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LABOR LAW: Minimum Wage Law of 1964.

WAGE DEVIATION BOARD: Commissioner of Labor.

The 13-week employment period in section 3 of the minimum wage law began to operate on August 28, 1964, the effective date of Act 154, P.A. 1964.

The Commissioner of Labor has no vote on the Wage Deviation Board.

No. 4404

February 22, 1965.

Mr. Roy W. Johns
Commissioner of Labor
Lansing, Michigan

You have requested an opinion concerning the effective date of section 3 of Act 154, P.A. 1964. Section 3 provides as follows:

"No employer shall employ for more than 13 weeks in any 4 consecutive 3-month periods any employee at a rate of less than prescribed in this act."

Section 4 of the act provides as follows:

- "(1) The minimum hourly rate shall be:
- (a) Beginning January 1, 1965, \$1.00.
 - (b) Beginning January 1, 1966, \$1.15.
 - (c) Beginning January 1, 1967, \$1.25.

"(2) It is the intent of the legislature that any increases or decreases in the minimum hourly rate, established in this act after 1967, shall reflect corresponding increases or decreases in the cost of living."

More precisely your question is whether the 13-week period specified in section 3 begins to operate on August 28, 1964, which is the effective date of the act as a whole, or on January 1, 1965, which is the first date upon which a minimum hourly rate became effective.

It is my opinion that the 13-week period began to operate as to all employers subject to the act as of the effective date of the act, i.e., August 28, 1964.

It is the clear intention of the act to require employers subject thereto to begin paying the prescribed minimum wage rate beginning January 1, 1965. If on that date such employers had employees with employment tenures of 13 weeks or more, they must have begun paying the minimum wage to those employees on January 1, 1965.

You also ask whether the Commissioner of Labor, as secretary of the Wage Deviation Board, has a vote in matters considered by the Board.

Section 5 of the act provides as follows:

"After the effective date of this act, the governor shall appoint a wage deviation board composed of 3 representatives of the employers, 3 representatives of the employees and 3 persons representing the public; 1 of the last 3 shall be designated as chairman. Members shall serve for terms of 3 years, except that of the members first

appointed, 1 from each group shall be appointed for 1 year, 1 for 2 years and 1 for 3 years. The commissioner shall be secretary of the wage deviation board. A majority of the members of the board constitutes a quorum and the recommendation or report of the board requires a vote of not less than a majority of its members. Members of the board shall receive no compensation but may be reimbursed for actual and necessary expense while on official duty."

The Commissioner of Labor is not a member of the Board. Since the recommendations and reports of the Board require "a vote of not less than a majority of its *members*," it is clear that the Commissioner cannot vote on matters considered by the Board.

FRANK J. KELLEY,
Attorney General.

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CONSTITUTIONAL LAW: Exemption from taxation.
TAXATION: Power to grant exemption from income tax.

Article IX, § 7 of the Michigan Constitution of 1963, does not bar the legislature from exempting a certain dollar amount of gross income or a certain specified portion of a taxpayer's income or from providing exemptions for a taxpayer and his dependents similar to those provided for under the federal income tax law.

No. 4415

February 25, 1965.

Hon. Basil W. Brown
State Senator
The Capitol
Lansing, Michigan

Article IX, § 7 of the Michigan Constitution of 1963 provides as follows:

"No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions."

You ask my opinion on the following question:

Does Article IX, § 7 of the Michigan constitution of 1963 bar the legislature from the enactment of a flat rate income tax based on gross income at a specified rate and allow exemptions to taxpayers of a certain dollar amount of their gross income or to exempt certain specified portions of the taxpayer's income and provide exemptions for the taxpayer and his dependents similar to those provided under the federal income tax law?

The law appears well settled that the power to exempt from taxation is reposed in the legislature and subject only to constitutional limitation. *Auditor General v. MacKinnon Boiler & Machine Co.*, 199 Mich. 489 (1917); *Lucking v. People*, 320 Mich. 495 (1948).

In Article IX, § 4, the people have commanded that property owned and occupied by non-profit, religious or educational organizations shall be