 ~~subject~~ matter ~~area in which it is~~ authorized by law, ~~to~~

1 ~~act,~~ except for ~~purposes of~~ conducting an investigation and
 2 the obtaining of ~~appropriate~~ injunctive or other equitable
 3 relief, other than civil penalties, ~~pursuant to~~ UNDER section
 4 7.

5 (4) ~~This act shall~~ EXCEPT FOR THE PROVISION OF TELECOMMUN-
 6 ICATION SERVICES, THIS ACT DOES not apply to a transaction or
 7 conduct specifically authorized ~~under the laws of this state or~~
 8 ~~the United States, or specifically authorized under laws,~~ BY LAW
 9 OR THE rules, regulations, or orders ~~administered, promulgated,~~
 10 ~~or issued by~~ OF a regulatory agency, board, or officer acting
 11 under statutory authority. ~~of this state or the United States.~~

12 (5) ~~A~~ EXCEPT FOR THE PROVISION OF TELECOMMUNICATION SERV-
 13 ICES, A transaction or conduct made unlawful by this act ~~shall~~
 14 ~~not be construed to~~ DOES NOT violate this act ~~where~~ IF it is
 15 the subject of a legislatively mandated pervasive regulatory
 16 scheme, including, but not limited to, the insurance code of
 17 1956, ~~being sections 500.100 to 500.8302 of the Michigan~~
 18 ~~Compiled Laws, which~~ 1956 PA 218, MCL 500.100 TO 500.8302, THAT
 19 confers exclusive jurisdiction on a regulatory board or officer
 20 to authorize, prohibit, or regulate the transaction or conduct.

21 (6) This act ~~shall~~ DOES not apply to a transaction or con-
 22 duct of an authorized health maintenance corporation, health
 23 insurer, medical care corporation, or health service corporation
 24 or health care corporation when the transaction or conduct is to
 25 reduce the cost of health care and is permitted by the
 26 commissioner. This subsection ~~shall~~ DOES not affect the

1 enforcement of the federal antitrust act by federal courts or
2 federal agencies.

3 (7) AS USED IN THIS SECTION, "TELECOMMUNICATION SERVICES"
4 MEANS THAT TERM AS DEFINED IN SECTION 102 OF THE MICHIGAN TELE-
5 COMMUNICATIONS ACT, 1991 PA 179, MCL 484.2102.