



BLOWN OPPORTUNITIES

BY TOM GANTERT

Four years ago, Gov. Jennifer Granholm predicted Michigan residents would be “blown away” in 2011 by the strength and diversity of Michigan’s transformed economy.

At the time, the state’s unemployment rate was 7.2 percent.

As the Michigan governor gave her final State of the State speech on Feb. 3 and spoke of how government programs have created jobs, about 750 protesters showed up on the steps of the state Capitol as part of a “State of the Citizens” rally to remind Gov. Granholm how far off her infamous prediction has turned out to be as she reaches the end of her eight-year tenure.

“What would I tell her?” asked Steve Newman of Homer, one of the hundreds who showed up to

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INSIDE THE ISSUE



SUBSIDIES FOR 'FREE' GOLF CARTS?

BY KEN BRAUN

While many Michigan taxpayers may be laughing or angry at the revelation by Fox News’ John Stossel that he obtained a “free” golf cart using special tax breaks and giveaways for electric cars [video], very few may realize that Michigan’s lawmakers have been altering this state’s business tax code to provide special credits and giveaways for the industry that creates these cars. Most recently, on Dec. 31, 2009, Gov. Jennifer Granholm signed into law House Bill 5469, which expands a taxpayer subsidy for makers of electric car batteries. Two weeks earlier, overwhelming majorities in

the House and Senate voted to approve the bill — only nine lawmakers out of 148 voted “no.”

After consulting with an Arizona retailer that literally advertised a “FREE ELECTRIC CAR,” and then legally exploiting the generous subsidies contained in the U.S. tax code, Stossel whittled the \$6,490 sticker price down to zero and then paraded his taxpayer-financed toy on Fox’s Bill O’Reilly show. Explaining the gambit, he noted that a large portion of his funding came from a tax credit of “\$417 for each kilowatt hour of traction battery capacity in excess of four kilowatt hours.”

House Bill 5469 — now

See “Golf Carts,” Page 10

COMMENTARY

‘Green’ Students Clean Fridges, Check Tires

BY KEN BRAUN

The students at Hartland High School have been spending some of their school time in the bus garage checking for proper tire pressure, educating younger students about Earth Day and participating in various other “green” or “eco-friendly” programs, according to a memo from the Michigan Senate Fiscal Agency. The Hartland example was one inspiration for a 2006 law that created Michigan government’s “Green School” designation, and for

See “Students,” Page 6

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If you are reading this newspaper for the first time, **thank you for taking the time to look over this publication** from the Mackinac Center for Public Policy. We selected you for this mailing because you have shown an interest in the public policy issues that we discuss. Inside, you will find a review and analysis of important state legislative policy issues that do not always receive attention from the general media. Every two months, we send this publication to make it easier for you to keep tabs on your elected representatives in Lansing.

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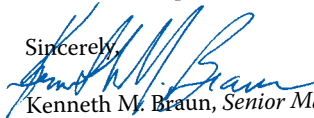
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The Mackinac Center's mission is to educate Michigan residents on the value of entrepreneurship, family, community, private initiative and independence from government. We believe, as our country's Founders did, that **liberty and sound policy can never be taken for granted**. Their preservation requires vigilance during each generation from both us and citizens like you.

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Thank you for any help you may be able to give us — and don't forget to let us know if you want to continue your FREE subscription to Michigan Capitol Confidential!

Sincerely,



Kenneth M. Braun, Senior Managing Editor, MICHIGAN CAPITOL CONFIDENTIAL

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Constitutional Convention Won't Fix Michigan's Problems

BY JOSEPH G. LEHMAN



Michigan voters on Nov. 2 will face Proposal 1, which will ask whether a convention should be held to rewrite Michigan's Constitution. Although we can certainly improve that foundational document, most of Michigan's problems could be solved without rewriting it. Furthermore, there is no guarantee that a constitutional convention would fix, or even address, whatever problems might prompt voters to call the convention in the first place.

Proposal 1 will be on the ballot because the current constitution, passed in 1963, requires the question to appear automatically every 16 years starting in 1978. That year, 77 percent of voters rejected the constitutional convention and 72 percent did likewise in 1994. Recent polling indicates voters may be more open to the idea this year, but they disapprove by more than 2-to-1 when told the cost could be as much as \$45 million.

Nevertheless, a few convention proponents have organized around specific reform ideas. Examples include lengthening legislative term limits, converting to a part-time Legislature, modifying selection of judges, altering the budget process, expanding water regulation, increasing taxation and more.

Others who have long sought specific changes in Michigan law are considering supporting a convention for the sake of their single issue. Some in the highly energized TEA Party movement

wonder if a constitutional convention might let them effectively open the hood of state government and fix what's broken at a time when the state seems unable to cope with its alarming economic decline.

The problem is, that's not the way it would likely work. A constitutional convention is not like handing your car to a certified mechanic; it's more like giving it to 148 trained and untrained mechanics and letting them do anything a majority of them can agree to, including replacing your car with something much worse. After a lot of time, trouble and expense, you and fellow voters collectively choose between the mechanics' handiwork and exactly what you started with.

The passage of Proposal 1 would set a process in motion. Two elections — a partisan primary and a general — would be held by May 2011 to elect the 148 convention delegates, one from each state house and senate district. They would convene by October in Lansing and could continue through July 2012. They would select their own officers and create their own rules. Whatever they produced would go to voters for approval within 90 days. If it passed by a simple majority, we would be governed by the new constitution.

Nothing about this process would address our problems any better than the current legislative system. Our most serious economic problems involve chronic overspending in the face of weakening state revenue, which is worsened by rising levels of taxation and regulation that drive people and businesses from the state.

If our current lawmakers can't fix that, it's not because the Constitution prevents them from doing so. More likely it's because voters haven't yet held individual lawmakers responsible for reckless spending (although this may be changing). If voters aren't yet holding legislators accountable for spending, it's not clear how they would hold convention delegates accountable for potentially bigger decisions. The fundamental purpose of the state Constitution is to limit government's ability to infringe on people's rights. Where constitutional changes are needed, the voter initiative process is a better alternative than a convention, which could be unlimited in scope and cost millions of taxpayer dollars.

Neither is there a convincing reason to believe convention delegates would be more capable than current legislators. Delegate elections would be highly partisan and influenced by the same special interests that dominate regular elections.

The prospect of rewriting a constitution could attract some truly exceptional, public-service minded candidates, but it would probably attract even more of those who would typically run for the Legislature, along with term-limited former lawmakers. It might especially draw highly charged, single-issue candidates whose priorities could make the convention agenda read like the contents of Pandora's Box.

Michigan has serious problems, but they should be fixed without a constitutional convention. The problem with Michigan government isn't so much what's under the hood, it's what we're letting the driver get away with. If your teenage driver is irresponsible, no mechanic can change that. Instead, you need better control and accountability over the driver. ■

Joseph G. Lehman is president of the Mackinac Center for Public Policy.

Issues & Ideas Forum

PRESENTS

Margo Thorning, Ph.D.

Senior vice president and chief economist with the American Council for Capital Formation

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To RSVP, please call the Mackinac Center at 989-631-0900 by 5 p.m. on April 23, 2009

MICHIGAN CAPITOL CONFIDENTIAL

Meet the Authors



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BLOWN OPPORTUNITIES

from Page One

protest the policies that they feel have paved the way for a statewide unemployment rate of 14.3 percent in December 2009. “Thanks for nothing. We didn’t get blown away.”

The crowd chanted “Blown away, blown away” as speakers

The group was trying to stop cuts to education. They tried to drown out the Tea Party speakers and chanted “We’re students united, we’ll never be divided” while the Tea Party protesters were saying the Pledge of Allegiance. While a Tea Party activist was speaking on the Capitol steps, one student grabbed a megaphone and shouted a profanity.

talked of tax cuts and less government intervention as the cure to Michigan’s ailing economy.

The protest became animated when a group of about 70 student-age protesters tried to shout down the Tea Party event. The group was trying to stop cuts to education. They tried to drown out the Tea Party speakers and chanted “We’re students united, we’ll never be divided” while the Tea Party protesters were saying the Pledge of Allegiance. While a Tea Party activist was speaking on the Capitol steps, one student grabbed a megaphone and shouted a profanity.

Sara Vitale, a student at Michigan State University, was one of the leaders of the student protesters.

“I’m completely sick of what is going on,” Vitale said.

“Education is the first scapegoat. Granholm is just the face of the problem. The whole system is screwed up.”

Vitale defended the disruptive tactics of the student-age protesters, including the chanting during the Pledge of Allegiance.

“We’re not on the same page,” Vitale said of the Tea Party protesters. “They are fascists. ... They have a problem ... with our tactics? [Expletive deleted] that.”

At one point, when Vitale shouted, “Tax the rich,” Gary Saylor of Marshall, Mich., shouted back, “Get a job!”

“They are a bunch of spoiled, nasty kids,” Saylor said.

Eventually, a row of about a dozen police officers slowly walked the student protesters back about 30 feet away from the Capitol steps.

As Gov. Granholm gave her speech, Saylor listened to the Tea Party speakers.

He was asked what he would say to Gov. Granholm if allowed inside.

“Oh, geez. ‘Goodbye.’ That is the best I can say about her,” Saylor said.

Jim Chiodo of Holland, Mich., came to protest because, he said, the state politicians were “chasing the business out of the state.”

“Maybe it’s not just her, but it’s her agenda,” Chiodo said. “There is only one way you are going to create jobs and it ain’t by spending government money. I wish I could hear her speak. I’d ask, ‘Have you ever run a business and signed the front side of a payroll check?’”

About two hours before Gov. Granholm’s speech, conservative political consultant Joe Munem sat in a Lansing coffee shop and said it would be a short night if he were the governor’s speechwriter.

“She should just say, ‘I’m sorry’ and leave,” said Munem. ■

An earlier version of this story and a Michigan Capitol Confidential video of the event are available at: www.MichCapCon.com/12052.

State Politicos Skip Tea Party

BY KEN BRAUN

Inside the state Capitol, in an annually repeated scene that often resembles a wedding reception, well-dressed political partiers eating prime rib provided by lobbyists prepared to politely watch Gov. Jennifer Granholm’s final State of the State address on Feb. 3. Outside on the Capitol steps, in chilly 24-degree weather, it looked more like a rowdy college football tailgate. No prime rib outside, and not even any tea, but some hot chocolate, a lot of doughnuts and glow sticks energized 750 demonstrators, who shouted at the politicians inside — and sometimes at each other — throughout the evening.

While a little fewer than 100 counter-demonstrators from causes as varied as banning home foreclosures to increasing education funding succeeded early on in using bullhorns to delay the gathering (see cover story), the rest of the attendees were there for the Tea Party-inspired “State of the Citizen” address, sponsored jointly by Common Sense in Government and the Michigan Taxpayers Alliance.

When the Tea Party began its official program and decided to unite its voices, they were easily able to drown out the bullhorn-assisted interlopers. Voicing one smaller-government message after another, they soon redirected their attention from the counter-demonstrators and toward the House of Representatives, where the governor was giving her speech.

CSG and MTA promoted the event as an invitation for the politicians inside, and perhaps the governor herself, to forget their annual update regarding the condition of state government and instead come out to hear what the people of Michigan had to say about the state of the state’s people. Numerous speakers representing various typical residents were on the agenda. The organizers

arranged for folding chairs to be set up for the state’s politicians.

Not one of the politicians came out of the building during the speech.

Instead, prior to the speech, one of the front-row chairs was being used to hold the supplies brought by Lori Levi of Canton Township. A small-business owner, she was asked if she intended to occupy her lawmaker’s seat.

“I sure do,” she replied, motioning instead to the seat being occupied by her lawmaker inside the building. Then she produced a business card: Levi is running as an independent, Tea Party inspired, Republican candidate against her state lawmaker, Rep. Dian Slavens, D-Canton.

Former state Rep. Lorence Wenke, R-Richland, is another who made a point of standing with the Tea Party rather than with his former colleagues inside. Wenke even contributed financially, paying for the lights to illuminate what was at various times referred to as a “Light in the Political Darkness” rally.

But Wendy Day of CSG thought the politicians in the Capitol had failed the citizens again. “They are still serving the system and not the people,” she said. “There was so much energy out here, and they lost an opportunity to hear that. People left inspired and encouraged.”

“People are angry,” noted Wenke, who is seeking the 20th district state Senate seat in Kalamazoo County.

When asked what he would change about Michigan, he said without hesitation that the

health care and other benefits paid to public-sector employees are significantly outsized in comparison to those in the private sector. Reforming this “outrage” against the people who pay the bills has been a longstanding goal for Wenke since his days in the state House of Representatives.

In the year since he was term-limited out at the end of 2008, the political ball has begun to move downfield on this agenda. Both the Senate Majority Leader, Mike Bishop, R-Rochester, and the Democrat Speaker of the House, Andy Dillon, D-Redford, have proposed plans to attack the high cost of public-employee benefits. And last week, in anticipation of her State of the State speech, the governor even proposed a plan to reduce benefit costs by \$300 million per year.

“We have got to fix that,” said Wenke emphatically, standing out in the cold with the demonstrators, while Bishop, Dillon and Granholm prepared to sit together inside.

Mostly not politicians themselves, the vast majority of the demonstrators outside were a typical smattering of the grassroots Tea Party protesters that have been attending these events during the past year.

Marsha Henschke and her daughter Courtney from Grand Rapids were not deeply involved in political causes when they attended the April 15, 2009, rally in downtown Grand Rapids, one of several such events around the nation that day. Inspired by the thousands who turned out in West Michigan, they have remained engaged in the Tea Party movement and braved the winter weather to attend the State of the Citizen rally.

“Staunch libertarian” Tim Beck of Detroit is the president of Michigan Benefit Providers. While committed to keeping government smaller and promoting the fiscal message of the Tea Party movement, Beck notes that he

See “TEA Party,” Page 12



DAM THE BEAVERS

State Environmental Regulators Push Ahead

BY RUSS HARDING

While I was director of the Michigan Department of Environmental Quality, an e-mail exchange between the department and a Michigan landowner in late 1997 and early 1998 made quite a stir as it circulated around the Internet. A dam was being constructed over a stream on private property — a dam built by beavers. For awhile, this didn't seem to matter to local state regulators, who insisted that those building dams over streams in Michigan must have a permit. Although I was not aware of the department's misguided attempt at regulating beavers until it was picked up in the media, the landowner's clever rebuttal brought a smile to my face.

The DEQ's note and the landowner's reply are reprinted at right and on the following page, and are still widely available on the Internet and often circulated (in various altered forms) via e-mail chains.

Unfortunately, I must admit,

I was not surprised by this incident. Most, but not all, of the state's environmental regulators have a guilty-until-proven-innocent approach to enforcing the state's many complicated environmental laws.

I have direct experience working as a natural resource and environmental regulator for the states of Alaska, Arizona, Missouri and Michigan. Of those, my experience is that environmental regulators in Michigan generally have the most negative view of those whom they regulate. This attitude hurts the state's economy, fosters ill will from its residents, and often leads to environmental degradation rather than improvement.

Businesses and individuals who fear regulators often hide from them rather than attempting to voluntarily cooperate. It is common knowledge that all too often a landowner or developer in Michigan fires up a bulldozer under the cover of night and fills a wetland rather than attempt to

legally obtain a permit from a hostile bureaucracy.

The zeal of Michigan environmental regulators in enforcing environmental regulations is not just confined to developers, as I discovered while serving as director of Michigan State Parks. The state park near Bay City was in serious decline during the early 1990s due to the accumulation of algae on the beach, rendering it unusable to visitors. I was informed by wetland regulators that they now considered the beach a regulated wetland (apparently a few reeds had sprouted during the period the beach was not groomed) and I needed a wetland permit in order to remove muck.

Unless state environmental regulators start utilizing some common sense in the enforcement of state environmental laws, these beavers in the story below will not be the last ones threatened with fines. ■

Original note from the MDEQ

JOHN ENGLER, Governor
DEPARTMENT OF ENVIRONMENTAL QUALITY
HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973
INTERNET: <http://www.deq.state.mi.us>
RUSSELL J. HARDING, Director

December 17, 1997

CERTIFIED

Mr. Ryan DeVries
2088 Dagget
Pierson, MI 49339

Dear Mr. DeVries:

SUBJECT: DEQ File No. 97-59-0023-1 T11N, R10W, Sec. 20, Montcalm County

It has come to the attention of the Department of Environmental Quality that there has been recent unauthorized activity on the above referenced parcel of property. You have been certified as the legal landowner and/or contractor who did the following unauthorized activity: Construction and maintenance of two wood debris dams across the outlet stream of Spring Pond.

A permit must be issued prior to the start of this type of activity. A review of the Department's files show that no permits have been issued. Therefore, the Department has determined that this activity is in violation of Part 301, Inland Lakes and Streams, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, being sections 324.30101 to 324.30113 of the Michigan Compiled Laws annotated.

The Department has been informed that one or both of the dams partially failed during a recent rain event, causing debris dams and flooding at downstream locations. We find that dams of this nature are inherently hazardous and cannot be permitted. The Department therefore orders you to cease and desist all unauthorized activities at this location, and to restore the stream to a free-flow condition by removing all wood and brush forming the dams from the strewn channel. All restoration work shall be completed no later than January 31, 1998. Please notify this office when the restoration has been completed so that a follow-up site inspection may be scheduled by our staff.

Failure to comply with this request, or any further unauthorized activity on the site, may result in this case being referred for elevated enforcement action.

We anticipate and would appreciate your full cooperation in this matter. Please feel free to contact me at this office if you have any questions.

Sincerely,
David L. Price
District Representative
Land and Water Management Division

[Response on Page 6](#)

STUDENTS

from Page One

Senate Bill 904 — an expansion of the program that recently sailed through the Michigan Senate with a unanimous 37-0 vote and now awaits attention from the Michigan House.

The 2006 law was created to allow government to convey official recognition to schools with green programs that create “an awareness of the importance of protecting the natural resources critical to making Michigan a desirable place to live and do business.” The original law sets forth 20 options for fulfilling the designation criteria and stipulates that a school seeking recognition must implement 10 of them. In addition to having students check bus tire pressure, dust coils on cafeteria refrigerators and caulk school windows, a few of the other criteria include having a “solar cookout”; observing Earth Day in some way; creating an “ecology club” that installs furnace filters, dusts refrigerator coils and caulks windows for senior citizens; hosting a visit by a representative of the Sierra Club; and visiting Web sites where “clicking saves rainforest habitat.”

The 2006 proposal sailed through the Michigan House, then controlled by Republicans, with only four Republicans voting against it. This prompted Diane Katz, former director of science, environment and technology policy for the Mackinac Center, to warn that dubious environmentalist indoctrination was then being encouraged at schools across the country, even though “[f]ew states or school districts have actually evaluated the veracity and impartiality of environmental curricula.”

Katz suggested that the Republican-led Senate should ignore the legislation, but the chamber soon voted

unanimously to approve it. It was signed into law by Gov. Jennifer Granholm on May 21, 2006.

The Senate Fiscal Agency reports that 18 schools participated in the first year of the program and that by December 2009, the participation rate had increased to over 500 schools. Senate Bill 904 would modify and expand the program by creating three gradations of “environmental stewardship” designations. “Green School” would still apply for those completing 10 criteria activities, “Emerald School” would be reserved for those completing 15, and “Evergreen School” awards would belong to schools that implemented 20.

The new bill would modify much of the existing qualifying criteria and add new items such as: “Participating in a local community environmental issue by activities such as letter-writing, attending public hearings, raising funds, or community outreach.”

Michael Van Beek, the Mackinac Center’s director of education policy, suggests a different policy change for lawmakers to consider.

“Eighth grade math students in at least 36 other states now outscore Michigan kids on national tests, and our students are behind 33 other states for reading,” noted Van Beek. “Perhaps the state should create a ‘Simply School’ designation for schools that avoid these distractions and get back to their core mission.”

Senate Bill 904 is sponsored by Sen. Valde Garcia, R-Howell, and is now in the House Great Lakes and Environment Committee, chaired by Rep. Rebekah Warren, D-Ann Arbor. ■

Contact information for all Michigan lawmakers can be found on Pages 14 and 15.

An online version of this story, complete with hyperlinks to the roll call votes and bill descriptions, is available at www.MichCapCon.com/12090.

[Response to MDEQ \(see story, Page 5\)](#)

David L. Price
District Representative
Land and Water Management Division
Grand Rapids District Office
State Office Bldg., 6th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503-2341

Dear Mr. Price:

Re: DEQ File No. 97-59-0023; T11N, R10W, Sec 20; Montcalm County

Your certified letter dated 12/17/97 has been handed to me to respond to. You sent out a great deal of carbon copies to a lot of people, but you neglected to include their addresses. You will, therefore, have to send them a copy of my response.

First of all, Mr. Ryan DeVries is not the legal landowner and/or contractor at 2088 Dagget, Pierson, Michigan — I am the legal owner and a couple of beavers are in the (state unauthorized) process of constructing and maintaining two wood “debris” dams across the outlet stream of my Spring Pond. While I did not pay for, nor authorize their dam project, I think they would be highly offended you call their skillful use of natural building materials “debris”. I would like to challenge you to attempt to emulate their dam project any dam time and/or any dam place you choose. I believe I can safely state there is no dam way you could ever match their dam skills, their dam resourcefulness, their dam ingenuity, their dam persistence, their dam determination and/or their dam work ethic.

As to your dam request the beavers first must fill out a dam permit prior to the start of this type of dam activity, my first dam question to you is: are you trying to discriminate against my Spring Pond Beavers or do you require all dam beavers throughout this state to conform to said dam request?

If you are not discriminating against these particular beavers, please send me completed copies of all those other applicable beaver dam permits. Perhaps we will see if there really is a dam violation of Part 301, Inland Lakes and Streams, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, being sections 324.30101 to 324.30113 of the Michigan Compiled Laws Annotated.

My first concern is — aren’t the dam beavers entitled to dam legal representation? The Spring Pond Beavers are financially destitute and are unable to pay for said dam representation — so the state will have to provide them with a dam lawyer.

The Department’s dam concern that either one or both of the dams failed during a recent rain event causing dam flooding is proof we should leave the dam Spring Pond Beavers alone rather than harassing them and calling them dam names. If you want the dam stream “restored” to a dam free-flow condition — contact the dam beavers. But if you are going to arrest them (they obviously did not pay any dam attention to your dam letter — being unable to read English) — be sure you read them their dam Miranda first.

As for me, I am not going to cause more dam flooding or dam debris jams by interfering with these dam builders. If you want to hurt these dam beavers - be aware I am sending a copy of your dam letter and this response to PETA. If your dam Department seriously finds all dams of this nature inherently hazardous and truly will not permit their existence in this dam state, then I seriously hope you are not selectively enforcing this dam policy or once again both I and the Spring Pond Beavers will scream prejudice!

In my humble opinion, the Spring Pond Beavers have a right to build their dam unauthorized dams as long as the sky is blue, the grass is green and water flows downstream. They have more dam right than I to live and enjoy Spring Pond. So, as far as I and the beavers are concerned, this dam case can be referred for more dam elevated enforcement action now. Why wait until 1/31/98? The Spring Pond Beavers may be under the dam ice then, and there will be no dam way for you or your dam staff to contact/harass them then.

In conclusion, I would like to bring to your attention a real environmental quality (health) problem; bears are actually defecating in our woods. I definitely believe you should be persecuting the defecating bears and leave the dam beavers alone.

If you are going to investigate the beaver dam, watch your step! The bears are not careful where they dump!

Being unable to comply with your dam request, and being unable to contact you on your dam answering machine, I am sending this response to your dam office.

Sincerely,
Stephen L. Tvedten
xc: PETA

STIMULUS BOOSTS BUS TRANSIT

BY TOM GANTERT

In Flint, unemployment hit 16.6 percent in December, and U.S. Census data shows that there are three times as many families there living below the poverty level than the U.S. average.

Yet the city's bus station has sealed a deal to purchase two \$1.1 million "green" electric buses that cost almost four times as much as typical diesel buses. The "emission free" buses can stay out on the road for up to four hours. Experts say buses are responsible for 0.34 percent of total passenger miles traveled in the Flint area.

It's a contradiction made possible by the federal stimulus program (the American Recovery and Reinvestment Act), under which transit stations were one of the big winners.

According to the state, Michigan has received nearly \$100 million in federal stimulus funds to be spent on transit authorities. That is despite statistics that reveal 1 percent of all passenger miles in the state are traveled via buses.

The Flint Mass Transportation Authority got \$8.6 million through the federal stimulus program. By comparison, the Flint Police receive \$2.8 million, despite the city being named the fifth most dangerous city in a 2009 national survey by CQ Press.

In fact, Flint's transit stimulus take (\$8.6 million) is more than the 13 police municipalities in the county received combined (\$7.4 million). And transit's total doesn't include the \$2.2 million for the two "zero-emission" buses that have been approved for stimulus money but have not been purchased yet.

Genesee County's transit windfall was shared by every transit authority in the state. For example:

- The Ann Arbor Transportation Authority received \$6.4 million in stimulus funds — about a quarter of its \$24 million operating budget. And the Ann Arbor bus station got the money when it already had \$8.3 million in reserves. By comparison, the cash-strapped county government has an operating budget of \$102 million and \$100,000 less in reserves than the AATA.
- The Thunder Bay Transit Authority will get \$3 million in stimulus funds, including \$2.6 million earmarked to purchase four hybrid plug-in buses to replace four existing diesel buses. The bus service based in Alpena serves about 120,000 passengers a year — about 13,000 more than can fill University of Michigan Stadium.

The transit awards were calculated by a federal formula.

Critics say it shows the priorities of President Barack Obama's administration are misplaced when it comes to solving America's problems.

"What you have in this administration are people where high speed rail and transit are more important than just about anything else," said Wendel Cox, a transit consultant in St. Louis, Mo. "You will have \$1.1 million buses

See "Stimulus," Page 8



Public Fares Don't Cover Costs

BY TOM GANTERT

It's the story of a public transit system in Michigan: the more successful it is as it keeps fares low to lure passengers, the more money it appears to lose.

In Lansing, the city's bus system has seen its ridership jump to record numbers from 9.3 million in 2005 to 11.3 million in 2008. Yet its losses have also jumped from \$28.6 million to \$33.3 million during the same span.

State Rep. Dave Agema, R-Grandville, has introduced House Bill 4185 that would require bus transits to have fares cover 20 percent of their operating costs. Agema said his bill has been stuck in committee since it was introduced a year ago.

Transit was a big beneficiary of the federal stimulus. According to the state, Michigan has received nearly \$100 million in federal stimulus funds to be spent on transit authorities.

"I'm not asking them to be profitable," Agema said. "Right now, there is no incentive to be efficient. It's, 'Let's just keep the monster going and lose more money.'"

For Lansing's Capital Area Transportation Authority, fares

cover 15 percent of the total operating costs, according to CATA Spokeswoman Debbie Alexander.

Needing more money to sustain operations, CATA asked for an increase in its millage in 2008. It was approved for a 0.787-mill tax increase for five years ending in 2012. For a home valued at \$100,000, it meant about an extra \$39 in taxes per year.

In Lansing, fares are normally \$1.25 a ride, but students ride for 60 cents.

Mackinac Center analyst Jack McHugh said the current public transit model is broken and that reforms are available that will benefit both users and taxpayers.

"By eliminating protectionist regulations that restrict alternatives," McHugh said, "empty buses driven by public employee union members can be replaced by private sector innovations like jitneys, commercial van pools, 'call-and-ride' services, car-sharing and more. This will improve service for transit users at a much lower cost."

Alexander said increasing fares risk cutting off service to the low income riders.

"You could only drive fares up so far before you are unable to

See "Bus Fares," Page 8

Are Bus Fares Fair?

BY KEN BRAUN

(This article was originally published in 2008 and referenced 2007 House Bill 4928, an earlier version of the proposal that Rep. Agema has re-introduced as 2009 House Bill 4185. See related article at left: "Public Bus Fares Don't Cover Costs.")

Michigan State Rep. David Agema, R-Grandville, has introduced legislation that would require local bus systems subsidized by state road tax dollars to generate at least 20 percent of their operating expenses from fares paid by riders. Given that few taxpayers know much about the finances of Michigan's public bus systems, most might consider this proposal, House Bill 4928, to be a paltry and superfluous requirement. "Surely," they may think, "Michigan's public transit users pay that much and more of their own way, right?"

Wrong.

As of 2005, the latest year that reports are available from the Federal Transit Administration for Michigan's largest urban bus systems, not one of them raised as much as 20 percent of their operating expenses from fare revenues. The largest systems, those responsible for carrying the majority of Michigan's public bus passengers, fell well short.

For example, fares as a share of operating expenses for SMART, the system for the Detroit suburbs, and DDOT, the city of Detroit's system, were less than 12 percent. The figure for the Lansing area's Capital Area Transportation Authority was less than 15 percent. "The Rapid," serving Grand Rapids, was less than 15 percent; the Flint Mass Transportation Authority was less than 16 percent; and the Ann Arbor

See "Fares Fair," Page 8

STIMULUS

from Page 7

traveling around; I'm not sure anyone is going to be on them."

Sam Staley, the director of urban and land use policy for the public policy think tank Reason Foundation in Los Angeles, said transit is "politically favored."

"There is an explicit policy goal in the Obama administration to discourage automobile use and encourage transit," Staley said. "Instead of having diesel buses going around not carrying anybody, now we have electric buses going around not carrying anybody. Somehow, that helps the economy. If you brought together the mayors of all those cities and said, 'We'll give you \$25 million. What are your priorities?' the priorities would not be transit. It would be law enforcement, basic infrastructure and improving public service. The problem with transit, less than 1 percent of the travel in Flint is by transit."

Supporters, such as Michigan Gov. Jennifer Granholm, have said it is part of transforming Michigan to a greener economy.

"We don't believe it is an either-or proposition," Beth Bingham, director of the Michigan Economic Recovery Office, wrote in an e-mail. "The Recovery Act investments in Flint and communities throughout the state are supporting citizens and businesses in many ways —

public safety and transportation are just two sectors that have received significant funding.

It has helped the Hamilton Community Health Network (one of Michigan's 29 Federally Qualified Health Clinics, all of which received funding) hire additional dental staff and a pediatrician and expand their facilities to serve more patients; it has provided funding to keep teachers in the classrooms; it has funded SBA loans for businesses, tax credits and cuts for citizens, additional unemployment benefits and food assistance. ALL of this investment is important and welcome in Flint and throughout Michigan."

Randal O'Toole, an expert on transportation at the Cato Institute in Washington, D.C., said most cities don't need an infusion of money into their transit authorities.

"There are infrastructure problems with transit, but they are not in Flint," O'Toole said. "They are in Chicago, New York and Washington, D.C. The thing about pork, it has to be distributed all around the country. Yes, it was a waste of money." ■

Additional Michigan Capitol Confidential resources regarding federal stimulus spending are available at www.MichCapCon.com/12151, www.MichCapCon.com/12144 and www.MichCapCon.com/12141.

BUS FARES

from Page 7

serve the population that uses the bus," she said. "Nowhere in the world is any public transportation fully supported by fares. I think there is a fine line between making it valuable and marketable and overpricing it and making it an elite service."

Agema said he's not asking fares pay for the entire cost of operations.

"They say, 'Well, we might lose ridership,'" Agema said. "I don't think it is unreasonable to ask riders to pay just 20 percent of the operating cost." ■

The online version of this article appears at www.MichCapCon.com/12151.

FARES FAIR

from Page 7

Transportation Authority was less than 14 percent.

If riders pay less than 20 percent of the operating costs, then who pays the rest?

Ahem — got a mirror?

About one-third of these total public bus operating expenses came from the state's Comprehensive Transportation Fund — a mass transit subsidy carved out of the state's annual road budget. Like the rest of this budget, nearly all CTF funding comes from federal and

state motor fuel taxes and state vehicle registration fees. The money for the CTF that's taken from this pool of transportation dollars is a redistribution of wealth from the state's car and truck drivers to its transit agencies. Vehicle owners and drivers pay substantially more for rides they may never take on public buses than do the riders themselves.

The state constitution caps this diversion at no more than 10 percent, meaning that at least 90 percent of annual transportation revenues must be spent on roads. But even with this restriction, Michigan lawmakers in Fiscal Year 2005 allocated more than \$161 million for local bus operating subsidies, \$16.3 million for bus capital improvements, \$7.2 million for passenger train subsidies, and more for various other public bus and transportation-related spending.

It is also noteworthy that FTA reports indicate that virtually all of the fare revenue for Michigan's largest fixed route bus systems is dedicated for operating expenses only. The overwhelming majority of the operating costs, and virtually all of the capital costs, come from a combination of the CTF revenue diversion, local tax revenue and federal grants. (The requirements of House Bill 4928 and the calculations above apply only to fixed-route bus systems and not dial-a-ride or other "on demand" public transit service.)

Notwithstanding the figures cited above, the 20 percent requirement of HB 4928 is not beyond the reach of public bus agencies. DDOT, by far the state's largest public transit service, covered more than 20 percent of its fixed-route operating costs with fares as recently as 1999. Elsewhere, in New York City's massive bus system, operating costs were 42.4 percent fare-supported in 2005; Chicago riders covered 34.2 percent; Toledo's paid 20.7 percent; and Indianapolis patrons contributed 22.2 percent. It's neither unreasonable nor unprecedented to expect the people using the service to pay more of the cost.

Yet testifying in favor of more taxpayer support, the executive director of The Rapid in 2007 told state legislators that his system covered only 18 percent of its 2006 operating costs with fares. He said increasing fares would mean a loss of customers. His remark reveals a skewed perception in the collective mind of Michigan's mass transit chiefs: The people forking over the vast majority of the money are not considered the real customers, while those considered the customers are expected to pay very little of the cost.

House Bill 4928 represents a helpful turn toward clearing up this confusion. ■

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DONT TREAD ON ME

LAWMAKERS TACKLE FILM CREDIT TRANSPARENCY

BY TOM GANTERT

State Rep. Tom McMillin, R-Rochester Hills, spent four hours sifting through the bills filmmakers had chalked up while filming in Michigan and submitted for tax credit reimbursement.

For the movie “Gran Torino,” directed by Clint Eastwood and filmed in the Detroit area, McMillin saw hundreds of thousands of expenses for out-of-state airline tickets, as well as salary, pension and health care costs of the cast.

He saw the entire laundry list of what the filmmakers wanted to be reimbursed for up to 42 percent. What McMillin didn’t see was what the state reimbursed and if it was following its strict rules for what qualified.

For instance, Janet Lockwood, director of the Michigan Film Office, has said alcohol would not be eligible for a tax subsidy. McMillin just saw overall bills for restaurants and room service, but not the receipts to know whether alcohol was included.

Some specific politicians are eligible to review the filmmakers’ requests for tax refunds allowed by the state film credit legislation enacted in 2008 to induce moviemakers to come to Michigan.

But the public, who eventually pay for up to 42 percent of the filmmakers’ expenses incurred in Michigan, are barred.

Sen. Nancy Cassis, R-Novi, has sponsored two bills to try to make the process more transparent by changing the tax laws. Cassis wants some of the information to be reported on a Web site and the more detailed information to be

delivered to political committees for review.

The House Tax Policy Committee held a Feb. 10 hearing on Senate Bills 796 and 889, both of which were already passed by the Senate.

Transparency has become an issue as the Michigan film incentive program may give back \$120 million in 2011 and as two other states have had problems with their film credit programs.

In Louisiana, the director of the governor’s film and television office pled guilty to conspiracy and bribery charges in 2007, according to the U.S. Department of Justice. Mark Smith, former director of the governor’s Office for Film and Television Development, was accused of taking \$67,500 in cash from a former law school classmate in exchange for \$1 million in tax credits to that classmate’s film company.

In Iowa, Gov. Chester Culver suspended the state’s film tax incentives program last year. Gov. Culver stated in a letter he sent to the Iowa Economic Development Board that he was troubled that “there have been insufficient procedures in place to assure a full and accurate

accounting of expenditures. ...”

Mike Tramontina, the director of the Iowa Department of Economic Development, resigned on Sept. 18. The Des Moines Register reported that a criminal probe has been opened into the operations of the Iowa Film Office. The newspaper reported that unidentified filmmakers claimed expenditures as high as \$650,000 that should not have been approved.

The Michigan Film Office said it has procedures in place that provide oversight in the reimbursement of expenses.

- Anything purchased must be either donated to a charity at the film’s conclusion or prorated for use in Michigan.
- Nothing described as

See “Film Credit,” Page 12

Roger Redux: Michael Moore’s Contradictions Are Old News

BY KEN BRAUN

Filmmaker Michael Moore is dodging hard questions being asked by Mackinac Center reporter Kathy Hoekstra. Seven attempts to contact Moore over the last two weeks — four by Hoekstra, and one each from The Flint Journal, The Detroit News and Fox News’ John Stossel — have not brought Moore out of hiding to answer questions about a contradictory policy of seeking Michigan’s film tax subsidies for work being done on his films. And now the predatory interviewer is looking very much like his old prey — former General Motors Corp. CEO Roger B. Smith — in 1989’s “Roger & Me.”

But another look at “Roger & Me” — Moore’s breakthrough film — reveals that contradictory thinking was there from the start.

In his latest work, “Capitalism: A Love Story” (2009), Moore embarks upon a futile quest to find out what happened to hundreds of billions in taxpayer cash loaned to the financial industry as part of 2008’s Troubled Asset Relief Program. Two weeks ago, Hoekstra discovered that Moore or someone working with him appears to have asked for a taxpayer bailout to help cover the cost of making a film that critiques ... taxpayer bailouts. Moore has also publicly criticized the very program that is being taken advantage of: Michigan’s generous policy of providing tax credits and outright

See “Roger Redux,” Page 12

Michael Moore and Subsidies: A Love-Hate Story

BY TOM GANTERT

Months before the release of his movie “Capitalism: A Love Story,” Michael Moore publicly questioned the logic of giving a large corporation like Viacom Inc. taxpayer subsidies for filming in Michigan.

Yet the Flint native had a deal with a subsidiary of Viacom to finance “Capitalism: A Love Story,” and later, someone involved in the production applied for tax credits for filming part of the movie in Michigan.

Moore’s public criticism of capitalism and taxpayers’ bailing out rich Wall Street executives appear to conflict with his own business dealings involving his

anti-capitalism movie.

For example, Moore served on a panel in July 2008 at the Traverse City Film Festival and questioned the logic of the Michigan Film Incentive program, which reimburses filmmakers for up to 42 percent of the costs associated with shooting in the state.

“These are large, multinational corporations — Viacom, GE, Rupert Murdoch — that own these studios. Why do they need our money, from Michigan, from our taxpayers, when we’re already broke here? I mean, they play one state against the other, and so they get all this free cash when they’re making billions already in profits. What’s the thinking

behind that?” Moore asked.

Moore’s own Web site has a February 2009 story announcing that Paramount Vantage, a subsidiary of Viacom, and Overture Films co-financed “Capitalism: A Love Story.” Overture Films is a division of Liberty Capital, which is a 1-percent shareholder in Viacom, which posted a \$463 million profit in the third quarter of 2009.

In one of the more popular scenes in the movie, Moore stands with a bag in front of a Wall Street bank and says, “We want our money back.”

Yet Moore’s image as a Robin Hood for the downtrodden has been tarnished since it was

See “Greed,” Page 12



FILMMAKER MICHAEL MOORE

Photo source: Prognosis at commons.wikimedia.org

GOLF CARTS

from Page One

Public Act 240 of 2009 — expands upon Public Act 580 of 2008, a law that allows qualified manufacturers to claim credits of \$375 for each battery pack of at least 4 kilowatt hours capacity that they produce, and \$93.75 for each additional kilowatt hour, up to a maximum of \$1,500 per battery. The 2008 law allowed for four battery makers to claim these special tax breaks when filing their Michigan Business Tax; House Bill 5469 adds three new recipients sharing a slightly larger subsidy between themselves.

Stossel told O'Reilly that his golf cart subsidy happened because "our bloated government subsidizes everybody" and that it is part of "endless subsidies that are taking us on a road to serfdom." He also noted that the federal subsidy used to purchase his golf cart was the work of U.S. Rep. Charles Rangel, D-New York.

The Michigan lawmakers who supported HB 5469 have a different view of special tax breaks for electric cars and electric car batteries.

State Sen. Roger Kahn, R-Saginaw, hailed the passage of the bill as "tremendous news for the Great Lakes Bay Region" because he believes that it will bring battery-making jobs to an area within or nearby his district. Kahn's news release was issued jointly with state Sen. Tony Stamas, R-Midland.



In the state Senate, only three lawmakers opposed HB 5469: Sen. Nancy Cassis, R- Novi; Sen. Jud Gilbert, R-Algonac; and Sen. Alan Sanborn, R-Richmond.

In the House of Representatives, only six lawmakers voted against HB 5469: Rep. Justin Amash, R-Grand Rapids; Rep. Tim Bledsoe, D-Grosse Pointe; Rep. Kevin Daley, R-Attica; Rep. Tom McMillin, R-Rochester Hills; Rep. Fred Miller, D-Mount Clemens; and Rep. Paul Scott, R-Grand Blanc.

The bill passed the House on a vote of 96-6, with 38 Republicans joining 58 Democrats in support of the special tax break. It passed the Senate on a vote of 32-3, with the support of 18 Republicans and 14 Democrats. ■

The Michiganvotes.org roll call vote for House Bill 5469 is to the right. The original version of this story and a video of Stossel talking about his golf cart is at www.MichCapCon.com/12127.

Check MichiganVotes.org

"Golf Carts": Lawmakers who voted TO SUBSIDIZE the production of electric vehicle batteries:

SENATE REPUBLICANS (18)

Allen (R)	Brown (R)	Hardiman (R)	Kahn (R)	Nofs (R)	Richardville (R)
Birkholz (R)	Cropsey (R)	Jansen (R)	Kuipers (R)	Pappageorge (R)	Stamas (R)
Bishop (R)	George (R)	Jelinek (R)	McManus (R)	Patterson (R)	Van Woerkom (R)

SENATE DEMOCRATS (14)

Anderson (D)	Cherry (D)	Gleason (D)	Olshove (D)	Thomas (D)
Basham (D)	Clark-Coleman (D)	Hunter (D)	Scott (D)	Whitmer (D)
Brater (D)	Clarke (D)	Jacobs (D)	Switalski (D)	

HOUSE REPUBLICANS (38)

Agema (R)	Denby (R)	Hildenbrand (R)	Lund (R)	Pavlov (R)	Stamas (R)
Ball (R)	DeShazor (R)	Horn (R)	Marleau (R)	Pearce (R)	Tyler (R)
Bolger (R)	Elsenheimer (R)	Jones, Rick (R)	Meekhof (R)	Proos (R)	Walsh (R)
Booher (R)	Green (R)	Knollenberg (R)	Meltzer (R)	Rocca (R)	
Calley (R)	Haines (R)	Kowall (R)	Moore (R)	Rogers (R)	
Caul (R)	Hansen (R)	Kurtz (R)	Moss (R)	Schmidt, W. (R)	
Crawford (R)	Haveman (R)	Lori (R)	Opsommer (R)	Schuitmaker (R)	

HOUSE DEMOCRATS (58)

Angerer (D)	Donigan (D)	Johnson (D)	McDowell (D)	Slezak (D)
Barnett (D)	Ebli (D)	Jones, Robert (D)	Melton (D)	Smith (D)
Bauer (D)	Espinoza (D)	Kandrevas (D)	Nathan (D)	Spade (D)
Brown, L. (D)	Geiss (D)	Kennedy (D)	Nerat (D)	Stanley (D)
Brown, T. (D)	Gonzales (D)	Lahti (D)	Neumann (D)	Switalski (D)
Byrnes (D)	Gregory (D)	LeBlanc (D)	Polidori (D)	Tlaib (D)
Byrum (D)	Griffin (D)	Leland (D)	Roberts (D)	Valentine (D)
Clemente (D)	Haase (D)	Lemmons (D)	Schmidt, R. (D)	Warren (D)
Constan (D)	Hammel (D)	Lindberg (D)	Scripps (D)	Womack (D)
Corriveau (D)	Haugh (D)	Lipton (D)	Segal (D)	Young (D)
Dean (D)	Huckleberry (D)	Liss (D)	Sheltrown (D)	
Dillon (D)	Jackson (D)	Mayes (D)	Slavens (D)	

Lawmakers who VOTED AGAINST THE SUBSIDY for electric vehicle batteries:

SENATE REPUBLICANS (3)

Cassis (R)	Gilbert (R)	Sanborn (R)
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SENATE DEMOCRATS (NONE)

HOUSE REPUBLICANS (4)

Amash (R)	Daley (R)	McMillin (R)	Scott, P. (R)
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HOUSE DEMOCRATS (2)

Bledsoe (D)	Miller (D)
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Legislators who DID NOT VOTE:

Rep. Bennett (D)	Rep. Durhal (D)	Rep. Scott, Bettie (D)	Sen. Barcia (D)
Rep. Coulouris (D)	Rep. Genetski (R)	Rep. Simpson (D)	Sen. Garcia (R)
Rep. Cushingberry (D)	Rep. Meadows (D)		Sen. Prusi (D)

2009 Senate Roll Call 729 on HB 5469
2009 House Roll Call 676 on HB 5469

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DON'T TREAD ON ME

LEGISLATORS SLAM POTENTIAL SAVINGS AT SECRETARY OF STATE

BY KEN BRAUN

Michigan Secretary of State Terri Lynn Land is trying to make people “drive further and further, just to receive assistance,” according to state Sen. Roger Kahn, R-Saginaw, who says his fellow Republican should focus her attention instead on “bringing services closer to the people.” Kahn’s criticisms were directed at the Dept. of State’s ongoing Branch Office Modernization Program, which aims to save scarce taxpayer dollars by consolidating branches into fewer, but more technically-savvy and customer-friendly, locations. For Kahn’s district, this means the loss of a branch in Frankenmuth and enhanced services at another in Saginaw — a decision that Kahn calls “a mistake,” but that Land’s office defines as “fiscal responsibility.”

Though Kahn asserts that the plan “makes no sense” because “the people of Frankenmuth will have to drive more than 40 miles round trip every time they register to vote or renew their license plate tabs,” it would appear that very few customers would be required to endure these inconveniences. Most can renew license tabs online or through the mail and voter registration

matters can be accomplished at township and city halls.

Land notes that in comparison to 2007, online and mail renewals in fiscal 2009 resulted in 2 million fewer trips to branch offices. Additionally, the expanded “Super!Center” and “Plus” offices being created by the Modernization Program provide later service hours on Wednesdays (until 7 p.m.), Saturday hours for the Super!Centers, self-serve stations and other enhancements designed to expedite the visits for those customers who still need to make the trip. These extra services went unmentioned by two other GOP state senators — Gerald Van Woerkom, R-Muskegon, and Randy Richardville, R-Monroe — who also blasted the Modernization Program, claiming that it would result in both longer drives and longer wait times in their districts.

Modernization has been ongoing since 2004. This new round of consolidations would bring the number of branches down to 131, from 173 a decade ago. But within the remaining 131 branches, taxpayers will soon have six Super!Centers and 38 PLUS offices to choose from. (Five Super!Centers and 22 PLUS offices are already in operation.) The Dept. of State proclaims that they

have “reduced staffing levels by 20 percent through attrition.”

Land notes that Saturday hours and other perks of the enhanced offices have been “extremely popular” where they have been implemented. But the program has been a frequent subject of Legislative criticism, even though nearly all lawmakers have claimed to support the notion of cost-conscious state agencies. And leaving aside the Republican senators criticizing the current phase of the plan, the overwhelming majority of the opposition to the department’s budget-conscious ways has come from Democrats.

In 2007, the Democrat-controlled Michigan House approved a bill that would have re-written the Dept. of State funding rules so as to make branch consolidations more difficult. Current GOP Rep. Ken Horn, R-Frankenmuth, and Sen. Mike Nofs, R-Battle Creek, (who was then a member of the House) were two of just three Republicans to vote with the united Democratic caucus in favor of obstructing the Modernization Program. (The third Republican is no longer in the Legislature.)

On Dec. 18, 2009, the Michigan House again set in motion an effort to block branch office consolidation when it approved House Bill 5686. This time, 58 Democrats and one Republican voted to thwart part of the Modernization Program. The lone Republican was John Walsh, R-Livonia. The Republican-controlled Senate has not yet considered the bill.

Another attempt was made on Feb. 3, 2010, when the Michigan House of Representatives voted 65-41 in favor of House Bill 5649. Michiganvotes.org states that this bill would “restrict the ability of the Secretary of State to reorganize branch office operations, including closing lesser-used offices, by

reorganizing the appropriations line item for its branch office funding from a single line item to numerous specific line items.”

According to the Gongwer News Services (www.gongwer.com – subscription required), a spokesperson for Ms. Land said this bill interferes with the Secretary of State’s “constitutional right” to operate branch offices most efficiently in a tough budget situation.

Rep. Ken Horn, R-Frankenmuth, and Rep. Geoff Hansen, R-Hart, joined 63 Democrats voting for this bill.

Rep. Martin Griffin, D-Jackson, voted with 41 Republicans against the bill, and in accordance with the Secretary of State’s advice.

Whitmer observed that “The current East Lansing branch is the only option for many Michigan State University students who don’t have a mode of transportation.” She did not point out that the student rate for a round-trip bus ticket to the downtown Lansing branch is currently \$1.20 and that more than a dozen bus routes run alongside or directly serve the campus during all business hours.

Two of Land’s loudest Democrat critics during the current round of Modernization are from East Lansing: Sen. Gretchen Whitmer and Rep. Mark Meadows. The downtown East Lansing branch and another four miles away in downtown Lansing are scheduled to be closed after the department

creates a new Super!Center in a shopping plaza that abuts the MSU Campus, sits next to U.S. 127 and is about halfway between the two conventional branches being consolidated.

But neither lawmaker was pleased with Ingham County getting its first Super!Center if it meant closing two of the inferior conventional facilities nearby.

“The Secretary of State’s plan will put a giant wall between our students and their ability to participate in our democracy,” noted Meadows in a joint press release. He did not mention that students could still change their voting residency and register to vote at the East Lansing City Hall, also just a couple of blocks from the Spartan campus.

Meadows was East Lansing’s mayor from 1997 until 2005, and he was a member of its city council until 2008.

Whitmer observed that “The current East Lansing branch is the only option for many Michigan State University students who don’t have a mode of transportation.” She did not point out that the student rate for a round-trip bus ticket to the downtown Lansing branch is currently \$1.20 and that more than a dozen bus routes run alongside or directly serve the campus during all business hours.

The release blasting the Modernization Program also notes that Sen. Whitmer acquired a law degree from Michigan State.

Having been approved by the House of Representatives, House Bill 5686 is now in the Michigan Senate’s Committee on Local, Urban and State Affairs. Sen. VanWoerkom is the chair. House Bill 5649 has been sent to the Senate Appropriations Committee, chaired by Sen. Ron Jelinek, R-Three Oaks. ■

The contact information for all lawmakers can be found on Pages 14 and 15.

An online version of this story, with hyperlinks to more bill information and the roll call votes, is at www.MichCapCon.com/12060.

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FILM CREDIT

from Page 9



“personal” is allowed. For example, if an mp3 player was purchased, it would need to be donated or prorated at the end of filming. One film company had an auction of movie memorabilia in Michigan and donated the money to the local food bank in the Grand Rapids area.

- Catered meals on sets are eligible.
- The cost of renting production office space and rental cars from established agencies are eligible. The rental of camera and lighting and sound equipment is also covered as is the rent for a house or an apartment for an actor staying in town.
- Vehicles are covered as long as they are in the movie. ■

Additional Michigan Capitol Confidential and video coverage of the film tax credit program is available at www.MichCapCon.com/9919, www.MichCapCon.com/12022 and www.MichCapCon.com/12099.

TEA PARTY

from Page 4

has also put much of his time into getting government out of people’s social lives. For example, he is one of the state’s better-known medical marijuana advocates.

Brett VanderKamp, president and “chief imagination officer” of the New Holland Brewery, is a “Ron Paul” Republican. He turned a collegiate passion for homebrew into a career running a small-business craft brewery in Holland. When asked what he’d

ROGER REDUX

from Page 9

subsidies to filmmakers who shoot in the state. Referring to film companies that come to Michigan to take the credits, Moore recently asked: “Why do they need our money, from Michigan, from our taxpayers, when we’re already broke here?”

And yet receiving assistance from public entities was there at the outset. In the closing credits to “Roger & Me,” under the notation “funding provided by,” the following benefactor is thanked: “Michigan Council for the Arts.” Moore received \$5,000 in grants from the state agency.

Muddling his message with contradictory evidence also takes place in “Roger & Me.” If there is a unifying theme to the film, it is that the autoworkers and people of Flint did not deserve the economic devastation visited upon them when GM decided to start shutting down the older auto production facilities located there. Moore asks at the beginning of the film why GM — then “one of the richest companies in the world” with profits “in the billions” — should be throwing the people of Flint out of work.

In hindsight, it now appears quite clear that recently bankrupted GM didn’t do enough to streamline its production methods and workforce. But for the movie, this isn’t

do if he could run the Legislature for a day, he said his top priority would be to eliminate the Michigan Business Tax.

Jason Gillman of Traverse City is the owner of Industrial Covert Unlimited, a company that sells video surveillance equipment. His near-daily commentary on Michigan’s tax climate, politics, TEA Parties and more is known to many via his blog, Michigan Taxes Too Much.

Now an almost accidental veteran of organizing TEA Party events and town halls in his own community over the previous year,

relevant: “Roger & Me” makes no attempt to justify saving the Flint facilities or the jobs of the workers therein on the grounds of them being more productive than rivals elsewhere.

Indeed, the film provides just the opposite message. If you take Moore’s dubious evidence at face value, then you have a right to wonder why GM didn’t act sooner.

A local Taco Bell franchise is presented as one landing place for the displaced line workers. Moore pays a visit, and the manager tells him “why all the ex-GM workers had been fired.” The reason, according to the manager that Moore puts on camera, is that the auto workers cannot handle the “pace” and “speed” of providing fast food as compared to their old job.

It is quite an assertion that such breathtaking lethargy would be true of “all” the former Flint auto line workers who secured work at Taco Bell. If this is an attempt at irony, then it fails to answer the charge that “all” of the former GM workers were “fired.” One would think that Moore could have presented at least one that quit in disgust because fast food work was a vastly inferior challenge in comparison to car building. No such person is found. While factually questionable as a representative sampling of the Flint autoworker, the Taco Bell anecdote makes it appear that GM’s Flint workforce was staffed with people who

couldn’t competently build a burrito.

Likewise, Moore presents the county jail as another destination for Flint’s old assembly line staff. He points out that GM and the United Auto Workers created a program to train Flint’s ex-auto workers to be prison guards, and then acidly notes that this gives them “jobs in the jails now filling up with their former line mates.” Like the assertion that they cannot handle fast food work, the allegation that UAW members are just a job loss away from becoming felons is left unchallenged by anything else presented in the documentary.

As with the current controversy over Moore taking special tax breaks to bash companies that take special tax breaks, “Roger & Me” purports to champion the plight of the autoworker by presenting autoworkers as individuals with extraordinarily weak character. It is highly unlikely that the late Roger Smith shared anything close to such a dim view of GM’s Flint workforce.

Were he alive today, perhaps Smith would join Hoekstra, waiting for Michael Moore to respond to some tough questions. ■

Additional Michigan Capitol Confidential and video coverage of the film tax credit program is available at www.MichCapCon.com/9919, www.MichCapCon.com/12022 and www.MichCapCon.com/12081.

[the politicians] do next. Tonight, they heard us.”

But Wendy Day of CSG thought the politicians in the Capitol had failed the citizens again.

“They are still serving the system and not the people,” she said. “There was so much energy out here, and they lost an opportunity to hear that. People left inspired and encouraged.” ■

A www.MichCapCon.com video of this event may be viewed with the online version of this article at www.MichCapCon.com/12054.

GREED

from Page 9

reported last week that his anti-capitalism movie may receive \$1 million in tax credits, subsidized by Michigan taxpayers.

“How ironic that Mr. Moore should theatrically demand that taxpayers’ funds be returned from Wall Street banks, while Moore uses state government to reach into the taxpayers’ pockets,” said Michael LaFaive, the Mackinac Center Fiscal Policy Director. “He is no better than the fat cats he criticizes.”

Moore’s Web site has a story quoting the filmmaker’s prepared statement promoting the release of his movie.

“The wealthy, at some point, decided they didn’t have enough wealth. They wanted more — a lot more. So they systemically set about to fleece American people out of their hard-earned money. Now, why would they do this? That is what I seek to discover in this movie.”

Eric Sherman, a film industry expert in Los Angeles, said film incentives have become an accepted part of business plans that movie makers pitch to studios.

“I don’t think he could have raised the money (for “Capitalism: A Love Story”) without commenting on tax incentives,” Sherman said. “And Michigan has been known to be one of the most favorable states to offer tax incentives.”

Moore’s publicist didn’t return an e-mail seeking comment. A spokesman for Paramount didn’t respond to a request for comment. ■

Additional Michigan Capitol Confidential and video coverage of the film tax credit program is available at www.MichCapCon.com/9919, www.MichCapCon.com/12022 and www.MichCapCon.com/12079.

Axed State Agency Mysteriously Operational

BY TOM GANTERT

An obscure, two-person state agency had its funding cut completely in last year's budget by state legislators.

Or so the lawmakers thought.

When lawmakers learned the Michigan Home Based Child Care Council was still operating months after their budget was axed, they asked the MHBCCC's parent organization for an explanation.

"Sorry," the Department of Human Services spokeswoman told the legislators. They claimed they couldn't say due to a pending lawsuit filed by the Mackinac Center Legal Foundation.

The refusal to answer where the money came from to keep the MHBCCC operating left members of the House Appropriations Subcommittee scratching their heads.

State Rep. Dudley Spade, D-Tipton, said with the increasing call for transparency in government, they should have answered the simple question: Who is paying for this?

Spade said the committee wasn't asking questions he thought would impact the lawsuit, such as how the group was formed.

"They are not being very forthright or transparent," Spade said.

State Rep. Dave Agema, R-Grandville, called the DHS actions "a cop out."

"If you are still operating, where is the money coming from?" Agema asked. "The question asked is totally different than the lawsuit."

The Mackinac Center Legal Foundation filed the lawsuit after an estimated 40,000 home-based day care providers — some of which had been in business for more than a decade — were unionized. The state had union dues taken out of the subsidy checks provided by the Department of Human Services for children from low-income families.

The Court of Appeals dismissed the action. The Mackinac Center Legal Foundation has filed a motion for reconsideration.

It's unclear if the state's policy is to not comment when involved in a lawsuit. A February 2009 Senate Fiscal Agency report listed 89 lawsuits filed against various state departments.

Liz Boyd, spokesperson for Gov. Jennifer Granholm, didn't respond to an e-mail seeking comment on the state's stance on commenting with lawsuits pending.

The state's fiscal year runs from Oct. 1 through Sept. 30, so the MHBCCC should have been shut down last fall.



The Mackinac Center's Kathy Hoekstra has been tracking the operations of the MHBCCC. She said there was a board of directors meeting she attended Dec. 4, and she has written correspondence from MHBCCC employees as late as Feb. 5. ■

The contact information for all state lawmakers can be found on Pages 14 and 15.

For the video from the Appropriations Subcommittee meeting, see the online version of this article at www.MichCapCon.com/12109.

Additional video coverage regarding this story may be found at www.mackinac.org/12106.

The Michigan Zombie Child Care Council

It's not really alive. That's why it's so hard to kill.

BY PAUL KERSEY

There are all kinds of zombies that have turned up in horror movies. Sometimes they're highly intelligent and move fast, sometimes they're stupid, shuffling things. But they all have one thing in common: they're really tough to finish off. In fact, you can pretty much figure there will be some point in the movie where you think they're gone, but it turns out there's still one of them that's, well, not exactly alive, but still a threat. That's how it goes with the undead.



Reps. Dave Agema, R-Grandville, and Dudley Spade, D-Tipton, can hardly be blamed for thinking that, by defunding the Michigan Home Based Child Care Council (MHBCCC), they had effectively shut down that agency and in the process liberated home-based child care providers across the state from the absurd burdens of unionization. These child care providers, who in reality run small businesses out of their own homes, have been corralled into a "union" known as Child Care Providers Together Michigan (CCPTM), which in turn is run jointly by AFSCME and the UAW. Zombies are hard to kill

because, strictly speaking, they aren't really alive. Similarly, the MHBCCC is going to be hard to kill because for a government agency, it doesn't really do a whole lot of governing. It never was much more than a shell entity, designed to engage in sham collective bargaining and maybe confuse child care providers into ignoring the entire union business until it was too late.

Technically, the MHBCCC serves as the "employer" for home-based child care providers who serve families that receive state child care subsidies. But the MHBCCC doesn't actually do any of the work that an employer has to do: It doesn't hire the child care providers — that's taken care of by the parents, who choose the provider based on their own preferences. It doesn't supervise their work, and it doesn't even write the paychecks.

What the MHBCCC is supposed to do is bargain collectively with the CCPTM, and for what it's worth, there is a contract of sorts. But when you think about it, there really isn't much for the two to bargain over. Certainly not wages, since generally speaking, home-based child care providers get most of their income from private clients, not the state, and they set their own rates for child care. Nor can the MHBCCC bargain effectively over working conditions, because home-based child care providers work out of their own homes (hence "home-based") and in reality are small-business owners. Aside from meeting the regulations set by the DHS, home-based child care providers decide their own working conditions.

There really is only one thing that the MHBCCC and the union

have to haggle over: how much the union gets in union dues. Having settled on a figure of about \$3.7 million per year, the task of collective bargaining is pretty much done.

There is one other purpose that the MHBCCC might have served, and that is confusing the heck out of child care providers, so that they didn't recognize the significance of the union certification ballots they received back in the fall of 2006. The MHBCCC itself only came into being in July of that same year, the product of an agreement between the DHS and Mott Community College. Home-based child care providers, used to dealing with the DHS more or less directly, might not have realized that the MHBCCC was supposed to be their employer.

As it was, only 6,000 out of 40,000 child-care providers returned ballots. The majority of those who voted were in favor of unionization, but if more providers had known who the MHBCCC was, and realized the importance of what was in the envelope, the results might have been very different.

After befuddling child care providers and agreeing to the union's cut out of state child care subsidies, MHBCCC's work was pretty much done. Defunding the agency didn't kill it because it does no real work and hence needs no funds to function. Ordinarily a government program will perish when it is defunded, but this isn't a normal, living agency we are dealing with here. Much like the living dead, the Michigan Zombie Child Care Council cannot be eliminated by ordinary means. ■

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WHY WE GIVE PARTY AFFILIATIONS:

The Legislature is managed as a partisan institution. Lawmakers segregate themselves by party in matters from daily meetings to seating. They have separate and taxpayer-financed policy staffs to provide them with research and advice from differing perspectives. As such, gaining a full understanding of the vote of an individual lawmaker requires knowing his or her partisan affiliation.

WHO ARE YOUR LAWMAKERS?

To find out which lawmakers represent you and to view interactive legislative district maps, please point your web browser to www.mackinac.org/9313.

If you do not have Internet access, then you may obtain copies of legislative district maps by calling 989-631-0900 or by sending a written request to us at: Mackinac Center for Public Policy, c/o MiCapCon District Maps 140 West Main Street, Midland, MI 48640

Did you know?

Members of the Michigan House and Senate are the second highest-paid state legislators in the United States, behind California.

- Base member annual pay: \$79,650
- Additional annual expense allowance: \$12,000
- Supplements are paid to the following 12 legislative officers:
 - Speaker of the House: \$27,000
 - Majority leader in the Senate: \$26,000
 - Minority leaders in both House and Senate: \$22,000
 - Majority floor leaders in both House and Senate: \$12,000
 - Minority floor leaders in both House and Senate: \$10,000
 - Chair of Appropriations Committee in both House and Senate: \$7,000
 - House speaker pro tempore and Senate president pro tempore: \$5,513

In more than 30 states, the position of state legislator is a part-time job with a salary of \$30,000 or less. Texas — the second most populous state and second largest geographically — pays lawmakers \$7,200 per year.

Some pay much less: New Hampshire legislators are paid a salary of \$200 for a two-year term of office; Alabama pays \$10 per day; and New Mexico offers no salary at all — just expenses. ■

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A sampling of proposed state laws, as described on MichiganVotes.org

SENATE BILL 974

Impose licensure on interior designers

Introduced by state Sen. Patricia Birkholz, R-Saugatuck

The bill would impose licensure and regulation on interior designers, with annual license fees, at least six years of education and/or professional experience prerequisites, testing requirements to standards established by a board of incumbent designers, and more.

HOUSE BILL 5535

Authorize restaurant smoking ban tax credit

Introduced by state Rep. Pete Lund, R-Shelby Twp.

The bill would authorize a Michigan business tax credit for restaurants that choose to ban smoking. The credit would last for five years and would be based on the decline in the restaurant's gross receipts following the smoking ban.

HOUSE BILL 4100

Close restaurants that don't comply with all state regulations

Introduced by state Rep. Paul Scott, R-Grand Blanc

The bill would prohibit the owner of a bar or restaurant from conducting business if he or she does not comply with all "state or local laws, ordinances, codes, rules, or regulations," including a law proposed by House Bill 4099 that prohibits him or her from choosing to allow smoking in his or her establishment.

HOUSE BILL 5880

Digital billboard moratorium and ban

Introduced by state Rep. Rebekah Warren, D-Ann Arbor

The bill would ban electronic digital billboards except in cities with more than 35,000 people and impose a two-year moratorium on any new or converted digital billboards.

SENATE BILL 488

Mandate "comparable worth" compensation

Introduced by state Sen. Gretchen Whitmer, D-East Lansing

The bill would establish a government "commission on pay equity" to "develop definitions, models, and guidelines for employers and employees on pay equity." See also House Bill 4625, which would prohibit paying a person a wage or salary that is less than an amount established under a proposed statutory interpretation of comparable wages. The commission would include the directors of the Department of Civil Rights and the MEDC, and representatives from the Michigan Women's Commission, the National Organization of Women, and the Michigan Women's Studies Association, the AFL-CIO, the UAW, the Michigan Chamber of Commerce and the Small Business Association.

SENATE BILL 1038

Impose licensure and regulations on PEOs

Introduced by state Sen. Jason Allen, R-Traverse City

The bill would require and establish regulations for professional employer organizations to operate under the state unemployment insurance system law. PEOs are companies that "lease" employees to other firms on a long-term basis but remain the employer of record for purposes of paying payroll taxes.

HOUSE BILL 5562

Mandate full-service pump at gas stations

Introduced by state Rep. Coleman Young Jr., D-Detroit

The bill would mandate that every gas station have at least one full-service pump where an employee pumps gasoline.

HOUSE BILL 5750

Prohibit broadcast personality "non-compete" agreements

Introduced by state Rep. Fred Miller, D-Mount Clemens

The bill would establish in statute that a broadcasting industry contract provision that requires an employee to refrain from obtaining employment within a specified geographic area for a specified time after leaving the station is presumed to be unreasonable. A former employee would be allowed to sue a broadcaster for damages and costs if the station tried to enforce this provision. ■