

HOUSE BILL No. 5977

December 2, 2014, Introduced by Rep. Poleski and referred to the Committee on Michigan Competitiveness.

A bill to limit the powers of units of local government to adopt, enforce, or administer certain local mandates for employers; to prohibit local minimum wage, benefit, or leave requirements; to prohibit certain ordinances regulating the development of real property within units of local government; and to void local requirements that are adopted in violation of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "local
2 government employer mandate prohibition act".

3 Sec. 2. The legislature finds and declares as follows:

4 (a) That wages and benefits for employees throughout this
5 state are matters of state concern and, in addition to the state's
6 wage and benefits laws occupying the regulatory field of wages and
7 benefits, are outside the express or implied authority of

1 municipalities in this state to regulate unless that authority is
2 expressly delegated to a municipality.

3 (b) That the development and redevelopment of properties in
4 municipalities is critical to the economic success of those
5 municipalities, and certain regulations and prohibitions on that
6 development and redevelopment are matters of statewide concern and
7 are within the regulatory power of this state.

8 (c) That this act is intended to provide uniformity throughout
9 this state on the adoption of certain prohibitions or limitations
10 on employers throughout this state.

11 Sec. 3. As used in this act:

12 (a) "Community benefits agreement" means a contract required
13 by ordinance, resolution, or policy by a county, city, village,
14 township, or other political subdivision within this state that
15 requires contractors or developers to, concurrently with the
16 development of certain parcels or property within that county,
17 city, village, township, or other political subdivision within this
18 state, hire certain employees, pay certain wages or benefits,
19 engage certain subcontractors or local businesses for the provision
20 of goods and services, or engage in other similar activities in
21 exchange for receipt of grants, tax abatements or exemptions, the
22 transfer of property, or other economic development incentives the
23 contractor or developer would be otherwise eligible to receive by
24 law.

25 (b) "Community benefits ordinance" means an ordinance,
26 resolution, or policy adopted by a county, city, township, village,
27 or other political subdivision within this state that requires the

1 entry into a community benefits agreement.

2 (c) "Employee" means a person employed in this state by an
3 employer.

4 (d) "Employer" means a person engaging in a commercial
5 activity, enterprise, or business in this state.

6 Sec. 4. (1) Except as provided in subsection (2), a county,
7 township, city, village, or other political subdivision within this
8 state shall not adopt, enforce, or administer a community benefits
9 ordinance or an ordinance, policy, or resolution that establishes
10 any requirement related to employee wages or benefits, such as a
11 requirement for an employer to provide an employee with a minimum
12 wage, particular benefits, a specified amount of paid or unpaid
13 leave time, or the payment of a prevailing wage except as provided
14 by law.

15 (2) This act does not prohibit a county, township, city,
16 village, or other political subdivision within this state from
17 doing any of the following:

18 (a) Enforcing a requirement of federal law or the law of this
19 state.

20 (b) Adopting or enforcing an ordinance, policy, or resolution
21 concerning a minimum wage, particular benefits, or a specified
22 amount of paid or unpaid leave time for employees of that county,
23 township, city, village, or other political subdivision.

24 (c) Otherwise entering into an agreement providing for the
25 rights and responsibilities of a contractor or developer and that
26 county, city, village, township, or other political subdivision
27 with respect to the development of real property and the provision

1 of governmental services to that property.

2 Sec. 5. A community benefits ordinance or any other ordinance,
3 policy, or resolution that is adopted in violation of this act is
4 void.