



# PUBLIC POLICY **RECOMMENDATIONS**

# 2023





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# Snapshot of 2023 Top Policy Priorities

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## A sustainable state budget without tax hikes

Policymakers must properly prioritize how to spend taxpayers' scarce resources. Spending priorities should be for public services and infrastructure that benefit us all. Selective tax breaks and subsidies for hand-picked corporations benefit only a few. There is no fiscal justification for raising taxes.



## Empower parents in public education

State law is clear that parents have a fundamental right to oversee their children's public school education. Policymakers should make schools more accountable and transparent so that more parents can make the best decisions about how their children are educated.



## Make government more transparent

Michigan is still one of the only states in the country that exempts its Legislature and governor from public documents disclosure. Government bodies seem to be getting worse at complying with public record requests in a timely and comprehensive manner. Policymakers have promised this reform for years — 2023 is the time to get it done.



## Remove regulatory barriers to improving health care

Lessons learned from the COVID-19 pandemic have not yet been actualized. Policymakers should relax unnecessary licensing requirements and restrictions placed on health care professionals, such as doctors and nurses. They should also remove the needless and anticompetitive restrictions on expanding health care services.



## Ensure reliable energy

The decision by Michigan's public utilities to transition to less reliable power sources increases electricity costs on businesses and families. It also puts our electrical grid under strain, and there's good reason to be concerned with its future reliability. Policymakers should ensure the system is robust enough to keep the lights on and meet the heating and cooling demands of our homes, schools, churches and businesses.



## Increase the labor supply

The state's occupational licensing requirements put hurdles in the way of Michiganders trying to earn a living. It restricts the supply of workers, which is especially troublesome in the face of widespread labor shortages. In order to reduce those burdens, policymakers should thoroughly review other harmful regulations and administrative rules that unnecessarily make earning a living more difficult.



## Get smart on crime

Michigan needs to get smarter on crime. Two steps in this direction for 2023 should be reducing overcriminalization and recidivism. Policymakers should rework criminal statutes to make them easier for citizens to comprehend. Research shows educational programs offered in prisons lessen recidivism rates.



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## **Refuse selective business subsidies**

Michigan operates the nation's most expensive and profligate business subsidy programs that give politically favored corporations hundreds of millions in cash. Some lawmakers want to spend even more, hand-picking a few businesses for large subsidies. This is expensive to the state budget, unfair to the businesses that do not receive these benefits and ineffective at improving the economy. Lawmakers should just say "no" to economic development programs.

[🔗 mackinac.org/30505](https://mackinac.org/30505)

## **Pass a Sustainable Michigan Budget**

Lawmakers have spent a lot more over the past few years from Michigan's growing revenue. But they also practiced remarkable restraint last year and set aside a substantial amount of cash for the future. For fiscal stability, legislators should pass a Sustainable Michigan Budget, where spending does not exceed the rates of growth of the state population and inflation. This prevents waste and promotes better outcomes for residents.

[🔗 mackinac.org/29493](https://mackinac.org/29493)

## **Reject tax increases**

Early reports on next year's revenue suggest that growth is likely to slow in the upcoming year. Legislators may consider increases in cigarette taxes, business taxes and others to pay for extra spending. Unfortunately, Michigan already spends too much, and lawmakers ought to reject plans to collect more in taxes from residents.

[🔗 mackinac.org/30482](https://mackinac.org/30482)



## **Preserve school choice options**

The number of Michigan families who rely on school choice for their children has grown significantly over the last three decades. About a quarter of all students now enroll in a public school of their own choosing. Policymakers should empower more parents to enroll their children in the school that works best for them. This upholds Michigan law: “It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children.”

[🔗 mackinac.org/29949](https://mackinac.org/29949)

## **Create meaningful school accountability**

Providing educational services to students and ensuring their success is no easy task. Myriad factors make it difficult for public schools to succeed with every student. But, as tax-funded entities, public schools must be held accountable. The state should set rigorous financial and academic standards for schools. These must be transparent and meaningfully enforced to incentivize schools to improve.

[🔗 mackinac.org/26230](https://mackinac.org/26230)

## **Equal treatment of public schools**

Michigan’s public schools are too often carved into niches, such as rural and urban, district-run and charter, brick-and-mortar and online. Differentiating schools may be useful at times, but for funding purposes, the state should treat public schools equally. They all provide the same service to Michigan students and should receive the same funding and be held to the same standards.

[🔗 mackinac.org/28647](https://mackinac.org/28647)

## **Enhance curriculum transparency**

Increased parental concern about the content taught in classrooms calls for schools to operate with more accountability and transparency. School curricula, lesson plans and staff training materials should be made publicly available on a district’s website. State law grants parents the right to “[r]eview the curriculum, textbooks, and teaching materials of the school in ... a reasonable time and place and in a reasonable manner.” Schools must make good on that right.

[🔗 mackinac.org/29762](https://mackinac.org/29762)

# Government Transparency

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## **Fix FOIA**

Michigan consistently ranks as one of the worst states for government transparency. Citizens attempting to obtain public records regularly encounter excessive delays, fees and redactions. The state is also one of only a few where the governor and Legislature are exempt from FOIA. Lawmakers should amend FOIA to open all of government to transparency and accountability.

[🔗 mackinac.org/28670](https://mackinac.org/28670)

## **Require economic development transparency**

Michigan used to list exactly how much the state was spending on corporate welfare subsidies. Every company, how much they received in incentives and what they pledged to do with the money was detailed. This is no longer the case, and the state is spending hundreds of millions of dollars, the details of which are kept secret from the public.

[🔗 mackinac.org/25443](https://mackinac.org/25443)

## **Donor privacy**

There is no compelling government interest for state or local agencies to obtain the personal information of supporters of 501(c)(3), nonprofit organizations. Exposing this information can create weaponized data that political activists could use to harass, bully and menace those who hold different views and support different causes. Unfortunately, several states and a growing number of municipalities across the country are seeking to undermine Americans' constitutional freedoms of speech and assembly through forced disclosure laws and ordinances. Michigan state leaders should reject this and instead adopt legislation that prohibits state and local government agencies from obtaining personal information of the supporters of these nonprofit organizations, which serve the varied interests of millions of Michiganders.

[🔗 mackinac.org/26070](https://mackinac.org/26070)





## **Defend Michigan's votes in presidential elections**

Since the American founding, the Electoral College has guaranteed Michigan's votes in a presidential election count regardless of how other states administer their elections. A new movement has arisen, however, to encourage states to nullify this part of the U.S. Constitution through an interstate compact. Fifteen states have already joined this compact, effectively handing over 195 presidential electors to the whims of California with its lax election safeguards. Michigan lawmakers should reject any effort to join the National Popular Vote Interstate Compact and instead clarify in the state constitution that the state will award its presidential electors only based on votes cast by Michigan residents.

[🔗 mackinac.org/28515](https://mackinac.org/28515)

## **Preserve "one person, one vote" standard for deciding election winners**

Under current Michigan law, the winner in a party primary or a general election is the candidate who received the most votes, even if that candidate receives less than a majority of the vote in a multi-candidate race. However, some states and cities have begun experimenting with "ranked-choice voting," a method by which voters rank the entire field of candidates in order of preference. The ballots are recounted until one candidate receives a majority of the ranked-choice votes. This has created a cumbersome process that confuses voters, dramatically increases the number of ballots that are thrown out and significantly increases the tabulation time needed to determine a winner. To promote transparency and public confidence in election processes and results, the Michigan Legislature should prohibit the use of ranked-choice voting in all elections for federal, state and local offices.

# Health Policy

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## **Maintain the sustainability of Michigan’s Medicaid program**

Michigan lawmakers should ensure that the state health department develops a process to review the eligibility of people enrolled in Michigan’s Medicaid program. Ineligible enrollees should be removed. Lawmakers should review eligibility more regularly. This action will protect the safety net and preserve resources for the state’s most vulnerable people.

[🔗 mackinac.org/28341](https://mackinac.org/28341)

## **Reform Certificate of Need**

Certificate of Need laws require health care providers to seek permission from a government board before opening or expanding their practices and adding new services and technology to address needs in their communities. Decades of research find that CON laws are associated with reduced access to care, decreased health care quality and higher costs. Michigan legislators should repeal CON requirements for imaging services and for increasing hospital and nursing home bed counts.

[🔗 mackinac.org/27168](https://mackinac.org/27168)

## **Expand scope of practice for health professionals**

Michigan faces a widespread shortage of primary care providers, and state rules on mid-level health care providers make the problem worse. Specifically, “scope of practice” restrictions prohibit licensed health care professionals — including nurses, nurse practitioners, physician assistants, nurse anesthetists and pharmacists — from practicing to the full extent of their education and training. Lawmakers should lessen these restrictions to increase access and reduce the costs of essential health care services. This will relieve stress on the overall system by creating a larger pool of health professionals to treat ailing Michigan residents.

[🔗 mackinac.org/27899](https://mackinac.org/27899)

## **Expand telemedicine access**

Michigan adopted a significant telemedicine expansion in 2020 that permits “store and forward” communication in addition to real-time provision of services. The reform let Medicaid patients benefit from telemedicine’s convenience and flexibility by allowing them to use it in their homes and at school or work. To increase access further, Michigan lawmakers should expand telemedicine to allow qualified, licensed health professionals from other states to offer remote services to Michigan residents.

[🔗 mackinac.org/29644](https://mackinac.org/29644)



## **Make electricity more affordable**

Michigan's monopoly utilities are required to provide "safe, reliable, and accessible energy services at reasonable rates," yet residents pay the highest rates in the region for some of the least reliable electricity in the country. Since electricity competition was restricted in 2008, rates in Michigan have increased by 45%, meaning residents pay rates that are now more than 16% above the national average. The only way to put consistent, downward pressure on rates is to open the market to more competition.

[🔗 mackinac.org/26154](https://mackinac.org/26154)

## **Maintain reliable electricity**

Michigan's utilities have created reliability issues with voluntary commitments to "net-zero" CO2 emission targets. Despite warnings of growing instability by grid operators, utilities plan to close reliable, affordable fossil fuel and nuclear plants and build expensive and intermittent power generators like wind and solar. Policymakers need to ensure that, despite these changes, Michiganders have reliable access to electricity.

[🔗 mackinac.org/27386](https://mackinac.org/27386)

## **Keep Line 5 open and encourage building a tunnel to protect it**

The Line 5 tunnel project has also been actively supported by an international and bipartisan mix of elected officials, business interests and unions from across the Great Lakes region. The Whitmer administration's previous attempts to shut down the pipeline have delayed the building of this tunnel. The governor appears to have reversed herself, and policymakers should work with the administration to permit and support the rapid construction of the Line 5 tunnel. Doing this would ensure the pipeline is removed from the waters of the Great Lakes while also maintaining essential energy infrastructure.

[🔗 mackinac.org/30362](https://mackinac.org/30362)

## **Empower private conservation**

Many citizens think of government as the only viable source of conservation efforts, but much can and should be done through private initiative, free markets and collaboration. As a means of promoting both conservation of Michigan’s natural environment and economy, the Legislature should promote — or, at the very least, not hinder — privately led efforts at conserving land.

[🔗 mackinac.org/S2020-04](https://mackinac.org/S2020-04)

## **Protect essential energy infrastructure**

Prodded by “net-zero” plans, several activist groups engage in “direct actions” against existing oil and gas or other energy infrastructure. They trespass on and interfere with the operation of oil and natural gas pipelines. State law makes it a felony to trespass on property containing critical infrastructure, such as power plants or water works, but other essential energy infrastructure is not clearly included. The Michigan Legislature should immediately update the list of critical infrastructure to include oil and gas pipelines, as the state of North Dakota has done.

[🔗 mackinac.org/22913](https://mackinac.org/22913)



## **Smart on crime, but not soft on crime**

Reforms to criminal justice policies should be reviewed based on three criteria. First, and most important, policies must improve public safety. Any policy that fails to make Michigan communities safer should be rejected regardless of any peripheral benefits claimed. Second, policies should save taxpayer money — either in the short or long term. Last, policies that enhance the ability of ex-offenders to earn their own success through meaningful employment should be prioritized.

[🔗 mackinac.org/26244](https://mackinac.org/26244)

## **Eliminate civil asset forfeiture**

Forfeiture enables the government to take ownership of property that law enforcement believes was used in a crime or resulted from criminal activity. For years, this practice was abused, with some police departments padding their budgets by seizing property from people, many of whom were never convicted of a crime. The state has made reforms in this area, but these do not fully protect Michiganders from forfeiture abuse. Policymakers should eliminate civil forfeiture altogether and only allow someone's property to be forfeited after they've been convicted in court of a crime.

[🔗 mackinac.org/s2023-02](https://mackinac.org/s2023-02)

## **Expand education and workforce training in prisons**

Recent research published by the Mackinac Center established that inmates who participate in education and workforce training during their incarceration have lower rates of recidivism, higher rates of employment, and higher earnings than nonparticipants. This research also found that workforce training had the highest return-on-investment per state dollars spent, while college education had the highest ROI per participant. Policymakers should expand the availability of education and workforce training in Michigan prisons, while adult basic education and GED programming within the Michigan Department of Corrections should be structured as feeders for the post-secondary options.

[🔗 mackinac.org/s2023-01](https://mackinac.org/s2023-01)

## **Reduce overcriminalization and overregulation**

Michigan's criminal statutes are scattered throughout our vast laws and number more than 3,100. That's more than eight times the number of crimes contained in the American Law Institute's Model Penal Code. There are thousands more administrative regulations, many of which carry criminal penalties. The sheer quantity ought to make "ignorance of the law" a very reasonable excuse, especially when citizens can be punished with up to 90 days in jail for things like failing to put your name on your ice fishing shanty. The Legislature and executive branch should overhaul Michigan's criminal laws so that its citizens have a penal code that is modern, organized, intuitive and comprehensible.

[🔗 mackinac.org/23839](https://mackinac.org/23839)

# Regulatory Reform

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## Reduce occupational licensing burdens

Occupational licensure is a requirement to get permission from the government to work legally. It typically requires fees, hours of education and training, degrees and testing. Michigan mandates a license to work for about 200 occupations, or 20% of the total workforce. The state has made good, bipartisan strides on this issue in the last decade, especially when it comes to allowing those with criminal backgrounds or military service to get a license.

But there's more to do. Michigan should join the five other states that regularly review all licensing rules to ensure they still make sense. Lawmakers should also join other states that fully reciprocate licensing; that is, if someone is licensed in one state, they can easily work or transfer that license to Michigan.

[🔗 mackinac.org/licensure](https://mackinac.org/licensure)

## Rein in the administrative state

Michigan's regulatory regime is large, complex and powerful. State statute even empowers regulators to define criminal activity — making ordinary citizens criminally liable to the whims of unelected bureaucrats. Michigan needs to rein in the power of the administrative state, and the best place to start is a thorough review of the state's administrative code, to modify or remove regulatory rules that place too much power in the hands of bureaucrats.

[🔗 mackinac.org/s2019-11](https://mackinac.org/s2019-11)



## **Defend workers' rights**

Employees deserve the ability to work without being forced to pay a union. Policymakers who wish to protect workers' rights should defend pro-worker policies such as right-to-work, the prohibition on prevailing wage in government contracts, and the ban on school districts bargaining over subjects that constrain and disrespect highly effective teachers.

[🔗 mackinac.org/30490](https://mackinac.org/30490)

## **Janus implementation**

The U.S. Supreme Court ruling in *Janus v. AFSCME* found that public employees have First Amendment rights to determine whether to pay a union, and that payment to a union cannot be mandated as a condition of employment. Michigan lawmakers should ensure that state and local agencies are complying with this ruling by only withholding dues from paychecks if they have proof of clear and affirmative consent from employees.

[🔗 mackinac.org/janus](https://mackinac.org/janus)

## **Require collective bargaining transparency**

Collective bargaining between government employers and unions determines how taxpayer money will be spent. Therefore, contract negotiations between public sector unions and government entities should be subject to open meetings and freedom of information laws so that these decisions are fully transparent to the public. In addition, workers who have opted out of union membership should have the same access to tentative bargaining agreements, as they are still bound by the terms of these contracts.

[🔗 mackinac.org/8301](https://mackinac.org/8301)





If you have any questions or seek further clarification about these policy recommendations, please contact the experts at their email addresses listed previously. To see an online version, please visit:

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