

MICHIGAN LAME DUCK SESSION BILLS FINAL

As of 12/30/2024

The session days after an election before new legislators are sworn in is called “Lame Duck.” Because Democrats have lost the state house, and there will no longer be a Democrat Trifecta, this year’s Lame Duck was expected to be especially dangerous for small businesses as many damaging pieces of legislation were in play.

Earned Sick Time and Minimum Wage. Unfortunately, there was never an agreement between the legislative majorities to make critical changes for small business to the Earned Sick Time Act and Minimum Wage (restoration of the tipped wage), so no legislation moved. NFIB will continue to advocate for changes – the new House Republican majority has already indicated this will be a top priority in January.

Please note that there may be bills that are industry specific that NFIB opposed that are not on this list. NFIB actively opposed all of the following legislation.

✘ Anti-Small Business Legislation that has Passed Both the House and Senate

- **Increase in Unemployment Insurance Benefits and Duration**
Senate Bill 40 [passed last week](#) and was signed into law by Governor Whitmer on December 23, 2024. SB 40 will increase unemployment insurance weekly benefits from \$364 to \$614 over three years and indexes it to on thereafter. It also increases the duration from 20 to 26 weeks.
- **Plumber Ratios**
Also signed into law was Senate Bill 740 which creates an apprentice to master plumber ratio on job sites. Currently, there are no ratios, so this law could be especially challenging for non-union plumbing businesses.
- **Wage Garnishment**
House Bill 4900 makes it harder to garnish paychecks in order to pay off debts. It will reduce the amount of earnings that can be garnished from 25% to 15% percent regardless of income. This has passed both the Senate and House but has not been signed by the Governor as of 12/30/24.
- **Rescind Public Employee Benefit Reform**
House Bill 6058 eliminates requirement on public employees to pay at least 20% of their health benefit cost; reform originally put in place to help stem rising cost to taxpayers in both state and local governments. Passed both the Senate and House but has not been signed by the Governor as of 12/30/24.

✔ Anti-Small Business Legislation that was STOPPED

Family Leave Optimized Benefits (paid family leave): Unemployment Insurance style program that would allow employees up to 12 weeks of paid family leave – included a tax on employers and employees.

Elimination of Local Preemption on Labor Mandates: would have removed the local preemptions put in place on wage and hour issues that prevent locals from passing their own minimum wage, paid sick leave policies, etc.

Independent Contractor (1099 employees) Definition Change: would have used the California ABC test and essentially eliminated independent contractors (1099 employees) in Michigan.

Workers Compensation Legislation: changes that would favor claimants and trial attorneys including an expansion of the definition of disability and allowing claims going back to the 1980s.

Wage Theft Package: would have increased fines and penalties on wage and hour violations including making some of them felonies; allowed for private right of action; allowed for employees to be told the salary of other employees in the same position; eliminated non-compete agreements,

Pay Equity Package (some elements similar to Wage Theft Package): would update wage and hour discrimination to all protected classes in the Elliott-Larsen Act (including sexual identity, gender, weight, etc.) and allow for fines and private right of action for violations; mandatory job descriptions; allowed for employees to be told the salary of other employees in the same position; eliminated non-compete agreements.

Bottle Deposit Law Expansion: would have expanded deposits to non-carbonated beverages like fruit juices and bottled water.

Water Management Districts/Stormwater Fees "Rain Tax": legislation that would have allow local governments to levy taxes on stormwater to pay for upgraded infrastructure.

Un-Cap Medical Malpractice Liability: would have removed the cap on non-medical damages.

The Homeless Bill of Rights: would have made it illegal to discriminate against people who are homeless; employers would be fined for requiring a permanent address. Property owners would also be unable to move a homeless individual or their belongings from anywhere considered public property, including a storefront.

SB 170: Project Labor Agreements: Allows local governments to enter into Project Labor agreements and set minimum wage and benefit requirements.

SB 895: Electrician Apprenticeship Ratios: Would require a 1:1 apprentice to master ratio for electricians.

SB 408 and 409: Wage Garnishment: Changes the threshold for how much wages/property is exempt from garnishment by a creditor.

SB 605-607: Polluter Pay: These bills were substituted minutes before passing the senate along party vote. Prescribes cleanup standards for properties, allows DEGLE to promulgate rules, and requires bonds to be procured for certain businesses.

SB 609 and 611: Water Contamination: These bills were substituted minutes before passing the senate along party vote. Allows for individuals who were exposed to pollution to file a claim, even if they aren't symptomatic.

SB 659: Data Privacy: Creates a new data privacy act for consumers. A data collector must provide an 'opt-in' for consumers and provide a privacy notice regarding the purpose of data collection. Allows the

AG and consumers to initiate civil actions. Would create a Data Broker registry and funds for administering the bills contents.

SB 888-892: Identity Theft: Creates framework for security measures that each entity which houses personal data must follow, penalties for any data breaches, and notification of any breaches along with consumer protection information. This includes hiring or assignment of a security coordinator. Includes AG civil right of action.

SB 1170: Price Displays: Increases fines and penalties for violating the act. Also removes exemption for vending machines

SB 1173: Repeal of Local Prevailing Wage Exemption: Allows local governments to adopt ordinances that would pay employees more than the state minimum wage as a prevailing wage on construction projects. The bill would also enable local governments to enact ordinances, policies or resolutions limiting the hours and scheduling of an employee who worked on a project to which a project labor agreement applied.

SB 663: Water Regulation Rules: removes prohibition on rule making for water withdrawal.

SB 1022: Consumer Protection Act changes: would have removed the current exemptions for businesses/professions that are regulated by the state or federal government.

HB 5895-5897 & SB 954-956: Price Gouging: Prohibits excessive price gouging, which is defined as more than a 10% rise in prices unless there is a demonstrable change in cost of inputs, during a state of emergency. Allows for civil action by the AG or local prosecuting attorney as well as a class action by the AG.

HB 6060 Pension Expansion Bills: Would reopen the pension system for new and existing teachers which could create billions of dollars of liability for the state of Michigan.

HB 6238: Prohibits employers from discriminating against employees who are victims of certain crimes: Creates a new act to prohibit an employer from taking an adverse employment action against an individual who was the victim of a violent crime or whose family member was a victim of a violent crime.