

Whitmer asks for ideas to grow Michigan

Governor's new Chief Growth Officer has a heavy task: Only Washington, D.C., has grown more slowly than Michigan

BY JAMES DAVID DICKSON

Why does Michigan continue to shrink, and what needs to change to make it grow? Those questions will be the basis of a new commission announced in June by Gov. Gretchen Whitmer, which will study and recommend ways the Pleasant Peninsula can reverse a decades-long trend of shrinkage.

Whitmer also announced the hiring of Hilary Doe as Michigan's first Chief Growth Officer. The Growing Michigan Together Council was created by Executive Order 2023-4.

"For much of the 20th century, people came to Michigan seeking opportunity," reads Whitmer's order. "Our population and incomes grew faster than the rest of the country, supporting strong schools, world-class infrastructure, and vibrant communities.

"Michigan's population growth began to slow in the 1970s, and in the 21st century, Michigan grew more slowly than all but one state."

Michigan has the same number of representatives in the U.S. House, 13, as it did a century ago, per the U.S. Census Bureau. Michigan's peak of power in Washington came in the 1960s and 1970s, when the state had 19 members in the U.S. House. Every state has two senators.

For the last two years, more people have died in Michigan than were born. And for two decades now, governors have groaned about the brain drain, as Michigan's college graduates find their futures elsewhere.

Nothing the state has tried has reversed the outflow of young, educated people. Not Cool Cities, not film incentives, not Pure Michigan commercials.

The growth council will seat 28 members. Governor's advisory councils can be created through executive action, as happened in June.

John Rakolta, a Republican donor and chairman of Walbridge, will co-chair the commission alongside Shirley Stancato, a Democrat. Rakolta painted a bleak picture in remarks quoted by The Detroit News.

"Our state has been stagnant for over 30 years in terms of population," Rakolta told reporters at the Mackinac Policy Conference. "Our demography is stagnant. We are 50th out of 51 states and Washington D.C. in terms of population growth, and that has to change." ■

The original version of this story was posted online on June 2, 2023 and is available at MichCapCon.com/30960.



Photo by Pexels



Michigan cellphone ban is a myopic approach to distracted driving

MEET THE STAFF



James David Dickson is the managing editor of Michigan Capitol Confidential. He may be reached at Dickson@mackinac.org



Jamie A. Hope is the assistant managing editor for Michigan Capitol Confidential. She may be reached at Hope@mackinac.org

CAPCON

Michigan news you won't
find anywhere else.

**MICH
CAPCON
.COM**



Facebook.com/MichCapCon



Twitter.com/MichCapCon



Photo by Shutterstock

What Michigan can do with \$500 million rather than giving it to Hollywood

There is no reason to resurrect film subsidies

BY JAMIE A. HOPE

Picture this: You pitch investors on a company that will create many jobs and offer a great return on investment. The investors bite. They give you seven years and \$500 million to work the plan.

Time passes. They ask you how many jobs you created, permanent jobs without an end date attached. Zero, you answer, and scrap the plan.

Eight years later, you pitch the same concept again, with a few small tweaks. Investors would either be offended at the ask or laugh you out of the room.

Taxpayers should have a similar reaction as the Michigan Legislature considers bringing back film incentives. Michigan offered the incentives between 2008 and 2015, spending \$500 million of taxpayer money. Boosters said giving money to Hollywood producers would create jobs.

But when the subsidies dried up, the jobs left. Michigan spent \$500 million and was left with nothing but memories. Taxpayers didn't even receive a discount on tickets to the movies made with their money.

It is unclear how much supporters plan to dole out this time. But current subsidies being given to large corporations indicate the price tag would once again be in the hundreds of millions.

Forty-three states currently offer film subsidies, hoping to become the next Hollywood. How would a subsidy scheme make Michigan stand out at this late date?

The National Conference of State Legislatures concluded in May 2022 that the costs of film credits far exceed their benefits.

The \$500 million might give you the chance to see a movie star at a local restaurant. But what else could it buy?

Roads. While the orange barrels are plentiful this year on some roads, many are still crumbling and in dire need of attention. How many miles of roadway would \$500 million fix?

It can cost up to \$3.2 million per lane mile to reconstruct a road. This is up from \$1.4 million in 2010, according to The Detroit News. If the state used the money to reconstruct its worst roads, it would fix 156.25 miles.

There are 498 homeless veterans in Michigan, according to the U.S. Department of Housing and Urban Development. Of the veterans in Michigan, 7.2% live in poverty. Many veterans risked their lives and endured physical and psychological wounds. Surely they deserve a higher priority than Hollywood.

Inflation is a bigger problem than it has been in decades, with many families suffering soaring costs for food and energy. State officials can help them by making good on 2007's broken promise to put taxpayers' money back in their own pockets.

Lawmakers during the Granholm administration hiked the income tax rate from 3.9% to 4.35%. The state needed the money, they said, and the increase was only temporary. This was just a year before officials adopted a \$500 million film subsidy. To this day, the promise to restore the rate to 3.95% by 2015 goes unfulfilled.

The income tax was lowered to 4.05% this year because of a trigger put in place by an eight-year-old law. The reduction came about despite stubborn resistance from Gov. Gretchen Whitmer. If the state decided to lower the rate to 3.95%, that would remove \$505 million from the state budget.

This is almost the same amount lost through the original failed film subsidy. It is also the same amount Whitmer argues the state cannot afford to give to taxpayers, all while lawmakers consider showering Hollywood with more money. ■

The original version of this story was posted online on June 4, 2023 and is available at [MichCapCon.com/30954](https://michcapcon.com/30954).



MSU's inclusive language guide lets the Spartan off the hook

If MSU isn't willing to practice what it preaches, it should stop preaching

BY JAMIE A. HOPE

Michigan State University, whose mascot is a war-mongering child eugenics-practicing, slave-owning Spartan, created an inclusive guide of offensive words students, faculty and staff should avoid using. Warning: The list is long, very long. However, there are some highlights worth noting.

If you are looking forward to a Merry Christmas complete with a tree in your dwelling or a spring visit from the Easter Bunny, MSU will do its best to ensure its students do not join the festivities. "Avoid references to religious imagery and language. Instead, Spartans should use expressions such as 'wishing you a wonderful winter/spring break' or 'best wishes for the new year.'"

MSU would appreciate it if you do not talk about giving thanks on that one holiday with the theme of, well, giving thanks. It doesn't matter if you give thanks for where you live because of the brave men and women who fought for our freedoms. If we engage in this practice, MSU frowns upon it.

Although it does appear not every person working at or attending school at the university is getting the message.

On MSU's website there are 4,080 results for "Thanksgiving," and "Christmas" has three times as many references, at 12,100. If you are saddened by the guide's omission

of your Savior's birthday, take heart: you can still buy a "Christmas Tree Skirt" at the MSU shop for \$44.99.

If you are offended by the terms "freshman" and "upperclassman," do not fret. MSU now says to use the phrases "first-year" and "advanced," because words that contain "man" are too sex-specific. It is also a good idea not to use the word "emeritus." Replace with "emeritum." The university still uses "emeritus" 10,000 times on its website, according to a search in reference to professors.

American Indian and Native American are no longer culturally acceptable, according to the "powers that be" at MSU. It is unclear if those responsible for the inclusive guide consulted with the university's Native American Institute before adding the terms to the list. You can also apply for a Native American scholarship at the college and engage in American Indian and Indigenous studies. Just don't say the words when applying for the scholarship or requesting to join the class.

You no longer should use "charged words" in reference to religions. These include "extremist," "militant," "terrorist," "radical," "fundamentalist," "cult," "sect," "devout" and "pious." That is unless you write for MSU. Then it appears to be OK to use the words "fundamentalist Christian."

"Fundamentalist Christians tap into their willingness to sacrifice to conserve water

and energy, shop environmentally and protect the Earth, according to a Michigan State University (MSU) study," according to an MSU news report.

There are some contradictions in the language guide. It says not to call a person visually impaired, but instead, "blind." Unless you say "blindly", then it is ableist. For example, "Is Uncle Bryan blind?" Is perfectly acceptable. However, "I blindly walked into that meeting and wish I had prepared more" is offensive, according to MSU.

Is a family member or friend behaving in an odd or bizarre fashion? Whatever you do, do not say they are acting crazy, insane, bonkers, nuts, psycho, demented, senile, loony, or psychotic.

If your kids are loud and creating chaos this summer and you can't manage it well, do not call your home a "madhouse" because it is offensive to, well, not sure. If your spouse says you were "underprepared" and "at-risk" of a chaotic summer, you should be offended because it places blame on you "rather than the structures and barriers that have neglected communities." You also have the right to be offended but not "off the reservation" about it if your spouse says let's "bury hatchet" and just "hold down the fort," because those terms are considered colonial language.

It is important to note that the guide "provides recommendations for informing

campus communications professionals." In other words, it is meant for MSU communications. The guide says it does not apply to academic, media, or legal departments of the university. What makes the guide even more brow-raising is the insinuation that marketing and communications teams should not use these words but professors and lawyers for the university can. Exactly what message is this supposed to send?

I am an MSU alumna. I love being a Spartan. However, if MSU is going to view everything through the lens of "inclusion," why doesn't it address the fact that Spartans were "oppressive" and "violent"?

The Spartans owned slaves, were violent warriors, and engaged in child eugenics. For the school to keep that name while wagging fingers is to let itself off the hook. If MSU isn't willing to practice what it preaches, it should stop preaching.

The Spartans running this institution of higher learning are just fine associating themselves with slave owners who end the lives of undesirable children. Students and faculty get lectures about wrongdoing.

Let the first Spartan to stop chanting "Go Green, Go White" cast the first stone. ■

The original version of this story was posted online on May 27, 2023 and is available at [MichCapCon.com/30930](https://michcapcon.com/30930).



Ann Arbor firefighter files lawsuit over firing due to rejected religious exemption

Standoff on COVID-19 vaccine ended a 22-year career

BY JAMIE A. HOPE

Tim Rugg, an Ann Arbor firefighter for 22 years, says he was fired for refusing the COVID-19 vaccination after being refused a religious exemption. Rugg and three other Ann Arbor city employees have filed a civil lawsuit against the city. Rugg said the reason the city denied him a religious exemption is because the city determined his claim was not sincere.

Ann Arbor implemented a COVID-19 vaccination requirement in August 2021. Rugg said he submitted a religious exemption request shortly after but was refused on the grounds he was not sincere enough in his faith. He said he was suspended without pay in November 2021 and was terminated a month later during a meeting with human resources.

There was no other reason given for

Rugg's firing, according to Noah Hurwitz, his lawyer.

During the termination meeting, Rugg said, two union representatives, his lawyer, and his pastor attended, along with two of the city's human resource employees.

Rugg's union went to arbitration and the arbitrator said Ruggs had to undergo a second interview to determine his sincerity. The interview happened on May 15, 2023,

with Rugg's pastor present. Again, the city decided Rugg's claim was not sincere.

Hurwitz said his law firm is taking on many similar cases. He believes that 98% of employers conducted themselves properly when it came to their COVID-19 policies, including granting exemptions. He also said that some clients say their employers acted inappropriately.

Hurwitz said the city of San Francisco was also sued after it fired employees for what it deemed insufficient sincerity. A district court judge ruled that the employees did not prove their sincere belief, and therefore ruled in favor of the city.

The 9th Circuit Court of Appeals heard an appeal. It remanded the case to the district court, with instructions to the judge to reevaluate the claims "applying the proper failure-to-accommodate inquiry." The Ninth Circuit court ruled, "It seems that the district court erroneously held that Appellants had not asserted sincere religious beliefs because their beliefs were not scientifically accurate."

The appeals court said that one's religious beliefs do not have to be "consistent or rational" to be protected under Title VII of the Civil Rights Act of 1964.

Bloomberg Law said employers who are hasty to deny a religious exemption "may run afoul of federal and state law, creating a liability for employers."

Bloomberg said that an employee's religious beliefs do not need to be consistently observed to be deemed sincere. The Equal Employment Opportunity Commission reports that "a sincere religious believer doesn't forfeit his religious rights merely because he is not scrupulous in his observance, although [e]vidence tending to show that an employee acted in a manner inconsistent with his professed religious belief is, of course, relevant to the fact finder's evaluation of sincerity."

The city of Ann Arbor declined comment, citing the ongoing litigation. ■



Photo by Rugg Family

The original version of this story was posted online on May 26, 2023 and is available at MichCapCon.com/30937.



Photo by Shutterstock

Michigan advocates admit solar still can't compete

Two bills would mandate unlimited giveaways to homes, businesses that install solar panels

BY JASON HAYES

The Michigan Legislature is considering a pair of bills — Senate bills 362 and 363 — aimed at expanding the state's distributed generation program. Typically, this program focuses on people or businesses who install solar panels on their buildings. If the bills are passed, those enrolled in the program will be paid retail or higher rates for any electricity they produce but do not use.

This program is a bad deal for all other utility customers. They will be forced to pay higher electricity rates to cover the cost of paying its participants. Solar already gets too many subsidies.

The bills would expand the program by removing the current 1% cap on participation. State law allows utilities to limit the number of people who can sign up to the distributed generation program. Utilities are allowed to cap participation at 1% of their in-state peak load, averaged over the previous five years.

Utilities can, and do, voluntarily exceed that limit. For example, Consumers Energy has chosen to raise its cap to 4%. But it is not required to go above the 1% cap.

Utilities have typically avoided removing the cap because customers enrolled in the program must be paid retail (or higher) rates for any electricity that they generate in excess of their own needs. That is, customers whose solar panels produce more than they use can sell the excess to the utility. If they are enrolled in the distributed generation program, they must be paid the net metering rate.

As proposed, the Senate bills would remove the cap. Utilities would have to enroll any customer who applies for the program and pay "not less than the full retail rate."

Utilities would also have to pay "the value of the costs and benefits" that are supposedly added by the customer's renewable energy generating equipment, which is an extensive list. The supposed benefits include energy generated, generation capacity, avoided line losses, avoided transmission capacity and others. The legislation even claims the catch-all benefit of "any other quantifiable benefits" as being worthy of compensation.

The arguments favoring these bills demonstrate that solar still cannot compete

with reliable forms of energy. In one Crain's Detroit Business piece describing the bills, solar industry advocates at the Michigan Energy Innovation Business Council argue the 1% cap "is probably the No. 1 thing that restricts rooftop solar in the state."

In other words, they're saying that Michigan would have more residential solar panels if utility customers paid higher rates so more people would install them.

There's nothing in current law that restricts solar developers from selling and installing their products on any home in the state today. Any customer who wants solar can easily contact a solar distributor and pay the company to install as many solar panels as he or she desires. What is causing the solar industry to claim it is legislatively restricted is that the state government has not mandated special additional payments for those customers above the 1% cap.

Michigan Energy Innovation Business Council representatives complain that solar is being held back by the lack of above-market payments in the distributed generation program. Incredibly, they argue that the 1% cap represents an "absolute

no-go" because "there's no certainty that there will be a market" for homeowners to install solar panels without these additional payments.

That's nonsensical. Homeowners across the nation have installed solar without these additional payments. It's far more believable that solar advocates in Michigan recognize an opening to secure further subsidies as a means of promoting their preferred energy source.

But elected officials should recognize that requiring Michigan utility customers to pay higher taxes and higher electricity rates to subsidize the costs of home solar systems does not foster competition. It's reasonable to question whether these heavily subsidized residential solar systems are providing any real benefits to the state, the community, or the electric grid. ■

The original version of this story was posted online on June 5, 2023 and is available at [MichCapCon.com/30965](https://michcapcon.com/30965).



Photo by Pexels

Moolenaar bill would apply leftover COVID funds to the deficit

Bill has yet to reach the floor of the U.S. House

BY EWAN HAYES

In January, Rep. John Moolenaar, R-Caledonia, proposed a bill titled the Saving Taxpayers' Money and Paying America's Debt Act. The bill would take any leftover funding from the American Rescue Plan Act and move it all to back to the Treasury "for the sole purpose of deficit reduction."

According to the U.S. Department of Transportation, the American Rescue Plan "includes \$30.5 billion in federal funding to support the nation's public transportation systems as they

continue to respond to the COVID-19 pandemic and support the President's call to vaccinate the U.S. population."

Transportation was vital during the pandemic lockdowns as online purchases soared. But it was passed on nearly a party-line vote, with two House Democrats voting against it and no Republicans voting for it, according to GovTrack.

The law was enacted during a declared emergency, but the lockdown era ended long ago. Michigan hasn't had statewide COVID restrictions since 2021.

The World Health Organization earlier in May announced that COVID-19 is no longer a global health emergency. The Centers for Disease Control and Prevention about a week later formally declared that the COVID-19 Public Health Emergency was over, and in April Congress terminated the emergency declared by President Donald Trump. ■

The original version of this story was posted online on May 31, 2023 and is available at [MichCapCon.com/30953](https://michcapcon.com/30953).

In Wisconsin, Nessel asks federal court for emergency shutdown of Line 5

Nessel offered a friend of the court brief arguing in favor of shutting down Line 5 for environmental reasons

BY JAMES DAVID DICKSON

Michigan Attorney General Dana Nessel filed a "friend of the court" brief in May with the federal court in Wisconsin, asking a judge "to take emergency action to protect Lake Superior from an imminent threat posed by Enbridge's Line 5 pipeline," her office announced.

Since Nessel took office in 2019, she has, along with Gov. Gretchen Whitmer, targeted the Line 5 pipeline, seeking to shut it down. Nessel's brief brings the dispute across state lines.

Nessel's office filed the brief in a lawsuit filed by the Bad River Band of the Lake Superior Tribe of Chippewa Indian. Enbridge, the owner of Line 5, the defendant, is counter-suing the tribe. Nessel's brief takes the tribe's side against the pipeline.

"The alarming erosion at the Bad River meander poses an imminent threat of irreparable harm to Lake Superior which far outweighs the risk of impacts associated with a shutdown of the Line 5 pipeline," reads a portion of the 18-page brief.

As Nessel's brief notes, the pipeline transports the equivalent of 540,000 barrels of "light crude oil, synthetic light crude oil and/or natural gas liquids" every single day.

Nessel has sued in state court and federal court in Michigan, seeking to shut down the pipeline. Federal litigation is ongoing.

In February, after a high-profile train derailment in East Palestine, Ohio, and another less severe derailment in Wayne County, Nessel said on Twitter that transporting fuel by train is not safe for communities near train routes.

That means Nessel opposes both the use of a pipeline and the use of trains to transport 540,000 barrels of fuel daily.

Nessel's office did not respond to a request for comment. ■

The original version of this story was posted online on May 19, 2023 and is available at [MichCapCon.com/30927](https://michcapcon.com/30927).



Photo by Shutterstock

Lansing is bogged down in symbolic legislation

May had 11 separate awareness-related designations

BY CAROLINE VANCHURA

May was a busy month in Michigan. If you didn't notice, it was:

- Drug Court Awareness Month
- Cystic Fibrosis Awareness Month
- Foster Care Awareness Month
- Bike Month
- Michigan Moves Month
- Motorcycle Safety Awareness Month
- Jewish American Heritage Month
- Huntington's Disease Awareness Month
- Mental Health Awareness Month
- National Prisoner Family Month
- Tennis Month

Members of the Michigan House of Representatives, paid by taxpayers, are using their time to pass these resolutions, which most people will never hear about, and which do nothing to help Michigan prosper.

The representatives may know about these resolutions, as do the lobbyists who advocate for them. But hardly anyone else does. And how effective is a resolution to promote X when the House has passed five, six, or ten resolutions already?

The House has proclaimed days or weeks for other causes, too. These include:

- Professional Municipal Clerks Week, April 30-May 6

- Tardive Dyskinesia Awareness Week, May 1-7
- International Workers Day, May 1
- Negro Leagues Baseball Day, May 2
- A Day of Prayer, May 4
- Teacher Appreciation Week, May 8-12
- Police Week, May 14-20
- Fibromyalgia Awareness Day, May 12
- Hmong American Day, May 14
- Brain Tumor Awareness Week, May 14-20
- Older Michiganians Day, May 17
- National Aviation Maintenance Technician Day, May 24
- Stop the Bleed Day, May 25, to remind

people of the importance of, as you might guess, stopping the bleeding when there's an injury.

Which bills or resolutions has your representative sponsored? How many pleasant-sounding but meaningless declarations, such as Skateboard Accident Awareness Week, has your representative supported?

Is passing resolutions such as these what you expect from your Michigan House of Representatives? ■

The original version of this story was posted online on May 28, 2023 and is available at [MichCapCon.com/30943](https://michcapcon.com/30943).

Stabenow says costs are down under Biden, but facts say otherwise

Gas prices, home prices, and the cost of living are all up compared to January 2021

BY JAMIE A. HOPE

"When @POTUS took office, our economy was not in a great place," Sen. Debbie Stabenow tweeted May 30. "Democrats invested in America, and we are seeing record-low unemployment, and costs continue to go down!"

The Michigan Democrat's claim is inaccurate, according to James Hohman, budget policy director at the Mackinac Center.

"Average costs have only increased since 2021 and keep increasing at rates we haven't seen since the stagflation era," Hohman told Michigan Capitol Confidential.

Since President Joe Biden took office, the cost of living has soared. The \$1.9 trillion American Rescue Plan signed by Biden vastly expanded the money supply, fueling inflation. Democratic mandates to switch to unreliable and expensive renewable energy are driving up energy costs, as is the administration's refusal to approve drilling permits.

Energy prices have risen 17% since the month before Biden took office in January 2021, according to The Heartland Institute. On taking office, Biden immediately canceled the permit for the Keystone XL Pipeline, a project to deliver oil from Canada to the U.S.

Food costs rose 11% from 2021 to 2022, according to the U.S. Government Accountability Office — far above the typical 2% annual increase.

Gas prices doubled in 2022 compared to when Biden took office, according to the House Ways and Means Committee. Prices have edged down slightly since but are still higher than before Biden took office. The average house price has increased \$100,000 in the same timeframe, the committee states. ■

The original version of this story was posted online on May 30, 2023 and is available at [MichCapCon.com/30971](https://michcapcon.com/30971).

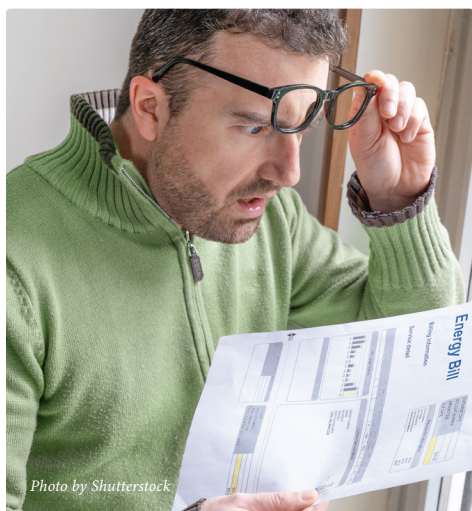


Photo by Shutterstock



Photo by Pixabay

U.S. Education Secretary: Teachers know best

Handling of COVID-19 pandemic, growth of social and emotional learning cut into the idea of blanket trust

BY JAMES DAVID DICKSON

When does five equal seven? When the U.S. secretary of education is arguing that teachers know their students best, “because they are with them every day.”

The full May 19 tweet from Education Secretary Miguel Cardona reads:



Teachers know what is best for their kids because they are with them every day. We must trust teachers.

Parents send their kids to school to learn reading, writing and arithmetic. Not social and emotional learning. Not critical race theory. Not that $2 + 2 = 5$. (And $5 = 7$.)

Schools across America have veered from their expertise into these non-academic matters by choice, not popular demand. That’s not trustworthy. It bespeaks a field that has chosen the easy way out. Schools can’t teach kids anymore. So instead they affirm them.

Every time a parent drops off a child at school, that is an act of trust. It’s on

teachers to retain that trust. Trust is hard-earned, easily lost, and never to be assigned blindly.

“Teachers know what is best for their kids” was put to the test during the COVID-19 pandemic. But it was teachers unions that led the push for extended school closures in cities like Detroit, insisting on a litany of concessions before deigning to return to in-person teaching.

This was an odd way for teachers to treat “their kids” — denying them the in-person teaching they signed up for, and whose lack they suffered for.

Teachers need to stick to the script. Reading, writing, and arithmetic. Keeping schools open for the majority of students who prefer in-person schooling.

Mother and father know best. Teachers need to stay in their lane. ■

The original version of this story was posted online on May 24, 2023 and is available at MichCapCon.com/30932.

Michigan cellphone ban is a myopic approach to distracted driving

The numbers indicate that phone use is only a sliver of the problem facing motorists in Michigan

BY JAMIE A. HOPE

Gov. Gretchen Whitmer signed into law several bills on June 7 — House bills 4250, 4251, and 4252 — that prohibit motorists from using a cellphone driving, unless the phone is a hands-free mode. It was already unlawful to text and drive, and the new laws will cover cellphone and internet use.

Is there reason to believe the law will prevent car crashes? Not on a large scale.

There were 282,640 crashes in Michigan in 2021, with 6% the result of distracted driving. Which means there were 266,000 accidents not attributed to distracted driving, according to Michigan Traffic Crash Facts.

Additionally, most distracted driving did not owe to cellphone use.

People who were eating, drinking, grooming and so on made up 35% of distracted driving accidents, while only 17% of accidents occurred due to cellphone use.

The governor has signed no new laws to make the other distractions unlawful. Another 35% of crashes that involve distracted driving owed to drivers looking at billboards and other external scenery.

There were 59 fatalities from distracted driving in 2021, which accounted for 5% of total fatalities. If fatalities are equally distributed across various reasons for distracted driving, then 10 deaths per year are attributed to using a cellphone while driving.

A similar law in Ohio reduced cellphone use by only 9%, according to a new report. If there are similar outcomes in Michigan, the new law could reduce the number of fatalities on the road by less than one per year. ■

The original version of this story was posted online on June 11, 2023 and is available at MichCapCon.com/30980.

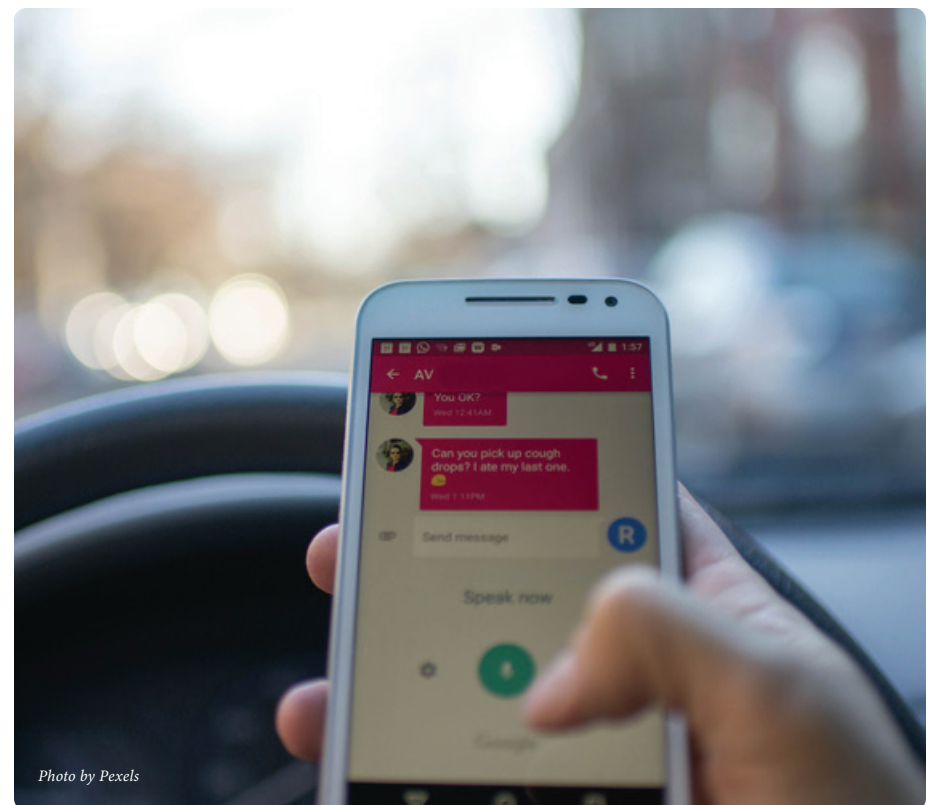


Photo by Pexels

Senate bill package expands Michigan's green energy giveaway

Senate Bills 302 and 303 would allow local governments to finance environmental hazard projects on individual properties

BY EWAN HAYES

The Michigan Senate passed a bill in May to expand the range of green projects that could be funded under the 2010 Property-Assessed Clean Energy Act, or PACE Act.

Sen. Kristen McDonald-Rivet, D-Bay City, on April 27 introduced Senate Bill 303. The bill is tie-barred with Senate Bill 302, meaning that both bills must be signed into law to be enacted.

According to the Senate Fiscal Agency analysis, “the bills would expand the scope of the Property Assessed Clean Energy Act to allow a local unit of government to contract and finance for an environmental hazard project and allow it to do so with more properties in its jurisdiction.”

The current PACE program only allows for government loans to promote “energy efficiency improvement[s]” and “energy

projects.” Under the current program, homeowners can use government money to improve or to add a green energy system for their houses or businesses.

The Senate package would increase the scope of this legislation to cover environmental hazard projects as well. The bill specifies that these projects must meet at least one of four qualifications:

1. Mitigate lead, heavy metal, or PFAS contamination in potable water systems,
2. Mitigate the effects of floods or drought,
3. Increase the resistance of property against severe weather, or
4. Mitigate lead paint contamination.

The bill states that “improved public health” and “protection against climate hazards” would be accepted as justification for these government-sponsored loans.

Both SB 302 and SB 303 were approved by identical 24-14 votes of the Senate on May 24, records show. Both were referred to the House Energy Committee.

The Mackinac Center opposes not only this proposition, but the PACE program itself.

Extending the governmental reach of these subsidies would not make this program any more desirable, for two primary reasons. The first issue is that the current law only allows for “the acquisition, installation, or improvement of a renewable energy system or anaerobic digester energy system installation.” This new proposal, however, would remove the word “improvement” and include the word “replacement.” This would let homeowners continue to take out these loans, with fewer restrictions, for an unlisted amount of home renovations and

in support of green energy.

Expanding a government-funded program that already supports the most heavily subsidized form of energy to further encourage its use is not a step Michigan should take.

The Texas Public Policy Foundation published a report that noted wind and solar energy have received 17 and 75 times more subsidies than their fossil fuel and nuclear competitors over the last 10 years.

This sort of assistance warps energy markets by promoting energy that requires taxpayer dollars to compete. ■

The original version of this story was posted online on May 29, 2023 and is available at [MichCapCon.com/30947](https://michcapcon.com/30947).

Barriers to entry: Occupational licensing laws hold Michigan back

About 160 occupations in Michigan now require a license

BY WILL YOUNG

Getting licensed to represent a client in a Michigan court requires fewer classroom hours than you would need if you just wanted to cut that client's hair.

Aspiring lawyers in this state need to complete a mere 1,200 hours of classroom education, while barbers must put in a staggering 1,800 hours of coursework.

It's a head-scratching paradox that raises the question: Does a sharp legal argument require less sharpening than a quality haircut?

Occupational licensing creates a hindrance to economic growth, and it's not just barbers who are affected. Many blue collar workers find themselves caught in a system where they are required to invest a substantial amount of time and money, often outweighing the wages they anticipate earning in their chosen profession. This burden can make it impossible to thrive.

Licensing imposes a range of requirements

on individuals entering licensed professions, including additional training, education, fees, exams and paperwork. Stringent requirements lead to reduced employment opportunities in licensed occupations, stifling competition and increasing the price of goods and services for consumers.

While licensing has a role in the society — nobody wants an unlicensed lawyer or doctor — Michigan has extended the scope of licensing requirements beyond what can be justified by public safety, health or security.

Approximately 160 occupations in Michigan now require a license. But for many of these professions, the risk to the public of an unlicensed worker is minimal. Do individuals really need go through 1,500 hours in college and incur associated fees up to \$230 to pursue a career in cosmetology? Such regulation can create roadblocks to entrepreneurship and hinder economic growth.

The rate of at which Michigan adds occupational licensing requirements has increased in the past few decades. In 1950, only 5% of jobs required workers to obtain occupational licenses. Today, that figure is closer to 25%.

By streamlining the licensing process and evaluating the necessity of licensing

in various professions, Michigan could promote economic growth, increase job opportunities, and empower entrepreneurs to thrive without excessive barriers to entry. ■

The original version of this story was posted online on June 13, 2023 and is available at [MichCapCon.com/30983](https://michcapcon.com/30983).



Photo by Pexels



Photo by Pexels

How to strike a healthy balance between parents and teachers

Collaboration, common goals are the path to positive relationships between a child's parents and teachers

BY MOLLY MACEK

“Teachers know what is best for their kids because they are with them every day,” tweeted U.S. Secretary of Education Miguel Cardona May 19. Therefore, he reasoned, “We must trust teachers.”

The flood of angry replies suggests a much different sentiment among parents frustrated with the public school system.

There is growing divisiveness and distrust among schools and parents. Striking a healthy parent-teacher balance can improve a child's educational experience. While parents know their kids best, teachers are integral to the learning process. A strong

parent-teacher partnership contributes to a child's success in school.

Healthy parent-teacher relationships build trust, create a sense of teamwork and help ensure the child's unique needs are met. And the earlier this relationship is established, the better the learning experience can be for the child. Consistent communication between educators and parents is key.

Teachers and parents can work together to share insights that enhance a child's learning and development. How much a school encourages parental engagement often affects a family's decision to select a particular school.

The value of parent-teacher partnerships

is especially important to schools subject to market competition. The National Association of Independent Schools emphasizes the importance of engaging and collaborating with parents to improve student outcomes. Rising grades and positive relationships help schools retain current families and attract new ones.

Parents are increasingly interested in individualized learning, according to a recent Populace study. They prefer schools that tailor learning to their children's unique needs. Parents can help teachers identify these needs, and most want to do more of it. Recent polling also found that 64% of people surveyed think parents should have

a greater voice in their child's educational experience.

How can schools optimize the parent-teacher relationship and strike a balance that supports a child's success?

The answer lies in first acknowledging the common goal of parents and teachers to educate the child.

Cardona's tweet fell short on this front. The combined efforts of parents and teachers to build mutual trust and teamwork goes a long way to maximizing student success. ■

The original version of this story was posted online on May 30, 2023 and is available at [MichCapCon.com/30941](https://www.michcapcon.com/30941).

Michigan Senate enables state environmental regulations to exceed federal

Gov. Rick Snyder signed a 'no more stringent' law in 2018. Senate Bill 14 would gut it

BY JAMES DAVID DICKSON

The Michigan Senate approved a bill in May that would empower the administrative state to craft regulations that exceed federal guidelines.

Senate Bill 14 was introduced by Sen. Sean McCann, D-Kalamazoo, on Jan. 17. It was referred to the Senate Energy and Environment Committee McCann chairs.

Four months later to the day of its introduction, the bill passed 20-18 in the full Senate, in a party-line vote.

In 2018, Gov. Rick Snyder signed Public Act 602. It prohibits state regulators “from adopting or promulgating a rule more stringent than the applicable federally mandated standards,” per the Senate Fiscal Agency analysis of the McCann bill.

Senate Bill 14 would repeal that ban,

allowing Michigan regulators to make rules exceeding federal standards.

The vote for Senate Bill 14 went 20-18 down party lines.

“Some people believe that this prohibition make it difficult for the state to adequately protect its environment and respond to public health emergencies, and so it has been suggested that the prohibition be deleted,” reads the Senate Fiscal Agency explainer.

The Mackinac Center is not among those people. For more than a decade before Snyder signed “no more stringent” into law, the Mackinac Center had advocated for the policy.

As former Mackinac Center staffer Russ Harding wrote in 2005:

“A ‘no-more-stringent’ law would

prohibit the DEQ [State environmental department] from exceeding a particular federal regulation unilaterally, although it would still allow the Legislature and the governor to pass a tougher regulation if the DEQ presented a compelling case for it. The principle of federalism would be retained; better yet, it would be exercised by elected officials, who are directly accountable to the people of Michigan.”

Jason Hayes, the Mackinac Center’s director of energy and environmental policy, offered written testimony against Senate Bill 14 at the committee’s April 13 meeting. Written testimony on the bill split as evenly as the vote itself, with five writing in support, four opposed, and one neutral.

Hayes noted that Public Act 602 of 2018 still allows state regulators to act where

federal regulators have not. They just need to demonstrate a “clear and convincing need” to do so.

Hayes wrote that Senate Bill 14 “would represent a regressive step backward for the state of Michigan,” and would “impose an additional layer of expensive and duplicative regulatory pressures on businesses with no real environmental benefits.”

To be enacted into law, the bill would need to pass the House in identical form, then be signed by Gov. Gretchen Whitmer. After passage in the Senate, the bill was referred to the House Natural Resources, Environment, Tourism and Outdoor Recreation Committee. ■

The original version of this story was posted online on May 20, 2023 and is available at [MichCapCon.com/30928](https://michcapcon.com/30928).

Michigan lawmakers neglect the dark side of solar

Low reliability and high subsidies challenge the claim that solar is sustainable

BY EWAN HAYES

Two Michigan state senators ignored the downsides of solar technology in their recent argument for more green energy incentives.

Solar energy is the next step for Michigan’s energy policy, Sens. Jeff Irwin, D-Ann Arbor, and Ed McBroom, R-Waucedah Township, argued in a June op-ed for The Detroit News. McBroom and Irwin were making the case for Senate bills 152 and 153, which would create additional solar power incentives for companies and individuals. But they left

out important drawbacks about this type of green energy.

The op-ed opens by claiming that solar is the cheapest it has ever been. While this is true, the senators neglect to explain why. Renewable energy is only cheap because it is highly subsidized.

Energy policies at both the federal and state level heavily favor wind and solar over fossil fuel and nuclear plants.

The growth of solar has been powered by subsidies on the one hand and regulatory

pressure on the other. Even so, adoption has been slow.

According to the Energy Information Administration, solar energy facilities produced electricity just under 20% of the time throughout the year, and less than 7% of the time in the month of December.

The highest tally came in under 30% during the months of June and July. By comparison, nuclear’s production never went below 70% throughout the year, while coal had an average of above 50%.

“Solar’s intermittent and unreliable performance means that backing power sources, like natural gas and nuclear, are still required to be built to ensure customers have reliable energy,” said Jason Hayes, the Mackinac Center’s director of energy and environmental policy. “Therefore, utility customers are required to pay for the construction of both forms of energy.” ■

The original version of this story was posted online on June 10, 2023 and is available at [MichCapCon.com/30972](https://michcapcon.com/30972).



Managing Editor: James David Dickson **Designer:** Mick McArt

Michigan Capitol Confidential is published quarterly by the Mackinac Center for Public Policy, a nonprofit, nonpartisan, tax-exempt research and educational institute devoted to analyzing Michigan public policy issues. Michigan Capitol Confidential is distributed to Michigan residents who have expressed an interest in public policy matters, as well as members of the media and lawmakers and policy staff in the Michigan House, Michigan Senate and Office of the Governor. All rights reserved. Permission to excerpt or reprint is hereby granted provided that Michigan Capitol Confidential, the author and the Mackinac Center for Public Policy are properly cited.

140 West Main Street, Midland, Michigan 48640 989-631-0900 [MichCapCon.com](https://michcapcon.com) [Mackinac.org](https://mackinac.org) [MichiganVotes.org](https://michiganvotes.org)

MichiganVotes.org

Michigan bills would make all juvenile crimes eligible for parole

Bills would make life sentences parole-eligible after 10 years

BY THERESE BOUDREAU

On March 1, Sen. Sue Shink, D-Northfield Township, introduced Senate Bill 120, which would reform the Michigan Corrections Code to make juvenile offenders who are sentenced to life imprisonment eligible for parole no matter the severity of their crimes, provided they have served at least 10 years of their sentence.

The bill is tie-barred with four Senate bills and five House bills—all introduced by Democrats. The bills would, taken together, categorically prohibit state courts from sentencing juvenile offenders to life imprisonment without the possibility of parole. For any one of these bills to take effect, all must be signed into law.

Michigan considers a juvenile offender to be anyone less than 19 years old when the crime was committed.

The legislation would also apply retroactively, costing the state around \$1.6

million for resentencing hearings that would be required.

Michigan could save an estimated \$69 million in the long run, since reducing sentences reduces incarceration costs and “juvenile lifer resentencing hearings most always result in a reduced sentence than that of life,” according to the Senate Fiscal Agency’s analysis of the bill.

Criminal repercussions for crimes committed by minors became more lenient within the past decade. Michigan court cases *People v. Parks* and *People v. Stovall*, both from 2022, called for ending mandatory life imprisonment without the possibility of parole for juveniles who committed first- and second-degree murder.

U.S. Supreme Court cases from the past decade have also moved toward exempting juvenile crimes from severe sentences.

The most recent, *Jones v. Mississippi*, held that “sentencing an offender who was under



Photo by Pexels

18 at the time of the crime raises special constitutional considerations.” While the court allowed for juveniles to receive life sentences without parole (as long as the sentence is not mandatory), it said, “Our holding today does not preclude the States from imposing additional sentencing limits in cases involving defendants under 18 convicted of murder.”

States may categorically prohibit life without parole for all offenders under 18, per *Jones v. Mississippi*. This categorical

prohibition is what Senate Bill 120 and its companion bills aim to codify into law, reports Michigan Advance.

The bills have been referred to the Committee on Civil Rights, Judiciary, and Public Safety.

The legislation must advance through the committee before the Democratic-controlled House and Senate can vote. ■

The original version of this story was posted online on May 29, 2023 and is available at [MichCapCon.com/30950](https://michcapcon.com/30950).

Whitmer signs bill scrapping A-F grading system for schools

Seven Republicans join Democrats to support bill ending Michigan’s grading system for schools

BY JAMES DAVID DICKSON

The Michigan Department of Education will no longer offer an A-F grade for public

schools in Michigan after Gov. Gretchen Whitmer signed House Bill 4166 of 2023 in May.



Photo by Shutterstock

With Whitmer’s signature, the letter grading system created in the final days of Gov. Rick Snyder’s tenure was short-lived, lasting from 2019 to 2023.

House Bill 4166 was introduced on March 3 by State Rep. Matt Koleszar, D-Plymouth, and referred to the House Education Committee. It passed the full House on March 27 with bipartisan support, in a 63-45-2 vote.

Joining the 56 members of the Democratic caucus to support the bill were seven House Republicans:

- Joseph Aragona
- Steve Carra
- James DeSana
- Joseph Fox
- Neil Friske
- Matt Maddock
- Josh Schriver

The full Senate approved the bill on May 3 by a 20-18 margin. That vote went along party lines.

Whitmer signed the bill May 22.

The Mackinac Center opposed House Bill 4166.

Education policy director Molly Macek warned in March that House Bill 4166 “would decrease school accountability.” Repealing the grading system would make school performance “less transparent for parents and the public,” she added.

“A school’s public-facing performance tool should be simple and easily interpreted,” Macek wrote. “If not, it becomes ineffective at holding schools accountable.” ■

The original version of this story was posted online on May 23, 2023 and is available at [MichCapCon.com/30931](https://michcapcon.com/30931).