STATUTES: Amendments.

LABOR: Female Workers.

Where the same legislature enacts two statutes repugnant with each other, the last enactment, even though it takes effect first, must control. Section 9 of Act 285, P.A. 1909 will remain in effect until the commission established under Act 282, P.A. 1967 promulgates standards.

No. 4617   March 18, 1968.

Hon. Raymond D. Dzendzel
State Senator
Lansing, Michigan

Hon. Sander M. Levin
State Senator
Lansing, Michigan

You have requested my opinion on the following question:

What effect does the enactment of Act 187 and Act 282, P.A. 1967 have upon the provisions of Section 9 of Act 285, P.A. 1909?

Section 9 of Act 285, P.A. 1909, as amended, being C.L.S. 1961 § 408.59; M.S.A. 1960 Rev. Vol. § 17.19, in part regulates the hours of labor that female persons may perform in any day or week as provided therein.

Act 187, P.A. 1967 was enacted by the legislature to repeal Section 9 of Act 285, P.A. 1909, supra. It was approved by the governor on June 30, 1967 without being given immediate effect. It became effective on November 2, 1967.

The same legislature also enacted Act 282, P.A. 1967. This act was approved by the governor on August 1, 1967 and was ordered to take immediate effect.

Section 18 of Act 282, P.A. 1967 provides:

"(1)   Act No. 285 of the Public Acts of 1909, as amended, being sections 408.51 to 408.94 of the Compiled Laws of 1948, is repealed: Provided, however, That until the commission herein established promulgates standards in accordance with this act, the provisions of Act No. 285 of the Public Acts of 1909, as amended, being sections 408.51 to 408.94 of the Compiled Laws of 1948, are in full force and effect. The commission shall, as new standards are promulgated, advise the legislature of sections being amended and substituted."

Even though Act 282, P.A. 1967 took effect on August 1, 1967 and Act 187, P.A. 1967 became effective on November 2, 1967, there is no question but that Act 282, P.A. 1967 is the later enactment of the legislature.

Both Acts 187 and 282, P.A. 1967 repeal Section 9 of Act 285, P.A. 1909, supra. Since they were enacted by the same legislature it must be assumed that the legislature in framing and passing upon the acts had full knowledge of the provisions of each. *Reichert v. Peoples State Bank for Savings*, 265 Mich. 668 (1934).

A reading of the provisions of Acts 187 and 282 reveals that the two are repugnant. Act 187, P.A. 1967 would repeal Section 9 of Act 285, P.A. 1909, supra, and Section 18 of Act 282, P.A. 1967 would repeal all of the provisions of Act 285, P.A. 1909, supra, including Section 9, but not until the commission established under Act 282. P.A. 1967 promulgates the standards in accordance with the act.

The law is well settled in Michigan that where two legislative acts are repugnant to each other, the one last passed, being the latest expression of legislative will, must govern. *Port Huron Engine & Thresher Co. v. Township of Port Huron,* 191 Mich. 590 (1916). *Detroit United Rwy. v. Barnes Paper Company,* 172 Mich. 586 (1912).

The later enactment of the legislature controls even though such enactment is given immediate effect. It is repugnant to an enactment of the same legislature passed earlier even though such enactment took effect later. *Belding Land & Improvement Co. v. City of Belding,* 128 Mich. 79 (1901).

The Attorney General has ruled in Opinion No. 23367, O.A.G. 1941-42, page 578, that an act given immediate effect will prevail over an act passed before it, but going into effect later.

Therefore, it is the opinion of the Attorney General that the provisions of Act 282, P.A. 1967 prevail over the provisions of Act 187, P.A. 1967, even though the latter act was passed earlier but did not go into effect until later. Under such holding the provisions of Section 9 of Act 285, P.A. 1909, supra, remain in effect until such time as the commission established under Act 282, P.A. 1967 promulgates the standards in accordance with Act 282, P.A. 1967.

FRANK J. KELLEY,
Attorney General.