

# The Center for Local, State, and Urban Policy

Gerald R. Ford School of Public Policy >> University of Michigan

Michigan Public  
Policy Survey June 2017

## Michigan local leaders' views on state preemption and how to share policy authority

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This report presents the opinions of Michigan's local government leaders regarding concerns over state government preemption of local decision-making and preferred areas of shared and separate policy authority between local and state government. The findings in this report are based on statewide surveys of local government leaders in the Fall 2016 wave of the Michigan Public Policy Survey (MPPS).

>> The Michigan Public Policy Survey (MPPS) is a census survey of all 1,856 general purpose local governments in Michigan conducted by the Center for Local, State, and Urban Policy (CLOSUP) at the University of Michigan in partnership with the Michigan Municipal League, Michigan Townships Association, and Michigan Association of Counties. The MPPS takes place twice each year and investigates local officials' opinions and perspectives on a variety of important public policy issues. Respondents for the Fall 2016 wave of the MPPS include county administrators, board chairs, and clerks; city mayors, managers, and clerks; village presidents, managers, and clerks; and township supervisors, managers, and clerks from 1,315 jurisdictions across the state.

For more information, please contact: [closup-mpps@umich.edu](mailto:closup-mpps@umich.edu) / (734) 647-4091. You can also follow us on Twitter @closup

## Key Findings

- Statewide, 70% of Michigan's local government officials believe the State government is taking away too much decision-making authority from local governments, while only 8% disagree with that view.
- However, when it comes to sharing authority over various policy areas, many local leaders believe state government should have primary authority over certain policy issues, while local governments should have that authority over other areas. In terms of broad policy areas, majorities of local officials believe state government should have primary authority over:
  - » anti-discrimination policies such as those that address LGBTQ rights and equal opportunity laws (42% say state government should have "most" authority, while 32% say it should have "complete" authority);
  - » social issues such as public welfare, homelessness, and gun regulation (45% say most, 24% say complete);
  - » business issues such as policies on the minimum wage, plastic bag bans, puppy mills, Uber, Airbnb, etc. (47% say most, 19% say complete);
  - » issues regarding the environment and natural resources, including policies on water, solid waste, agriculture, and forestry (51% say most, 9% say complete).
- By contrast, most local leaders believe local governments should have primary authority over:
  - » land use and planning, including zoning and permitting (43% say local governments should have "most" authority, while 49% say they should have "complete" authority);
  - » local finance and tax policy (49% say most, 26% say complete);
  - » how local governments conduct business, such as requirements for open meetings and public notices (39% say most, 23% say complete);
  - » general economic development issues (55% say most, 23% say complete).
- While there are differences in these opinions among various local officials, in general there are high levels of agreement on many of these issues, regardless of different characteristics such as the types of jurisdictions the local leaders represent, the sizes of their communities, or even their partisan affiliations.

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### Background

A recent CLOSUP report outlined the views of Michigan local government leaders regarding the relationships between the State government and their local jurisdictions, including a number of issues that impact those relationships.<sup>1</sup> As detailed in that report, a key aspect of these relationships is the state government's preemption of local government authority. In fact, this is an increasingly important topic across the country, with growing tension between state and local governments on a number of policy issues such as adoption of anti-discrimination laws, bans on plastic shopping bags, regulation of ride sharing services like Uber and Lyft, and more.<sup>2</sup> In each year since 2011, state legislative preemption efforts across the country have increased, with The Center for Media and Democracy reporting that 2015 saw "more efforts to undermine local control on more issues than any other year in history."<sup>3</sup> In Michigan, state-level constraints on local policy options are found in numerous policy areas, such as revenue limits imposed by Proposal A and the Headlee Amendment, personnel issues such as limitations on local government contributions to employee benefits,<sup>4</sup> limitations on local minimum wage laws, and others. And in the future, Michigan state lawmakers may also consider legislation that would constrain local ordinances on a wide array of topics from dog breeds to bed bugs to immigration sanctuaries, as well as school zoning and gun control ordinances.<sup>5</sup>

The Fall 2016 MPPS survey included a battery of questions regarding local leaders' views on these issues, including whether they think authority for eight broad policy domains should be held at the state level, the local level, or some combination of the two.



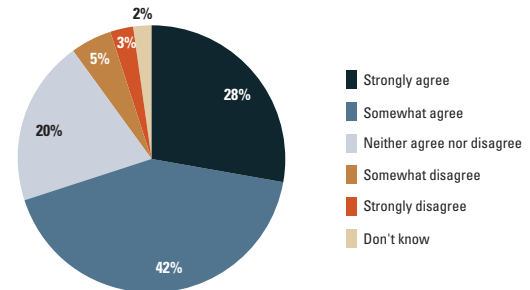
## By a wide margin, local leaders believe the State of Michigan is taking too much authority away from local governments

As highlighted in the recent CLOSUP report, 70% of local leaders across Michigan believe the State government is taking away too much decision-making authority from local governments, including 28% who *strongly* agree with this sentiment (see *Figure 1a*). Only 8% of local leaders statewide disagree with this statement.

Regardless of differences in terms of their community types, or their individual characteristics, majorities of local leaders across Michigan believe the State is taking away too much authority from local governments in general. For instance, as shown in *Figure 1b*, while 78% of leaders from the state's largest communities (those with more than 30,000 residents) say the State is taking away too much authority, so do 66% of leaders from the smallest communities (those with fewer than 1,500 residents). In addition, while 78% of appointed officials—such as county administrators, or city, village, and township managers—say state preemption has gone too far, so do 68% of elected officials, such as county board chairs, city mayors, village presidents, or township supervisors and clerks. By partisan affiliation, 73% of both Democratic and Republican local officials say the State has gone too far (though 37% of Democrats feel strongly this way strongly, compared with 25% of Republicans).

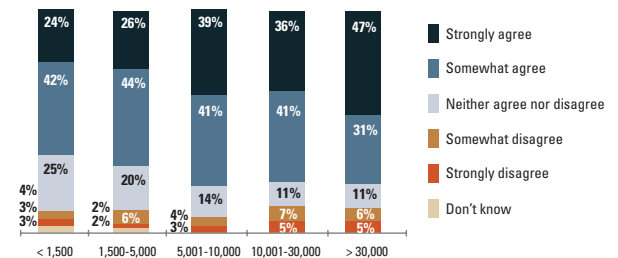
**Figure 1a**

Local leaders' views on whether the State is taking too much decision-making authority away from local governments



**Figure 1b**

Local leaders' views on whether the State is taking too much decision-making authority away from local governments, by population size



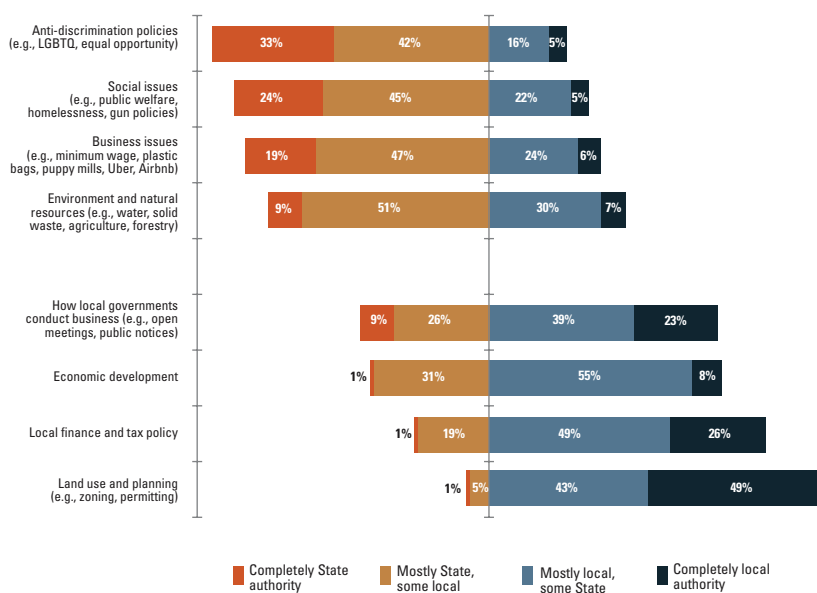
## Local officials identify broad policy areas that should be primarily under state authority or local authority

However, it is not the case that local government officials want to hoard all policymaking authority for themselves. Despite the large majority of local leaders concerned about State preemption, there are broad policy areas where local officials believe state government should take the lead.

The Fall 2016 MPPS asked about the division of authority between state and local governments over eight broad policy areas, and it turns out there are four areas for which most local officials believe primary authority should reside at the state level. The area with greatest support for state government authority is on a range of **anti-discrimination policies** (such as equal opportunity laws, protections for LGBTQ communities, etc.), where 33% of local officials say state government should have complete authority and another 42% say state government should have most authority while sharing some with local governments (see *Figure 2*). A majority of local leaders also would assign primary authority to state government for certain **social policies** which could include issues such as public welfare, homelessness, and gun regulation (69%), certain **business issues** like minimum wage standards, regulation of puppy mills or ridesharing services (66%), and policies regarding the **environment and natural resources**, including those on water, solid waste, agriculture, and forestry (60%).

*Figure 2* also illustrates that there are broad policy areas where local officials strongly believe authority should be either mostly or completely under local government. Local officials overwhelmingly support local authority for **land use and planning and zoning**, with 43% saying most authority, and 49% saying all authority, should be at the local level. In addition, majorities say that local governments should have primary authority over **local finance and tax policy** (75%), **economic development** (63%), and **how local governments conduct business**, such as requirements regarding open meetings and public notices (62%).

**Figure 2**  
Local leaders' views on the division of authority between state and local governments



Note: Responses for "don't know" not shown



## More consistency than variation in local leaders' views

In most MPPS analyses, the views of Michigan's local leaders are typically found to vary—often significantly—when broken down across different characteristics, such as the size of their jurisdictions or their regions within Michigan.<sup>6</sup> In this case, while some significant differences are found when drilling deep enough into the data, most local officials share similar views on the appropriate division of authority over several broad policy areas, as seen in *Figures 3a-3c*.

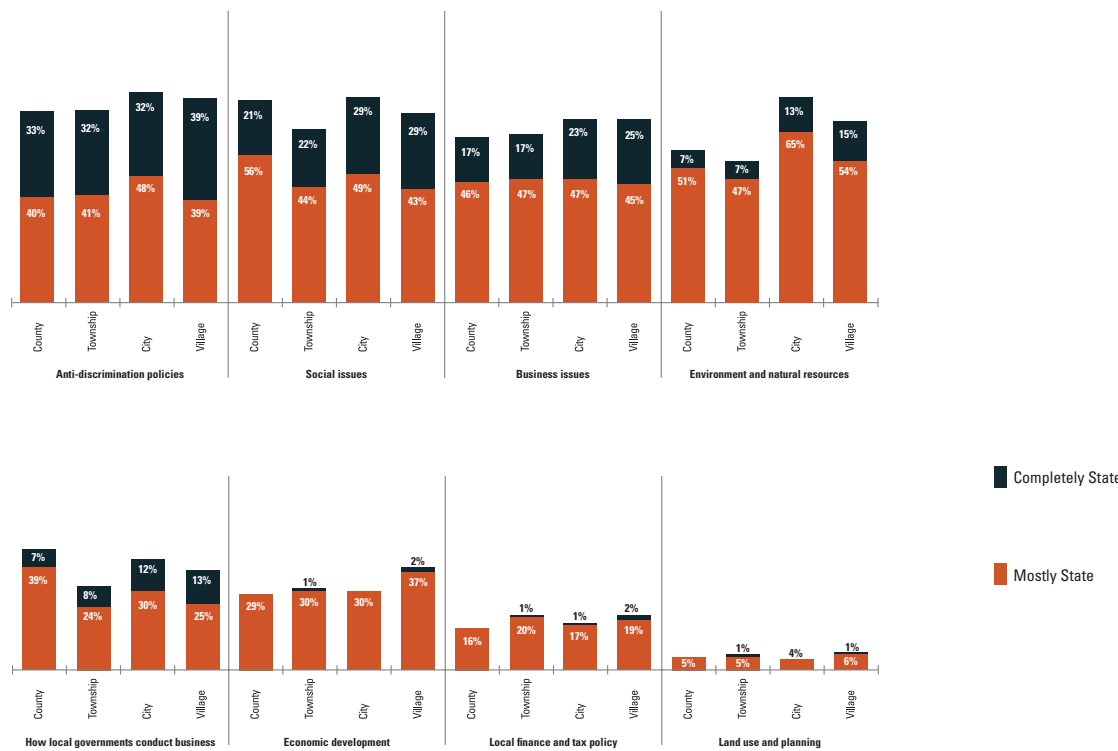
Even before drilling down very far, there are some differences in opinion among local leaders from different jurisdiction types. As shown in *Figure 3a*, city officials are more likely to support primary State authority over environmental and natural resources policies (78%) than are officials from villages (69%), counties (58%), or townships (54%). In addition, village officials are somewhat more likely to say they support State authority on economic development policy (39%) than are their counterparts in other jurisdiction types. Meanwhile, township officials are the least likely to support State authority over social issues (66%) and how local governments conduct business (32%), compared to officials from other jurisdiction types. Then, digging deeper into narrow subgroups of officials does yield some wider differences. For example, while not shown in the *Figure 3a*, townships in the Upper Peninsula (45%) are significantly less likely to say state government should have primary authority over environmental issues, compared with townships in Southeast Michigan (65%). However, when looking statewide, what tends to stand out more than these differences is the general levels of agreement on assigning primary authority across the various policy areas. Typically, majorities of local leaders feel similarly, whether they represent counties, cities, townships, or villages.

In addition, while there are several differences in opinion on the division of State-local authority among officials from different jurisdiction sizes, for the most part, these attitudes of officials from large and small communities are more similar than is often found in MPPS analyses. Officials from larger jurisdictions do express somewhat higher levels of support compared to officials from smaller jurisdictions for State authority on a number of issues—namely, social and environmental policy, as well as how local governments conduct business—but perhaps the more noticeable finding is that majorities of all types feel the same way on almost all of the broad policy areas. For example, as shown in *Figure 3b*, only 18% of officials from Michigan's largest jurisdictions believe that state government should have primary authority over local finance and tax policy, and nearly the same percentage (20%) of leaders from the state's smallest communities say the same.

Perhaps most surprisingly, there is very little disparity among officials with differing partisan affiliations across all eight broad policy areas. For example, local leaders who self-identify as Republicans (70%), Independents (71%), and Democrats (74%) believe that social issues—such as welfare, homelessness, or gun control—should primarily be decided at the State level rather than by individual local jurisdictions (see *Figure 3c*). Even when it comes to environmental policy, where differences are a bit more obvious along breakdowns by jurisdiction type and size, there are very few differences when looking at the partisan identification of Michigan's local leaders.

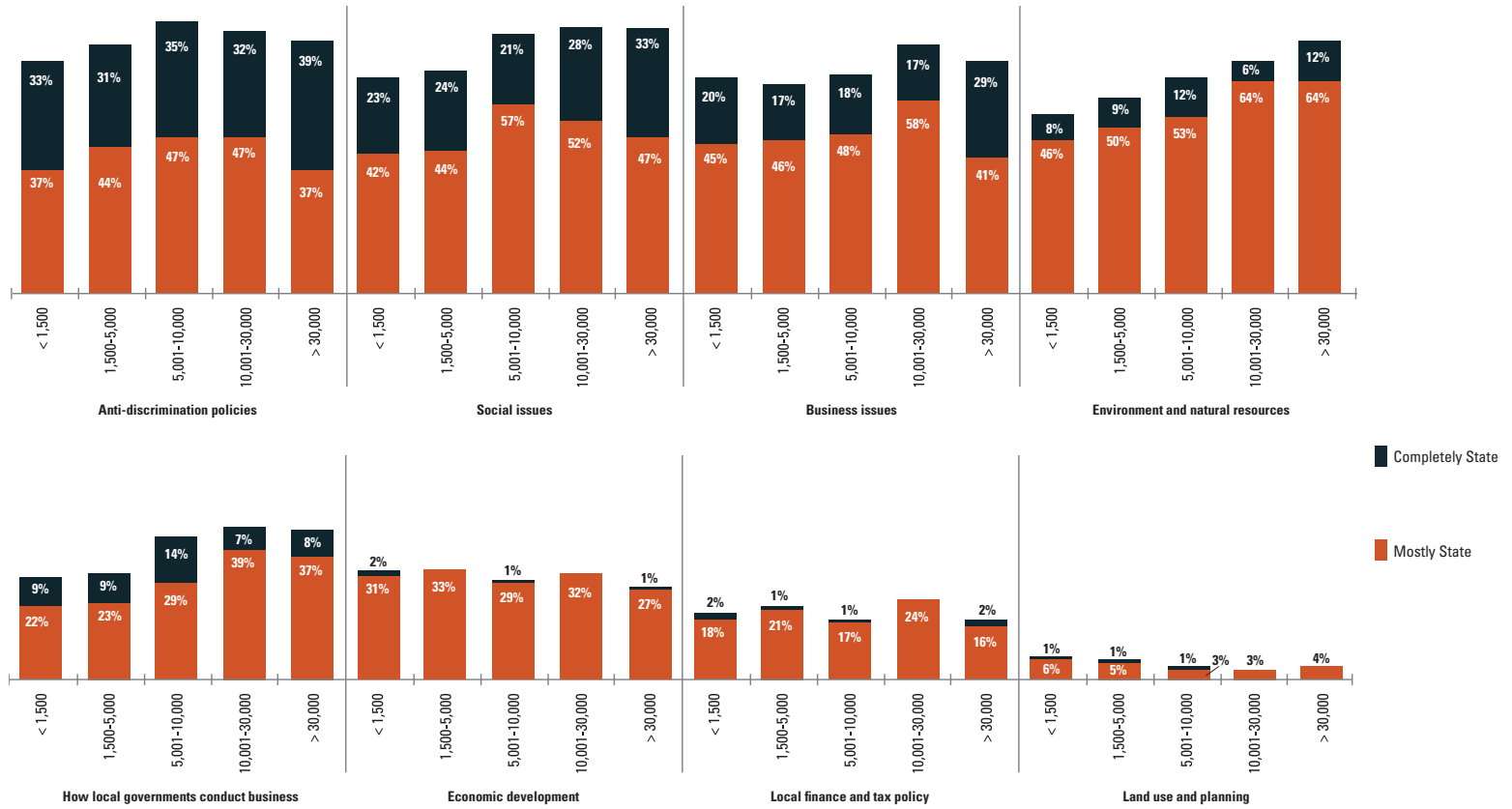
Finally, it is worthwhile to note that the MPPS survey asked only about broad policy areas—for example, “social issues”—and didn't offer respondents the opportunity to identify potentially differing preferences on more specific types of policies within those broad categories. That is to say, local leaders might feel differently about gun regulation as compared to homeless services (both of which were combined together under “social policies” in the questionnaire), or about regulation of fracking as compared to forestry policies (both of which were combined together under the broad “environmental and natural resources” policy area).

**Figure 3a**  
Percentage of local officials who believe state government should have most or complete authority over particular policy areas, by jurisdiction type

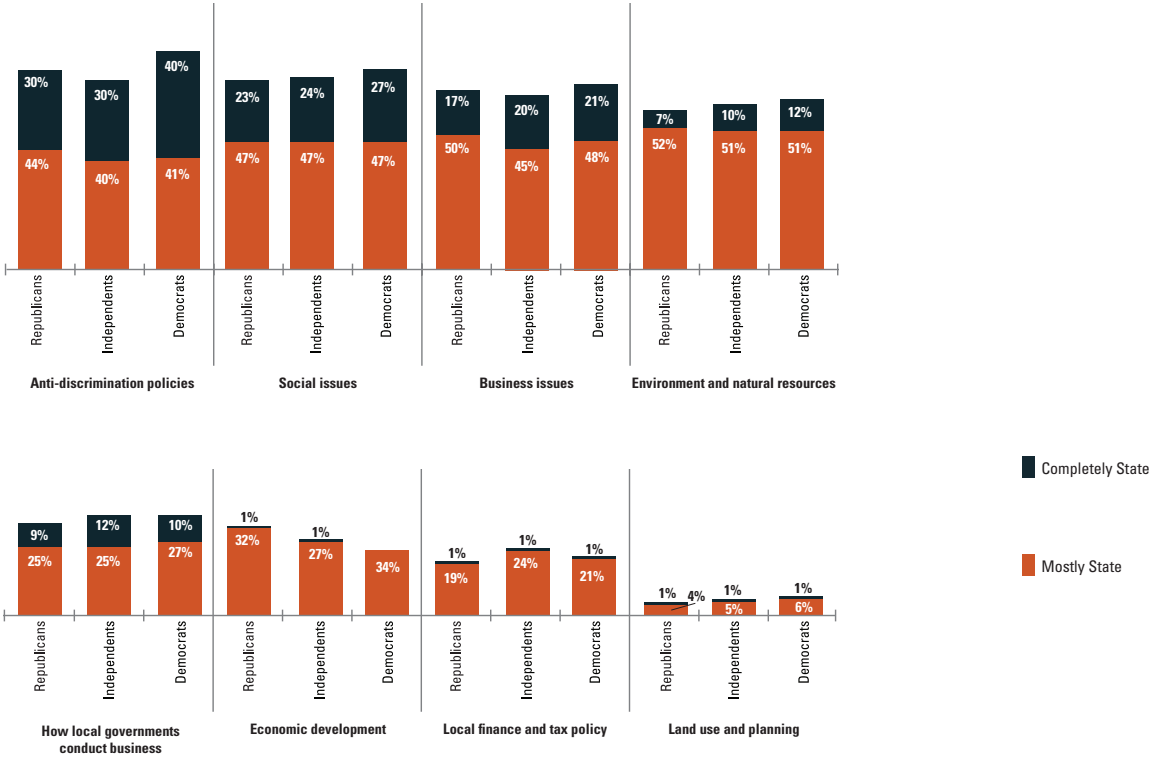


**Figure 3b**

Percentage of local officials who believe state government should have most or complete authority over particular policy areas, by jurisdiction size



**Figure 3c**  
Percentage of local officials who believe state government should have most or complete authority over particular policy areas, by partisan identification







## Conclusion

As state-level preemption of local government authority becomes a growing source of tension across the country, the MPPS finds interesting patterns of viewpoints among Michigan's local leaders. Although 70% of the local officials express concern that Michigan's state government is taking too much decision-making power away from the local jurisdictions, in fact there are several broad policy areas where most local leaders believe state government in general should have primary authority, including anti-discrimination policies, social issues, business issues, and environment and natural resource policies. However, there are also areas with widespread agreement among local leaders that the local jurisdictions should have most or complete authority, including how local governments conduct their own business, economic development policies, and local finance and tax policies. And, local leaders are most strongly in agreement that land use and planning issues should remain under the authority of local, rather than state, governments.

It may be that there are greater differences in local officials' opinions when it comes to any one particular legislative or executive initiative or even narrow policy areas, and future research should dig deeper into these potential variations. Yet within the broad policy categories asked about on the MPPS survey, there is considerable agreement. While the most recent MPPS report found evidence of strained relations between many local governments and the State, perhaps having a better understanding of how local leaders think policy authority should be shared could help improve these relationships.

## Notes

1. Horner, D. & Ivacko, T. (2017). *Improving communication, building trust are seen as keys to fixing relationships between local jurisdictions and the State government*. Ann Arbor, MI: Center for Local, State, and Urban Policy at the Gerald R. Ford School of Public Policy, University of Michigan. Retrieved from <http://closup.umich.edu/files/mpps-state-local-relations-2016.pdf>
2. Greenblatt, A. (2016, March 25). Beyond North Carolina's LGBT battle: States' war on cities. *Governing Magazine*. Retrieved from <http://www.governing.com/topics/politics/gov-states-cities-preemption-laws.html>
3. Riverstone-Newell, L. (2017, May 25). The Rise of State Preemption Laws in Response to Local Policy Innovation. *Publius: The Journal of Federalism*. Retrieved from <https://doi.org/10.1093/publius/pjx037>
4. Publicly Funded Health Insurance Contribution Act of 2011, Public Act 152, 96<sup>th</sup> Michigan Legislature. (2011). Retrieved from [http://www.michigan.gov/treasury/0,4679,7-121-1751\\_2197\\_58826\\_63352-289841--,00.html](http://www.michigan.gov/treasury/0,4679,7-121-1751_2197_58826_63352-289841--,00.html)
5. Michigan Townships Association (2017). *Local preemption*. Retrieved from <http://cqrcengage.com/michigantownships/preemption?0>
6. Horner, D. & Ivacko, T. (2016). *Michigan local governments report first declines in fiscal health trend since 2010*. Ann Arbor, MI: Center for Local, State, and Urban Policy at the Gerald R. Ford School of Public Policy, University of Michigan. Retrieved from <http://closup.umich.edu/files/mpps-fiscal-health-2016.pdf>

## Survey Background and Methodology

The MPPS is a biannual survey of each of Michigan's 1,856 units of general purpose local government, conducted once each spring and fall. While the spring surveys consist of multiple batteries of the same "core" fiscal, budgetary and operational policy questions and are designed to build-up a multi-year time-series of data, the fall surveys focus on various other topics.

In the Fall 2016 iteration, surveys were sent by the Center for Local, State, and Urban Policy (CLOSUP) via the internet and hardcopy to top elected and appointed officials (including county administrators and board chairs; city mayors and managers; village presidents, clerks, and managers; and township supervisors, clerks, and managers) from all 83 counties, 278 cities, 255 villages, and 1,240 townships in the state of Michigan.

The Fall 2016 wave was conducted from October 3 – December 13, 2016. A total of 1,315 jurisdictions in the Fall 2016 wave returned valid surveys (61 counties, 224 cities, 178 villages, and 852 townships), resulting in a 71% response rate by unit. The margin of error for the survey for the survey as a whole is +/- 1.46%. The key relationships discussed in the above report are statistically significant at the  $p < .05$  level or below, unless otherwise specified. Missing responses are not included in the tabulations, unless otherwise specified. Some report figures may not add to 100% due to rounding within response categories. Quantitative data are weighted to account for non-response. "Voices Across Michigan" verbatim responses, when included, may have been edited for clarity and brevity. Contact CLOSUP staff for more information.

Detailed tables of the data analyzed in this report broken down three ways—by jurisdiction type (county, city, township, or village); by population size of the respondent's community, and by the region of the respondent's jurisdiction—are available online at the MPPS homepage: <http://closup.umich.edu/mpps.php>.

*The survey responses presented here are those of local Michigan officials, while further analysis represents the views of the authors. Neither necessarily reflects the views of the University of Michigan, or of other partners in the MPPS.*



## Previous MPPS reports

Improving communication, building trust are seen as keys to fixing relationships between local jurisdictions and the State government (May 2017)

Local leaders more likely to support than oppose Michigan's Emergency Manager law, but strongly favor reforms (February 2017)

Local government leaders' views on drinking water and water supply infrastructure in Michigan communities (November 2016)

Michigan local leaders say property tax appeals are common, disagree with 'dark stores' assessing (October 2016)

Local officials say Michigan's system of funding local government is broken, and seek State action to fix it (September 2016)

Michigan local governments report first declines in fiscal health trend since 2010 (August 2016)

Michigan local leaders' doubts continue regarding the state's direction (July 2016)

Hospital access primary emergency medical concern among many Michigan local officials (July 2016)

Firefighting services in Michigan: challenges and approaches among local governments (June 2016)

Most local officials are satisfied with law enforcement services, but almost half from largest jurisdictions say their funding is insufficient (April 2016)

Local leaders say police-community relations are good throughout Michigan, but those in large cities are concerned about potential civil unrest over police use-of-force (February 2016)

Report: Responding to budget surplus vs. deficit: the preferences of Michigan's local leaders and citizens (December 2015)

Michigan's local leaders concerned about retiree health care costs and their governments' ability to meet future obligations (October 2015)

Fiscal health rated relatively good for most jurisdictions, but improvement slows and decline continues for many (September 2015)

Confidence in Michigan's direction declines among state's local leaders (August 2015)

Michigan local government leaders' views on private roads (July 2015)

Few Michigan jurisdictions have adopted Complete Streets policies, though many see potential benefits (June 2015)

Michigan local leaders have positive views on relationships with county road agencies, despite some concerns (May 2015)

Michigan local government leaders say transit services are important, but lack of funding discourages their development (April 2015)

Michigan local leaders see need for state and local ethics reform (March 2015)

Local leaders say Michigan road funding needs major increase, but lack consensus on options that would raise the most revenue (February 2015)

Michigan local government leaders' views on employee pay and benefits (January 2015)

Despite increasingly formal financial management, relatively few Michigan local governments have adopted recommended policies (December 2014)

Most Michigan local officials are satisfied with their privatized services, but few seek to expand further (November 2014)

Michigan local governments finally pass fiscal health tipping point overall, but one in four still report decline (October 2014)

Beyond the coast, a tenuous relationship between Michigan local governments and the Great Lakes (September 2014)

Confidence in Michigan's direction holds steady among state's local leaders (August 2014)

Wind power as a community issue in Michigan (July 2014)

Fracking as a community issue in Michigan (June 2014)

The impact of tax-exempt properties on Michigan local governments (March 2014)

Michigan's local leaders generally support Detroit bankruptcy filing despite some concerns (February 2014)

Michigan local governments increasingly pursue placemaking for economic development (January 2014)

Views on right-to-work legislation among Michigan's local government leaders (December 2013)

Michigan local governments continue seeking, and receiving, union concessions (October 2013)

Michigan local government fiscal health continues gradual improvement, but smallest jurisdictions lagging (September 2013)

Local leaders evaluate state policymaker performance and whether Michigan is on the right track (August 2013)

Trust in government among Michigan's local leaders and citizens (July 2013)

Citizen engagement in the view of Michigan's local government leaders (May 2013)

Beyond trust in government: government trust in citizens? (March 2013)

Local leaders support reforming Michigan's system of funding local government (January 2013)

Local leaders support eliminating Michigan's Personal Property Tax if funds are replaced, but distrust state follow-through (November 2012)

Michigan's local leaders satisfied with union negotiations (October 2012)

Michigan's local leaders are divided over the state's emergency manager law (September 2012)

Fiscal stress continues for hundreds of Michigan jurisdictions, but conditions trend in positive direction overall (September 2012)

Michigan's local leaders more positive about Governor Snyder's performance, more optimistic about the state's direction (July 2012)

Data-driven decision-making in Michigan local government (June 2012)

State funding incentives increase local collaboration, but also raise concerns (March 2012)

Local officials react to state policy innovation tying revenue sharing to dashboards and incentive funding (January 2012)

MPPS finds fiscal health continues to decline across the state, though some negative trends eased in 2011 (October 2011)

Public sector unions in Michigan: their presence and impact according to local government leaders (August 2011)

Despite increased approval of state government performance, Michigan's local leaders are concerned about the state's direction (August 2011)

Local government and environmental leadership: views of Michigan's local leaders (July 2011)

Local leaders are mostly positive about intergovernmental cooperation and look to expand efforts (March 2011)

Local government leaders say most employees are not overpaid, though some benefits may be too generous (February 2011)

Local government leaders say economic gardening can help grow their economies (November 2010)

Local governments struggle to cope with fiscal, service, and staffing pressures (August 2010)

Michigan local governments actively promote U.S. Census participation (August 2010)

Fiscal stimulus package mostly ineffective for local economies (May 2010)

Fall 2009 key findings report: educational, economic, and workforce development issues at the local level (April 2010)

Local government officials give low marks to the performance of state officials and report low trust in Lansing (March 2010)

Local government fiscal and economic development issues (October 2009)

All MPPS reports are available online at: <http://closup.umich.edu/mpps.php>

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