

MICHIGAN
CAPITOL CONFIDENTIAL

Now Featuring: *The Refuge* from the Property Rights Network



A review of the votes and proposals of the Michigan Legislature — Vol. 4 No. 1 — January/February 2010

HOME COURT DISADVANTAGE

K-zoo taxpayers may ante up for new sports arena

BY KENNETH M. BRAUN

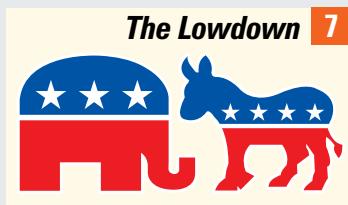
On Nov. 11, 2009, the Lansing State Journal reported that the Kalamazoo County Board of Commissioners was exploring the possibility of creating a hotel and restaurant tax to finance construction of a 6,800-seat sports arena to be built in

Kalamazoo for an estimated cost of \$81.2 million. Five days later, the Pontiac Silverdome — also constructed with taxpayer subsidies — was auctioned off to a Canadian firm for just \$583,000. Despite having almost 12 times the seating capacity and still being in good condition, the Silverdome

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INSIDE THE ISSUE



PROPERTY RIGHTS NETWORK

PUBLIC TRUST SHOULD NOT BE TRUSTED

BY RUSS HARDING

When politicians talk about placing natural resources in public trust, landowners should worry. The right to own and use private property is a bedrock principle of a free people. These rights are threatened by House Bill 5319, which would place groundwater in public trust and require landowners to secure a permit from the state of Michigan in order to use that water. Sponsored by state Rep. Dan Scripps, D-Northport, the bill would essentially overturn more than a century of Michigan water law.

Property rights are often compared to a bundle of sticks.

Philosopher John Locke was an early proponent of this idea, which holds that the sticks that make up the bundle are a compilation of the various rights that come with owning private property, including the rights to live on or bequeath it. Water rights are a significant "stick" in that bundle. With the introduction of House Bill 5319, Michigan property owners are threatened by government action that would steal a stick from that bundle and give it to the state.

Like most states east of the Mississippi River, Michigan is a riparian water-use state. In Michigan, if you own the land, you

See "Public Trust," Page 8

COMMENTARY

THE REPOK CARD

D.C. free-market
group grades
Congress on earmarks

BY KENNETH M. BRAUN

Twenty-two members of the U.S. House of Representatives scored 100 percent on the 2009 "RePORK Card," a congressional grading system published by the Club for Growth in Washington, D.C. (www.ClubforGrowth.org). Higher percentage scores identify the politicians most willing to vote to remove earmarks, or "pork," from the federal budget. There were 21 Republicans and one Democrat receiving perfect grades. Not one member from

See "RePork Card," Page 12

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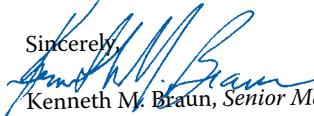
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The Mackinac Center's mission is to educate Michigan residents on the value of entrepreneurship, family, community, private initiative and independence from government. We believe, as our country's Founders did, that **liberty and sound policy can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

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Sincerely,



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

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ad liberties

New Year's Resolutions for Real Reform

BY JOSEPH G. LEHMAN



Some historical leaders famously wrote resolutions to help them achieve lofty goals. Even if they didn't keep them perfectly, they probably came closer than if they had set their sights low.

In that spirit, I humbly offer these model resolutions for real reform of our troubled state as we approach the new year.

FOR GOVERNMENT OFFICIALS

Resolved, to read our constitutions and my oath of office and pursue no action that is not in strict fidelity to those documents; to pursue no policy that benefits my constituents at the expense of anyone else's; to maintain a voting record that matches my speeches; to acknowledge that government is the means of protecting my constituents' rights and freedoms and not the means by which some constituents acquire resources from others; and to spend public monies and exert government authority with complete transparency, subject to the greatest public scrutiny and highest moral standards.

FOR CANDIDATES FOR PUBLIC OFFICE

Resolved, to campaign on policy issues and not personalities and platitudes; to prepare, if elected, to resist strong pressures to serve "the system" instead of the people; and to never sacrifice lofty principles of my campaign to gain a single vote, dollar or day in office.

FOR LEADERS OF BUSINESSES, RELIGIOUS ORGANIZATIONS AND OTHER PRIVATE INSTITUTIONS

Resolved, to remind public officials and candidates that I

represent the sector of society that produces the wealth and social capital from which everyone benefits; to expect government to act as an impartial referee and not an active participant in the market; to refuse to seek government protection of my interests at the expense of others; and to educate those I lead in sound principles of government.

FOR CITIZENS

Resolved, to remember Thomas Jefferson's observation that the price of liberty is eternal vigilance; to withhold support from those who promise people like me special government favors, or something for nothing, or to foist today's problems on our children and grandchildren; to actively support those who advance sound policies; and to educate our children on the proper role of government and the awful consequences of its abuses.

FOR SUPPORTERS OF LIBERTY AND THE MACKINAC CENTER

Resolved, to remember that those who have actively fought for freedom and provided for its support have always been few in number; to be quick to tell the Mackinac Center how it can better advance liberty; to receive the Mackinac Center's grateful thanks; and to remember that even if we friends of limited government are outspent, we are not outgunned. Our principles inspired the revolution that wrested control of a continent from the world's lone superpower in 1776.

FOR MYSELF

Resolved, to live by the Golden Rule; to work diligently at the high calling of restoring

government to its proper role; to care more about getting the job done than getting the credit; to deploy our supporters' resources prudently, frugally and precisely where they will have the greatest impact; to make my board and co-workers glad to labor alongside me; to persevere and never give in to discouragement; and to seek God's strength for these things.

Happy holidays, and happy New Year! ■

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

CORRECTION

On page 13 of the November/December 2009 issue of Michigan Capitol Confidential, a roll call vote accompanying the article "Balancing Act" was not labeled properly. (Please see: www.mackinac.org/11464.)

The article describes a vote in the Legislature to reduce K-12 spending by less than 3 percent. The Michiganvotes.org roll call description of how lawmakers voted correctly identifies those lawmakers who were not willing to make this cut by using a label that says "Lawmakers who voted AGAINST a cut of less than 3 percent to the K-12 school aid payments. ..."

Unfortunately, a similar label was not used on the top of the vote box to correctly identify those lawmakers who voted IN FAVOR of making the 3 percent cut. Instead, a completely unrelated vote description was erroneously retained from an earlier edition of this newspaper.

Michigan Capitol Confidential would like to apologize to its readers and those lawmakers who were not properly credited for their vote to restrain state spending. We would also like to thank the office of state Rep. Tom McMillin, R-Rochester Hills, for bringing this matter to our attention. The corrected version of the vote box appears at right. ■

Check MichiganVotes.org

SEE "CORRECTION" BELOW

"Balancing Act": Lawmakers who voted IN FAVOR of allowing a cut of less than 3 percent to K-12 school aid payments so as to balance the state budget without tax increases:

SENATE REPUBLICANS (21)

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

SENATE DEMOCRATS (NONE)

HOUSE REPUBLICANS (2)

Amash (R) McMillin (R)

HOUSE DEMOCRATS (NONE)

Lawmakers who voted AGAINST a cut of less than 3 percent to K-12 school aid payments so as to balance the state budget without tax increases:

SENATE REPUBLICANS (NONE)

SENATE DEMOCRATS (15)

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

HOUSE REPUBLICANS (41)

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

HOUSE DEMOCRATS (65)

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

Legislators who DID NOT VOTE:

Rep. Doug Bennett (D) Sen. Tupac Hunter (D)
Rep. Judy Nerat (D)

HOME COURT

from Page One

was sold for less than 1 percent of the proposed cost for building the Kalamazoo arena.

The taxes proposed to finance the Kalamazoo facility were made possible by a new state law approved at the end of last year and signed by the governor. The assumption behind this expanded taxing power, and the impetus that also led to the Silverdome being built with public dollars, is that publicly subsidized sports facilities create economic growth. However, both economic research and the real-world experiences of the Silverdome and other similar venues cast this assumption into considerable doubt.

The consensus of economists regarding taxpayer-subsidized sports stadium construction was summed up in 2006 by College of the Holy Cross economist Victor A. Matheson, when he noted that "... academic economists are nearly universal in their criticism that specialized sports infrastructure does little to promote economic growth. ..."

Similarly, in a July 2007 article, Reason Public Policy Institute researchers Samuel Staley and Leonard Gilroy wrote, "More than 20 years of academic research has failed to find a significant relationship between an investment in a sports stadium and significant job or income growth." The authors also cited researchers from Smith College and Vanderbilt University who in a 2000 report noted that "independent work on the economic impact of stadiums and arenas has uniformly found that there is no correlation between sports facility construction and economic development."

Even if there were significant economic benefits from taxpayer-subsidized stadiums, the impact would often wear out fast as teams have a habit of quickly discarding the buildings and moving on. In 1975, the Silverdome was completed for

\$55.7 million, or more than \$220 million at 2009 prices. So the "investment" in the Silverdome — when benchmarked against inflation — depreciated by 99.7 percent in less than 35 years. This happened despite the building still being in good enough condition that the new owner plans to use it for a soccer stadium.

Compared to similar venues paid for and owned by taxpayers, it is perhaps remarkable that the Silverdome is still standing at all. The Kingdome in Seattle was finished one year after the Silverdome, yet never even made it to its 24th anniversary and was demolished in 2000.

The Metrodome in Minneapolis, home of the NFL's Minnesota Vikings and Major League Baseball's Minnesota Twins, is already the NFL's ninth oldest home field, despite being just 27 years of age. This year, the University of Minnesota's Big Ten football team moved out, and the Vikings and Twins are making plans to pack their bags very soon.

The University of Minnesota Golden Gophers football team is on its third home since 1981. The school abandoned an on-campus stadium and moved to the brand-new Metrodome for the 1982 football season, partially due to an assumption that the indoor facility would boost attendance because it offered protection from the weather. However, removed from the on-campus atmosphere, the much larger crowds barely materialized. Gopher football's latest home, TCF Bank Stadium, is again on campus — and open-air. It cost \$288 million to build, nearly half of which is being subsidized by Minnesota taxpayers due to a vote of the Minnesota Legislature to approve construction of the building.

Like the Metrodome, the proposed arena for Kalamazoo is intended to initially house a mixture of professional and college teams. It was announced that the Western Michigan University basketball and hockey teams will share the space with

the Kalamazoo Wings, a minor league professional hockey team. The Wings currently play in Wings Stadium, constructed in 1974, one year before the Silverdome. The WMU Broncos hockey team now plays home games at the on-campus Lawson Ice Arena, also completed in 1974; and the WMU basketball team plays at University Arena, which was built in 1957 and renovated in 1994.

As with the new stadium for the University of Minnesota, a taxpayer subsidy for the new Kalamazoo arena was facilitated by a vote of the Michigan Legislature. According to MichiganVotes.org, 2008 House Bill 6515 expanded "the scope of the law that authorizes local hotel, restaurant and rental car excise taxes to pay for municipal stadiums." Furthermore, it also lowers "a certain population standard, allowing Kalamazoo County and Kalamazoo to levy these taxes."

On Dec. 18, 2008, 37 of 38 members of the Michigan Senate voted to approve this enhanced taxing power, with Sen. Randy Richardville, R-Monroe, casting the lone dissenting vote. That same day, 54 Democrats were joined by 14 Republicans in the House of Representatives to approve the bill, while 37 Republicans and two Democrats voted "no." It became Public Act 532 of 2008 when Gov. Jennifer Granholm signed it on Jan. 12, 2009.

The MichiganVotes.org roll call vote is to the right. Because this vote took place at the end of the 2007-2008 session of the Michigan Legislature, some of the names listed are no longer in the offices noted. In a few cases, the politicians have moved on to other elected offices or are currently seeking same. Official Web sites and campaign Web sites that could be located for them are provided in the box on Page 6. ■

Kenneth M. Braun is the senior managing editor of Michigan Capitol Confidential. He may be reached at braun@mackinac.org.

Check MichiganVotes.org

"Home Court Disadvantage": Lawmakers who voted TO GIVE MORE TAXING POWER to local government in Kalamazoo so it can finance a taxpayer-subsidized sports arena:

SENATE REPUBLICANS (20)

Allen (R)	Cropsey (R)	Jansen (R)	Pappageorge (R)
Birkholz (R)	Garcia (R)	Jelinek (R)	Patterson (R)
Bishop (R)	George (R)	Kahn (R)	Sanborn (R)
Brown (R)	Gilbert (R)	Kuipers (R)	Stamas (R)
Cassis (R)	Hardiman (R)	McManus (R)	Van Woerkom (R)

SENATE DEMOCRATS (17)

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

HOUSE REPUBLICANS (14)

Booher (R)	Hildenbrand (R)	Meekhof (R)	Shaffer (R)
Calley (R)	Huizenga (R)	Nofs (R)	Ward (R)
Gaffney (R)	Jones, Rick (R)	Proos (R)	
Hansen (R)	LaJoy (R)	Schuitmaker (R)	

HOUSE DEMOCRATS (54)

Accavitti (D)	Cushingberry (D)	Jackson (D)	Polidori (D)
Angerer (D)	Dean (D)	Johnson (D)	Sak (D)
Bennett (D)	Dillon (D)	Jones, Robert (D)	Scott (D)
Bieda (D)	Donigan (D)	Lahti (D)	Sheltrown (D)
Brown (D)	Ebli (D)	Law, Kathleen (D)	Smith, Alma (D)
Byrnes (D)	Espinoza (D)	LeBlanc (D)	Smith, Virgil (D)
Byrum (D)	Farrah (D)	Leland (D)	Spade (D)
Cheeks (D)	Gillard (D)	Lemmons (D)	Tobocman (D)
Clack (D)	Gonzales (D)	Lindberg (D)	Valentine (D)
Clemente (D)	Griffin (D)	Mayes (D)	Warren (D)
Condino (D)	Hammel (D)	McDowell (D)	Wojno (D)
Constan (D)	Hammon (D)	Meadows (D)	Young (D)
Corriveau (D)	Hood (D)	Meisner (D)	
Coulouris (D)	Hopgood (D)	Melton (D)	

Lawmakers who voted AGAINST giving expanded taxing power to Kalamazoo for building sports arenas:

SENATE REPUBLICANS (1)

Richardville (R)

SENATE DEMOCRATS (NONE)

HOUSE REPUBLICANS (37)

Acciavatti (R)	Garfield (R)	Moore (R)	Rocca (R)
Agema (R)	Green (R)	Moss (R)	Sheen (R)
Amos (R)	Hoogendyk (R)	Nitz (R)	Stahl (R)
Ball (R)	Horn (R)	Opsommer (R)	Stakoe (R)
Brandenburg (R)	Hune (R)	Palmer (R)	Steil (R)
Casperson (R)	Knollenberg (R)	Palsrok (R)	Walker (R)
Caswell (R)	Law, David (R)	Pastor (R)	Wenke (R)
Caul (R)	Marleau (R)	Pavlov (R)	
Elsenheimer (R)	Meltzer (R)	Pearce (R)	
Emmons (R)	Moolenaar (R)	Robertson (R)	

HOUSE DEMOCRATS (2)

Bauer (D) Simpson (D)

Legislators who DID NOT VOTE:

Rep. Craig DeRoche (R)

Rep. Aldo Vagnozzi (D)

Rep. Fred Miller (D)

This is a vote from the 2007-2008 session of the Michigan Legislature. Some lawmakers are no longer members in the current session.

2008 Senate Roll Call 824 on HB 6515
2008 House Roll Call 1161 on HB 6515

When Theory and Evidence Collide

BY TOM TANTON

Joint computer modeling at the University of California, University of Illinois and Yale University claims that large-scale technology subsidies and heavy-handed clean energy and climate protection legislation stimulates economic growth by increasing consumer income and creating jobs. According to economic models constructed by the three institutions, such wide-ranging legislation can strengthen not only the U.S. economy as a whole, but invigorate Michigan's economy in particular.

In reality, this theoretical economic modeling is in direct conflict with actual evidence that aggressive clean energy policies damage economies, reduce employment and harm competitive markets. Nowhere is this more evident than in Spain and Denmark, ironically the two nations most widely touted as examples of government-mandated clean energy. In fact, there is no real-world example where such policies have succeeded.

According to the university models, between 2010 and 2020 these mandates would:

- On a national level, create between 918,000 (moderate efficiency case) and 1.9 million (high efficiency case) new jobs; increase annual household income by \$487 to \$1,175 per year; and boost gross domestic product between \$39 billion and \$111 billion — with all of those benefits measured relative to a scenario without such legislation.

- Create between 37,000 and 42,000 jobs in Michigan — on top of an increase of 933,000 jobs that the models forecast would otherwise occur over the same timeframe through free-market growth.
- Increase Michigan's real GDP between \$2 billion and \$2.4 billion more than without legislation. That is a 0.4 percent to 0.5 percent increase on top of cumulative baseline growth of 35.1 percent.
- Lead to average real household income in Michigan that is \$667 to \$750 higher per year than without the legislation (2008 dollars).

However, what sounds good in theory isn't necessarily true.

See "Theory & Evidence," Page 6

HOME INVASION *An update on the Kelo story*

BY RUSS HARDING

Susette Kelo stood resolute in fighting New London, Conn., politicians who were anxious to take her house to make way for grandiose development plans involving the pharmaceutical giant Pfizer. She fought all the way to the U.S. Supreme Court, where she lost a controversial split decision in 2005. Four years later, the formerly quiet and well-maintained Ft. Trumbull neighborhood that Kelo called home sits empty and neglected. And it will remain so for the foreseeable future, after Pfizer recently announced it is abandoning New London, Conn., for nearby Groton, Conn., as part of a merger with drug maker Wyeth.

Even though she ultimately lost her house, Kelo's valiant stand



against government trampling of her private property rights was not in vain. Her Supreme Court case alerted property owners around the country that their private property was no longer safe from government confiscation. The Supreme Court crossed a line with most Americans when it ruled that it is permissible for government to take property from one private owner and give it to another private party for the sole purpose of economic development. Fortunately, the Kelo decision paved the way for states to enact more stringent

protections from government taking of private property for economic purposes. To date, a majority of the states, including Michigan, have enacted statutes or constitutional protections that make it more difficult for government to take an individual's private property.

Two important lessons can be learned from Kelo's experience. First, property owners cannot assume their constitutional private property rights are protected by law. Second, government planners usually get it wrong. Central planning by government officials, whether at the federal, state or local level, seldom delivers what it promises. No matter the beneficent intentions of government planners, private property rights should never be sacrificed to realize government planners' utopian dreams. Just ask Susette Kelo. ■

Russ Harding is director of the Mackinac Center's Property Rights Network. He may be reached at harding@mackinac.org.

CHEATING A RIGGED GAME

BY PATRICK J. WRIGHT

Protecting one's property rights can be a difficult endeavor due to the courts watering down both state and federal constitutional protections. That fight becomes even more difficult when the Michigan Department of Environmental Quality is allowed to hide evidence without serious consequence.

According to the Michigan Court of Appeals opinion in *Seba v. Department of Environmental Quality* that was issued on Sept. 29, 2009, Waad F. Seba bought 12 acres of

vacant land in Oakland County in 1997. He tried to ascertain whether there were wetlands on his property and began to fill a portion of it that he claimed had been previously filled. Seba was served a cease-and-desist order by the DEQ, which led him to file an inverse condemnation claim. After a bench trial that ended in the DEQ's favor, the DEQ produced a file regarding the previous owner of the property. The appellate court noted:

The file included over 40 documents which showed that significant filling activity

See "Cheating," Page 6

Eroding rights?

BY PATRICK J. WRIGHT



Two important court cases, one before the U.S. Supreme Court and another that may come before Michigan's Supreme Court, could drastically impact the rights of beachfront property owners. In both cases, a governmental unit is trying to claim title to a portion of the land that would deprive the owner of access to the water.

The U.S. Supreme Court case is *Stop the Beach Renourishment v. Florida Department of Environmental Protection* and was argued in December. In that case, the court was faced with the question of whether a state court decision had improperly permitted

See "Eroding," Page 8

THEORY & EVIDENCE

from Page 5

For a long time, fans of renewable electricity mandates have made their case by running computer simulations. Input the right data and (more importantly) the right assumptions, impose a renewable portfolio requirement, carbon plan or exorbitant subsidies, compute anywhere from 10 to 30 years forward and walk into a clean, fully employed future. Then reality intervened in the form of two nationwide case studies.

According to the U.S. Bureau of Labor Statistics, manufacturing productivity decreased in 2008 in almost all of the 17 economies it tracked. Productivity is a measure of the efficient use of labor and reflects higher skills, more efficient use of time and other wealth-creating factors. The computer models used in the university simulations account poorly for labor productivity or technological innovation, both critical to future emissions and economic growth.

Denmark experienced the second largest productivity decline in 2008, (negative 4.5 percent) as well as overall loss of production and employment. Spain, also with a strong green economic policy, saw steep declines in all three of the above-named factors. Both countries have had poor to negative productivity records since about 1995. The Republic of Korea and the United States led productivity growth in 2008 with slight increases of 1.2 percent each, but without the negative focus of “green.” In fact, the U.S. has been improving its carbon intensity (a measure of production per unit of carbon emitted) annually over the past 20 years, along with labor productivity, and is doing better than those countries with strong climate change policies — we are emitting less and less as we make more and more. While

other factors are also involved in the poor productivity records of Denmark and Spain, the fact that they’re paying high prices for energy and high taxes to subsidize favored technologies cannot be ignored.

Denmark’s 20 percent wind generation and green policy is often used as the shining example we should follow. The country actually uses less than half of that green power, but can keep the machines and the rest of the economy spinning thanks to connections with the coal-based German grid and the nuclear- and hydro-based Scandinavian grids. For all their green policy and wind turbines, Denmark experiences the highest power costs in Europe. There is now an excellent report by Danish think-tank CEPOS, which points out that in a few years Denmark’s neighbors will be producing so much of their own wind power that their grids will have difficulty accepting Denmark’s, even if it’s given away for free. This will further erode Denmark’s productivity, because factors of production will be spent producing something of zero value. Using higher cost sources of energy reduces overall productivity of an economy and competitiveness while at the same time negatively impacting employment levels and pay rates.

Spain is a more tragic story. The country’s bill for incredibly expensive solar- and wind-generated energy has become so high that the government is now limiting the size of its renewables handouts. Spain’s recession is magnified by its green mandates. Their lowered productivity reduces their competitiveness, which in turn decreases exports and contributes to the current collapse of the country’s industries, including wind and solar.

Luckily for Spain, one of its companies is receiving some of our stimulus dollars. Troubled wind producer Iberdrola has thus far received \$545 million from U.S. taxpayers for building wind

farms here.

Economics professor Gabriel Calzada Alvarez, of King Juan Carlos University, illustrated the enormous inefficiency and ineffectiveness of Spain’s green jobs policy. His recent study demonstrates that each job created or saved by renewables subsidies resulted in the destruction of 2.2 other jobs.

Spain’s July unemployment rate was 18.5 percent, the highest in Europe and well beyond the Eurozone average of 9.5 percent, but not much higher than Michigan’s. Denmark was not far behind. The overemphasis on green jobs at the expense of improved productivity is the culprit. Improve productivity and jobs and wealth follow. That’s always been the way for every wealthy country, and nothing has changed. Michigan policymakers should look at real-world experiences and not opaque computer simulations for guidance. Most importantly, Michigan should only adopt policies that enhance productivity, avoiding those policies, like green mandates, that produce the opposite. ■

Tom Tanton is a senior fellow in energy studies at the Pacific Research Institute.

CHEATING

from Page 5

had occurred on the property almost ten years before plaintiff purchased it. The MDEQ had failed to produce the file during the litigation despite discovery requests by plaintiff that would have encompassed the file.

The trial court held an evidentiary hearing about this late production and found “MDEQ had intentionally withheld evidence and that the MDEQ made no attempt to provide the evidence in a timely manner” and while granting attorney fees and costs to Seba and holding that MDEQ could not claim the filled areas were wetlands, the trial court stated the damages claim “sounds like a separate cause of action, not that I’m suggesting that.”

Seba did file a second suit seeking damages for the DEQ’s improper activities, which was dismissed because a separate court held he should have filed an amended complaint and raised that claim in the earlier case.

The end result for Seba is that 12 years after he bought his property, he is finally certain that his filling of the property was legal, but he was not compensated

for the 12 years his property lay dormant. That extended time frame was in large part due to the DEQ’s intentional withholding of evidence, and Seba has only had his attorney fees and cost paid, which would not have occurred in the first place if the DEQ had properly admitted the property could be filled.

The trial court held an evidentiary hearing about this late production and found “MDEQ had intentionally withheld evidence and that the MDEQ made no attempt to provide the evidence in a timely manner.”

Government has tremendous powers and financial resources to litigate and can often wear down property owners who lack the means to fight in court. Is it too much to ask that the government not cheat when it already has such advantages? ■

Patrick J. Wright is the senior legal analyst at the Mackinac Center for Public Policy where he directs the Mackinac Center Legal Foundation. He may be reached at wright@mackinac.org.

Home Court Disadvantage: Available Web sites for politicians who cast a vote regarding the issue on page 4 but are no longer in the Legislature:

Former state Rep. Judy Emmons, R-Sheridan, is running for Secretary of State: www.judyemmons.com.

Former state Rep. Joe Hune, R-Fowlerville, is running for state Senate: www.joehune.com.

Former state Rep. Bill Huizenga, R-Zeeland, is running for Congress: www.huizengaforcongress.com.

Former state Rep. Andy Meisner, D-Ferndale, is the Oakland County Treasurer: www.oakgov.com/treasurer/.

Former state Rep. John Moolenaar, R-Midland, is running for state Senate: www.moolenaarforsenate.com.

Former state Rep. Mike Nofs, R-Battle Creek, is now a member of the Michigan Senate: www.mikenofs.com.

Former state Sen. Mark Schauer, D-Battle Creek, is now a member of Congress: www.schauer.house.gov.

Former state Rep. Howard Walker, R-Traverse City, is running for state Senate: www.howardwalker37.com.

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THE LOWDOWN

BY JAMES M. HOHMAN

MICHIGAN: "A+" FOR PUBLIC RELATIONS, "F" FOR ECONOMIC GROWTH

In the face of their failure to reverse an economic decline that's been underway for an entire decade, Michigan politicians are perennially desperate for ways to show they're "doing something" to fix the problem. The approach they've mainly adopted is a massive expansion of discriminatory tax breaks and subsidies for particular firms selected by state bureaucrats or political appointees. Perhaps the most public face for this strategy is provided in the "Upper Hand" advertisements from the Michigan Economic Development Corp., featuring actor Jeff Daniels.

The failure of such programs has created another political need, which is a way to demonstrate that this approach really isn't a massive waste of time and money.

Enter the annual Governor's Cup ranking by Site Selection magazine, which is considered the "company paper" for economic development bureaucracies around the country.

A leader in creating such bureaucracies — if not in actual economic growth — Michigan has done very well in these rankings, placing in the top 10 every year, and our politicians are often eager to spread the word. For example, here's Gov. Jennifer Granholm trumpeting Michigan's second-place ranking in the 2005 Site Selection, as reported by the Gongwer news service (subscription required):

"This is a remarkable showing for Michigan that speaks directly to the effectiveness of our strategy for attracting new business and new jobs to the state. Although it is great to be recognized as a national leader, what's truly important is that these expansions result in thousands of jobs for Michigan workers."

The only problem with this outstanding record is that it generates a sense of cognitive dissonance for taxpayers, who wonder, "How can we be doing so well if we're doing so poorly?" The source of the dissonance is clearly illustrated in the accompanying chart.

It's easily explained, however: It all depends on what you measure. If it's economic performance, Michigan can't get much lower; throughout this decade, Michigan

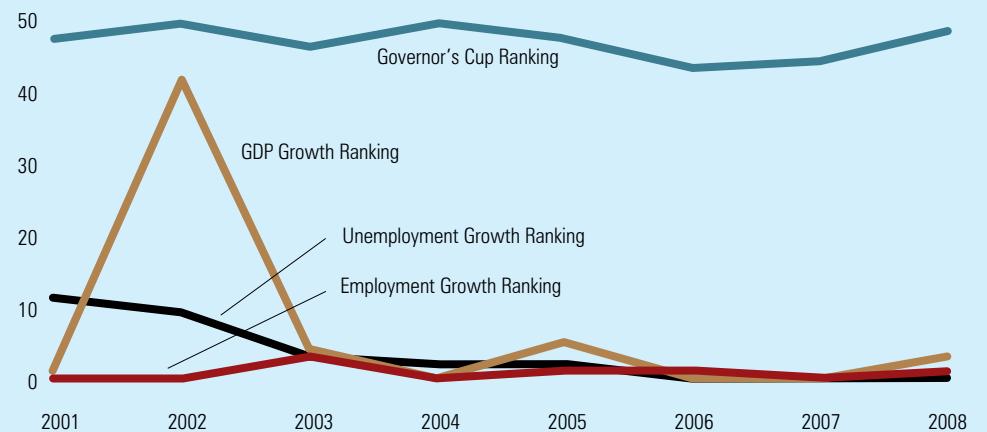
placed at or near the bottom in employment and gross domestic product growth, and at the top in unemployment rate.

However, if what you measure is how energetically bureaucrats hype big facilities — a relatively tiny handful of such facilities compared to the size of this or any state's economy — Michigan ranks right up at the top: Site Selection proves it!

Awarding selective tax incentives is more about giving politicians stories of good economic news. Real reform would focus on changing the overall tax, labor and regulatory climate to promote growth for all businesses, not just those few lucky enough to get Lansing's blessing. ■

This issue of The Lowdown was written by James M. Hohman, a fiscal policy analyst at the Mackinac Center for Public Policy. He may be reached at hohman@mackinac.org.

Michigan Governor's Cup Rankings and State Economic Growth



MICHIGAN CAPITOL CONFIDENTIAL DAILY

Michigan Confidential.com

A news service for the state of Michigan from the Mackinac Center for Public Policy

COMING SOON!



DON'T TREAD ON ME

PUBLIC TRUST

from Page One

own the water and have a legal right to use that water as long as you do not interfere with the reasonable use of water by your neighbors. This has been true since the state was first settled.

Riparian water law has worked well in Michigan for the simple reason that Michigan has abundant water. In fact, Michigan groundwater tables are so high that many homeowners have to install sump pumps just to keep water out of their basements.

Rather than threatening water rights, Michigan needs to follow the example of Ohio. A ballot initiative amending the Ohio Constitution and protecting the rights of landowners to use groundwater was approved by an impressive 72 percent of the voters in the November 2008 election.

The proposed public trust legislation treats groundwater as if we lived in an arid Western state, where water tables can be 1,000 feet or more beneath the surface. In many of these states, water is appropriated by the government, leading to endless conflicts and lawsuits. Mark Twain, who spent time in Nevada, famously quipped about the situation: "Whiskey is for drinking and water is for fighting."

The Michigan Legislature dealt with recent groundwater concerns with the passage of Public Act 33 of 2006. That law requires a landowner to obtain a groundwater permit in certain circumstances, such as proximity to a trout stream. Public Act 33 was a compromise between

environmental groups that believed that all water should belong to the government, and landowners and business groups that wanted to preserve private property water rights. That law has already made it more difficult to use water in the state, removing a competitive advantage Michigan once enjoyed and turning it into a minor liability.

Increasing government control of water in the state would not only be a taking of private property, but would be a serious threat to future economic growth. Access to abundant water in the state is a key advantage Michigan has in attracting much-needed jobs in energy, agriculture and manufacturing, including the so-called green jobs Gov. Jennifer Granholm seeks. The state cannot afford to throw that advantage away, especially since Michigan is not threatened by a shortage of water.

Rather than threatening water rights, Michigan needs to follow the example of Ohio. A ballot initiative amending the Ohio Constitution and protecting the rights of landowners to use groundwater was approved by an impressive 72 percent of the voters in the November 2008 election. The constitutional amendment in Ohio merely codified existing riparian water law, which was similar to the kind used successfully in Michigan for the past century.

Many Michigan officials seem more interested in taking away existing rights of property owners rather than protecting them. It may be time to take the critical issue of property rights directly to the voters, bypassing the political class. As the Ohio example shows, residents understand the importance of property rights better than do many politicians. ■

Russ Harding is senior environmental analyst and director of the Property Rights Network at the Mackinac Center for Public Policy. He may be contacted at harding@mackinac.org.

ERODING

from Page 5

the State of Florida to wedge — through a replenishment program meant to repair damages due to hurricanes — a strip of land between beachfront property owners and the ocean. Some justices questioned if this was allowed, and if there would be anything that would prevent the state from creating a wedge to allow for increased spring break tourism.

Luckily for Spain, they're receiving some of our stimulus dollars. Troubled wind producer Iberdrola has thus far received \$545 million from U.S. taxpayers for building wind farms here.

The case also raised the issue of state judicial takings. The federal courts already recognize that actions by state executives or state legislatures can constitute takings that require compensation. To date, the U.S. Supreme Court has not



addressed whether a decision by a state court that so upsets traditional property rights — perhaps like the Michigan Supreme Court's decision in *Glass v. Goeckel* allowing a heretofore unrecognized right to beach walk on private property — would also constitute a taking.

The Michigan case is 2000 *Baum Family Trust v. Babel*. The Michigan Supreme Court is currently considering whether to review the Michigan Court of Appeals' decision. The lower court was faced with the question of whether beachfront owners

who have a county road between their home and the water have "riparian rights," including the right to place a dock in the lake.

The Court of Appeals held that the test to determine riparian rights depends on whether the road was created via a statutory dedication or at common law. A common law road maintains riparian rights for the owner. A statutory dedication, however, only maintains riparian rights if those rights are expressly saved in the dedication, otherwise the riparian rights are with the public. This latter situation will undoubtedly come as a surprise to many "lakeside" property owners.

Beachfront property has long been highly valued because it affords owners the right to access the water. But as the public's demand for access to the water grows, the courts have slowly eroded traditional property rights. Hopefully, the U.S. Supreme Court will at least require that the owners be compensated when the courts do so. ■

Patrick J. Wright is the senior legal analyst at the Mackinac Center for Public Policy where he directs the Mackinac Center Legal Foundation. He may be reached at wright@mackinac.org.



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CAPITOL CONFIDENTIAL

NOT "JUST A BILL" ANYMORE

BY KENNETH M. BRAUN

The Michigan Legislature has recently taken up for consideration several of the bills that have appeared in the "I'm Just a Bill" feature on the back page of this publication. Here is a brief summary of the bills and the corresponding votes. The quoted and italicized descriptions are from MichiganVotes.org. The vote tally for each of these bills begins on this page and concludes on Page 10.

"Mandate beer keg buyer's tags" – Senate Bill 470

www.michiganvotes.org/2009-SB-470

"The bill proposes to require retailers to attach an identification tag signed by the buyer to kegs of beer when they are sold, and not return the keg deposit unless the tag is still on the keg, subject to a \$50 fine for failing to do either. A non-retailer possessing a keg without the tag would be subject to a \$500 fine and 93 days in jail."

The bill was introduced by Sen. Alan Sanborn, R-Richmond, and was noted on the back cover of the May/June 2009 edition of Michigan Capitol Confidential. On June 25, the Michigan Senate voted 34-0 in favor of approving this bill and sending it to the House of Representatives.

"Authorize remonumentation of Michigan-Indiana state line" – Senate Bill 375

www.michiganvotes.org/2009-SB-375

"The bill proposes to appropriate up to \$500,000 to pay for the remonumentation of the Michigan-Indiana state line proposed by Senate Bill 374."

Senate Bill 374 "... proposes to authorize the remonumentation

of the Michigan-Indiana state line' and also 'authorizes a specific process that includes five commissioners from each state.'"

Sen. Ron Jelinek, R-Three Oaks, is the sponsor of both bills. Senate Bill 375 was featured on the back cover of the May/June 2009 edition of Michigan Capitol Confidential. On May 6, the Michigan Senate voted in favor of approving both bills and sending them to the House of Representatives. In each case, the vote was 34-1, with Sen. Nancy Cassis, R-Nov, casting the lone "no" votes.

"Ban non fire-safe cigarettes" – Senate Bill 264

www.michiganvotes.org/2009-SB-264



"A non-retailer possessing a keg without the tag would be subject to a \$500 fine and 93 days in jail."

"The bill proposes to restrict sales of cigarettes to only those meeting the standard for self-extinguishing cigarettes established by the state of New York. Cigarette makers would have to certify and pay a \$1,250

See "Not Just a Bill," Page 10

Check MichiganVotes.org

"Commission on Spanish-Speaking Affairs": Lawmakers who voted TO EXPAND DUTIES OF and rename state government's Commission on Spanish-Speaking Affairs:

SENATE REPUBLICANS (20)

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

SENATE DEMOCRATS (16)

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

Lawmakers who voted AGAINST the mandate:

SENATE REPUBLICANS (NONE)

SENATE DEMOCRATS (NONE)

Legislators who DID NOT VOTE:

Garcia (R)

2009 Senate Roll Call 395 on SB 215

Check MichiganVotes.org

"Mandate Beer Keg Buyer's Tags": Lawmakers who voted TO MANDATE beer keg buyer's tags:

SENATE REPUBLICANS (19)

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

SENATE DEMOCRATS (15)

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

Lawmakers who voted AGAINST the mandate:

SENATE REPUBLICANS (NONE)

SENATE DEMOCRATS (NONE)

Legislators who DID NOT VOTE:

Garcia (R) Kahn (R) Scott (D)

2009 Senate Roll Call 366 on SB 470

Check MichiganVotes.org

"Remonumentation of State Border": Lawmakers who voted IN FAVOR of appropriating up to \$500,000 for remonumentation of the Michigan-Indiana border:

SENATE REPUBLICANS (19)

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

SENATE DEMOCRATS (15)

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

Lawmakers who voted AGAINST appropriating \$500,000 for border remonumentation:

SENATE REPUBLICANS (1)

Cassis (R)

SENATE DEMOCRATS (NONE)

Legislators who DID NOT VOTE:

Kuipers (R) Thomas (D)

2009 Senate Roll Call 146 on SB 375

NOT JUST A BILL

from Page 9

tax for each 'brand family' every three years. Violations would be subject to fines up to \$100,000 per month, and \$25,000 per month for retailers. The bill also would increase various reporting requirements."

Sponsored by Sen. Tupac Hunter, D-Detroit, the bill has since become Public Act 56 of 2009, after being signed into law by the governor on June 25. A previous version of this legislative idea — 2007 House Bill 5111 — appeared on the back cover of the November/December 2007 edition of Michigan Capitol Confidential.

The Michigan Senate voted 37-0 in favor of Senate Bill 264. The vote in the House of Representatives was 102-6.

"Expand duties and rename state government Commission on Spanish-Speaking Affairs" – Senate Bill 215

www.michiganvotes.org/2009-SB-215

"The bill proposes to change the name of the state government Commission on Spanish-Speaking Affairs to the 'Hispanic/Latino Commission,' and require this commission to 'coordinate a Hispanic Heritage Month celebration,' a Cinco de Mayo celebration and a Cesar Chavez day celebration in addition

to its current duties. These include securing 'appropriate recognition of Spanish-speaking accomplishments' and advising the governor and legislature on the 'coordination of state programs serving Spanish-speaking people' and on 'the nature, magnitude, and priorities of the problems of Spanish-speaking people,' etc."

Introduced by Sen. Valde Garcia, R-Howell, this original version of the bill appeared on the back page of the May/June 2009 Michigan Capitol Confidential.

However, as the bill worked its way through the Senate this summer, it was amended "to replace the previous version of the bill with one that does not specify specific holidays or place in statute a requirement that the commission organize a Cesar Chavez day celebration."

According to a Senate Fiscal Agency analysis of the bill, the "Commission on Spanish-Speaking affairs is currently staffed with 2.0 FTEs [full time equivalent staff] supported by \$237,700 ..."

On Aug. 19, 2009, the Senate approved the amended version of Senate Bill 215. The vote was 37-0. ■

Kenneth M. Braun is the senior managing editor of Michigan Capitol Confidential. He may be reached at braun@mackinac.org.

Check MichiganVotes.org

"Fire Safe Cigarettes": Lawmakers who voted TO BAN the sale of cigarettes that are not "fire safe":

SENATE REPUBLICANS (21)

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

SENATE DEMOCRATS (16)

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

HOUSE REPUBLICANS (37)

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

HOUSE DEMOCRATS (65)

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

Lawmakers who voted AGAINST the ban:

SENATE REPUBLICANS (NONE)

SENATE DEMOCRATS (NONE)

HOUSE REPUBLICANS (6)

Agema (R)	Amash (R)	Calley (R)	Genetski (R)	Kowall (R)	McMillin (R)
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HOUSE DEMOCRATS (NONE)

Legislators who DID NOT VOTE:

Huckleberry (D)	Jackson (D)
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2009 Senate Roll Call 181 on SB 264
2009 House Roll Call 293 on SB 264

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Michigan Capitol Confidential back issues, more information on this issue.

USING YOUR MONEY TO GET YOUR MONEY

BY JARRETT SKORUP

When I was a junior high school student in Illinois, I was once told by district employees that if a school funding referendum did not pass, some of my favorite teachers would lose their jobs. As the son of the school board president, I was well aware of the issue, but I can imagine that this energized several of my classmates to get their parents out to vote – and vote a particular way. It's certainly important for voters to be accurately and soberly informed regarding the likely implications of the school budget going up or down, but is it just as acceptable for the school to advocate one side or the other of this decision?

Since coming to Michigan, I've noticed that the official Web pages of many public school districts have implemented a policy that looks a lot like using the taxpayers' dime to advocate for more of the taxpayers' dimes. In other words, they go beyond providing "just the facts" about what will happen if the budget goes up or down and instead openly agitate for higher spending.

Some examples:

Sault Area Public School District has a link on its Web site that reads, "Contact Your Legislators." It takes

you to a page that coaches letter-writers to employ the following "key points":

- The State of Michigan's investment in our children is critical;
- You value your local public schools;
- You know that strong public schools are a key to economic development;
- Funding our public schools should be their top priority;
- You want the state to provide adequate and equitable funding for all public school students;
- You want to retain the high quality educational programs provided for your children.

Mesick Consolidated Schools has a "Message from the Superintendent." This links to a letter that outlines the positions against cutting state aid, for using stimulus funds "equitably" for schools and even for a reduction in the number of charter public schools by "reviewing their performance and revoking charters for those that are failing our students."

While holding public schools accountable and closing the ones that don't measure up is a noble objective, it is a telling omission that Mesick doesn't advocate also closing the conventional school districts that fail to

meet standards. For example, the National Assessment for Educational Progress recently released results showing that Detroit Public Schools students scored the worst in the nation on a national test. The executive of the NAEP, Michael Casserly said, "[The test scores] are barely above what one would expect simply by chance, as if the kids simply guessed at the answers."

So, is Mesick more concerned about the competition from charters, rather than the quality of all schools?

Mesick's issue advocacy also extends to calling for a rollback of term limits and giving all lawmakers 12 years in office. This might seem unrelated to school issues, so the Web site connects the dots: "Just when our elected officials understand the issues ... they are effectively removed from office by term limits."

What an interesting perspective to appear on a Web page otherwise dedicated to pleading with politicians to behave in the best interests of the school district. The reader might conclude that this kind of overt spending advocacy by public school districts has been going on for a long time and that Michigan's term limit amendment has been a major impediment to the district defeating the other side of the debate.

Grand Rapids Public Schools, Michigan's third-largest district, also advocates for more

spending. On its homepage, the district has links to the following:

- A letter from the superintendent talking about their spending reductions. It concludes: "Parents, staff, GRPS supporters and concerned citizens are encouraged to contact their state lawmakers and urge them to oppose the proposed cuts in the School Aid budget."
- A brochure titled "Contact Your Legislators," with information outlining contact information. This is put out by a group called "Advocates for Grand Rapids Public Schools."
- A list of talking points outlining what people should say to their legislators.

This list of talking points goes through a lot of issues but mostly centers on opposing any budget cuts (it lists some specifically) and encouraging more school funding. It also "SUPPORT[S] administrative and legislative program changes that will provide additional resources (revenue) to our classrooms" and seeks a "possible expansion of our sales tax to include a tax on luxury service purchases."

Outside of these particularly bold districts, there are a few others that encourage residents to contact legislators for more funding. Conversely, we have not located a single district Web site that provides

suggested talking points for taxpayers who wish to tell their lawmakers that school funding is just fine where it is — or maybe could be trimmed since times are tough for Michigan taxpayers as well. Anyone with that heretical opinion has to think for themselves without assistance from a taxpayer-financed Web site.

Some districts may compare their "more money" advocacy to that of a business advocating for positions that benefit them. However, there are major differences. Businesses often use their own money to lobby for keeping more of their own money. These public school districts are using your money to argue for taking more of your money.

Like all public entities, a school has the sole purpose of providing a service — in this case, the best education that can be had for the money made available. We don't allow public institutions to rally on behalf of candidates with our tax dollars, and we shouldn't allow them to take stands on political issues with them either. ■

Editor's Note: For more information on public entities using tax dollars to agitate for more tax dollars, please see www.mackinac.org/8194.

Jarrett Skorup is the research associate for online engagement for Michigan Capitol Confidential. He may be reached at skorup@mackinac.org.

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RePORK CARD

from Page One

Michigan — from either party — scored 100 percent.

The scorecard consists of 68 earmark-killing amendments introduced by U.S. Rep. Jeff Flake, R-AZ, and two of his budget-cutting allies in Congress. These legislators launched a similar assault on earmarks during the 2008 federal budget battle. Support from Michigan politicians for five of the targeted spending projects were examined in the September/October 2009 Michigan Capitol Confidential (www.mackinac.org/11218.)

Noting on July 16, 2009, that the federal government is running a “nearly \$2 trillion deficit,” Flake asked his fellow lawmakers, “Why in the world are we spending another \$100,000” to give an earmark to the Myrtle Beach International Trade and Conference Center? Observing that convention centers exist all over the nation, Flake also asked: “Why we should choose one and say they’re worthy of an earmark and the other one isn’t, and saying that they shouldn’t compete for dollars, we’re just going to hand them out?”

Only 99 of 435 members of the U.S. House voted with Flake to kill this earmark for the South Carolina resort town. Like each of the other 67 efforts to remove earmarks from the 2010 budget, this one failed.

According to its Web page, the RePORK Card-sponsoring Club for Growth is a “national network of thousands of Americans” who “believe that prosperity and opportunity come through economic freedom.” The separate Club for Growth Political Action Committee provides “financial support” from Club members to help “viable, pro-growth” candidates running for Congress. Club-funded challengers frequently run in

Republican primaries against other Republican candidates who are deemed by Club membership to be too willing to support bigger government and higher taxes.

“The RePORK Card will help taxpayers measure the dedication of their representatives to changing the culture of corruption that surrounds pork-barrel spending,” explained David Keating, the Club’s executive director. But he believes the dedication wasn’t there for most of them in 2009: “When given an opportunity to save taxpayer dollars and limit spending to true national priorities, most members of Congress took a pass.”

“When given an opportunity to save taxpayer dollars and limit spending to true national priorities, most members of Congress took a pass.”

— David Keating, the Club for Growth’s executive director

The median 2009 score for all Republicans in the U.S. House was 69 percent, and just three of Michigan’s seven Republicans scored higher than this. The median score for Democrats nationwide was zero percent, and six of eight Michigan Democrats posted this score.

The highest-scoring member from Michigan was U.S. Rep. Pete Hoekstra, R-Holland, with 97 percent.

With a 43 percent grade, U.S. Rep. Mark Schauer, D-Battle Creek, posted the highest score for any Michigan Democrat, and well above the 2009 RePORK Card national average for his party. Two Michigan Republicans posted RePORK Card grades substantially lower than did Schauer.

Some other earmark votes graded in the 2009 RePORK Card included \$325,000 for the “Institute for Seafood Studies”

in Louisiana, \$90,000 for the “Commercial Kitchen Business Incubator project” in California, \$150,000 for the “Tarrytown Music Hall” restoration in New York, \$250,000 for the “Monroe County Farmer’s Market” in Kentucky and \$1 million for “potato research in Idaho, Oregon and Washington.”

The 2009 RePORK Card grades for members of the Michigan delegation to the U.S. House of Representatives are at right. Please note that scores for Michigan’s two U.S. senators are not included in the RePORK Card because none of the 68 amendments that comprise this grade were introduced for a vote in the U.S. Senate. ■

Kenneth M. Braun is the senior managing editor of Michigan Capitol Confidential. He may be reached at braun@mackinac.org.

2009 Club for Growth “RePORK Card” Scores

Higher percentages equal more votes to eliminate earmark pork

Twenty-two members with perfect score	100 percent
U.S. Rep. Pete Hoekstra, R-Holland	97 percent
U.S. Rep. Thad McCotter, R-Livonia	85 percent
U.S. Rep. Vern Ehlers, R-Grand Rapids	78 percent
Median score for Republicans nationwide	69 percent
U.S. Rep. Mike Rogers, R-Brighton	66 percent
U.S. Rep. Fred Upton, R-St. Joseph	53 percent
U.S. Rep. Mark Schauer, D-Battle Creek	43 percent
U.S. Rep. Candice Miller, R-Harrison Twp.	31 percent
U.S. Rep. Dave Camp, R-Midland	24 percent
U.S. Rep. Gary Peters, D-Bloomfield Twp.	1 percent
Median score for Democrats nationwide	0 percent
U.S. Rep. John Conyers, D-Detroit	0 percent
U.S. Rep. John Dingell, D-Dearborn	0 percent
U.S. Rep. Dale Kildee, D-Flint	0 percent
U.S. Rep. Carolyn Cheeks-Kilpatrick, D-Detroit	0 percent
U.S. Rep. Sander Levin, D-Southfield	0 percent
U.S. Rep. Bart Stupak, D-Menominee	0 percent

Source: www.clubforgrowth.org/projects

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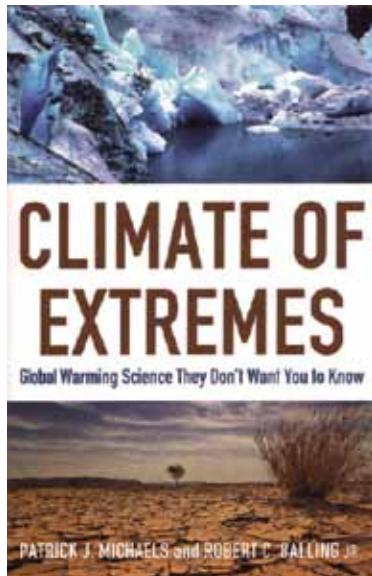
GLOBAL WARMING: SCIENCE IN SERVICE TO POLITICS

Editor's Note: According to a recent Washington Post article, the Climate Research Unit at the University of East Anglia in Britain has been regarded as "one of the world's foremost climate research centers." On Nov. 19, 2009, more than a decade's worth of e-mail correspondence from CRU researchers was released on the Internet without the permission of CRU, touching off a firestorm of international controversy regarding the validity of assertions made by researchers who argue that human-influenced global warming is a significant threat to the ecology of the planet and the health of humanity. The CRU e-mails reveal what appear to be instances of scientists altering their data to fit their theory, denouncing other credentialed scientists who dispute the dire predictions of climate catastrophe and suggesting ways to silence those critics.

On Dec. 1, 2009, Phil Jones, director of CRU, temporarily stepped down from his position while these matters were being investigated.

Former Virginia State Climatologist Patrick J. Michaels, now with the Cato Institute, has been a critic of the conclusions of the CRU and Jones in particular. According to the Post, one of the CRU e-mails is from a friend of Jones who offers to "beat up" Michaels in retaliation.

Just prior to the CRU e-mail revelations, Michaels co-authored a book which asserts that many global warming scientists are deliberately keeping skeptical inquiry out of the debate, doing a disservice to both science and the public. A review of this book was published in the 10th issue of MichiganScience. The review is reproduced below.



BY KENNETH M. BRAUN

Scientists Patrick J. Michaels and Robert C. Balling Jr. deliver what the title implies in their new book, "Climate of Extremes: Global Warming Science They Don't Want You to Know." The authors agree the planet is warmer, but provide a concise, fun and effective unmasking of unscientific global-warming doomsday scenarios and a discussion of why prophets of doom trump sober science in public policymaking. If you want to join the battle, here is your armory.

Logical rules run the universe, but they are discovered by scientists with human flaws. An extreme but not isolated example of this is Arthur Eddington and Subrahmanyan Chandrasekhar. In 1935, Chandrasekhar, still a graduate student, discovered what we now call the "Chandrasekhar limit" — proof that either black holes or neutron stars must be created when a star of a certain size dies. The discovery was vigorously rejected by Eddington, a leading astrophysicist and a disbeliever to his dying day that black holes existed. Eddington's

hostility was so intense and his reputation so great that few would publicly defy him and support Chandrasekhar's theory. Thinking his career in jeopardy, Chandrasekhar abandoned one of his greatest discoveries and didn't return to it for decades.

Though Chandrasekhar paid an unfair price for his "heretical" thinking, he avoided scientific purgatory. He lived to see his discovery accepted and won a Nobel Prize.

But what if a scientist like him were accused by critics of advancing an idea that threatened the very survival of humanity? And what if this allegation came from powerful members of the media and prominent politicians with influence over science funding?

Keeping secrets to avoid criticism is very rare in scientific research, as are public exaggerations and personal vilifications. But all of these are, sadly, common in politics. "Climate of Extremes" is a valuable read because it makes abundantly clear that a powerful scientific culture may be becoming corrupted by politicians' worst behavior.

No matter how correct a scientist believed himself to be, and no matter how defensible his views, he might easily choose to stay quiet to retain his job, reputation, research money and chance to live in peace.

Those causing such a "Climate of Extremes" are the real danger portrayed by this book. "Blacklisted" appears

on the dust jacket to define the intimidations directed at scholars — such as Michaels and Balling, both climatologists — who accept the premise of a warming globe but do not believe the evidence supports a "gloom-and-doom vision of climate change." Michaels explains that he will be departing his job as Virginia's official climatologist — which he has held since 1980 — because the governor of that state will no longer abide Michaels' heresies. He introduces two other state climatologists under similar pressure from other politicians. Media accounts comparing climate disaster skeptics to Holocaust deniers are retold.

And former Vice President Al Gore makes an appearance on Page One and checks in regularly thereafter. Despite the attention Gore has drawn to climate issues, his pronouncements have not always comported well with the actual science of climate change.

As the chapters roll by, theories of global warming causing more dangerous hurricanes, floods, tornadoes, droughts, heat waves, rain, snow, cold snaps and other maladies are each disproven by a multitude of credentialed experts in the relevant fields speaking from peer-reviewed science journals. The flawed assumptions behind some iconic symbols of the warming doom cult — such as the famed "hockey stick" graph — also get revealed in a readable and entertaining fashion. And along the way, you'll get a wonderful tutorial on what causes various forms of nasty weather.

Throughout it all, politicians and various media outlets unintentionally provide embarrassing examples of what happens when selling an agenda trumps telling the truth. The New York Times and Washington Post serve up some of the worst errors. One example: A 2001 Post story fingers global warming as the

cause of disappearing glaciers in Peru. Unfortunately, going back three decades, no record of net temperature change for that region could be found.

Many of these media mistakes have a basis in research that was mischaracterized or exaggerated, or that was overruled by subsequent research. Other problems are caused by the scientists themselves. A particularly troubling example is the creator of the temperature history used by the United Nations Intergovernmental Panel on Climate Change. Michaels and Balling describe his refusal to provide the supporting data for his work to a skeptical researcher because of his belief that the researcher would "try and find something wrong with it." Such stonewalling throws critical inquiry out the window.

Keeping secrets to avoid criticism is very rare in scientific research, as are public exaggerations and personal vilifications. But all of these are, sadly, common in politics. "Climate of Extremes" is a valuable read because it makes abundantly clear that a powerful scientific culture may be becoming corrupted by politicians' worst behavior.

Unfortunately, the authors' scientific discussion is followed by only a single "modest proposal" — that academic papers be subjected to more transparent peer reviews. This is a solid idea, and they certainly make a strong case for it. But after providing a long list of errors and misunderstandings about global warming in public debate, the authors probably need to help fix more than academic procedure. Hopefully, the authors will write another terrific book giving us some better ideas about how to keep politics from overwhelming science. ■

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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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I'M JUST A BILL

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

HOUSE BILL 4813

Give state employee pension increase

Introduced by state Rep. Rick Jones, R-Oneida

The bill proposes to authorize a retirement incentive for state employees whose age and years of government employment add up to at least 80 and who retired before Oct. 1, 2009. The bill would increase the multiplier used to calculate the retirement benefits of these employees from 1.5 percent to 1.75 percent, which would increase the cash portion of their post-retirement benefits by 16.7 percent.

SENATE BILL 927

Authorize "pension obligation bonds" for government retiree health benefits

Introduced by state Sen. Mark Jansen, R-Grand Rapids

The bill proposes to give cities, villages, townships and county governments the power to borrow, without a vote of the people, money to pay for the health benefits that current and past officials have offered to government employees after they retire. A referendum on the debt would be required only if someone gathered signatures from 5 percent of local registered voters or 10,000, whichever is lower. The amount of debt imposed for these non-pension benefits for retired government employees could be as high as 5 percent of the jurisdiction's state equalized property value. Note: Under the current state Constitution, taxpayers are now required to fund these retirees' pension benefits, and this bill would convert their health care benefits into another enforceable liability.

SENATE BILL 682

Authorize a bicentennial of the War of 1812 specialty license plate

Introduced by state Sen. Tom George, R-Kalamazoo

The bill would authorize a "bicentennial of the War of 1812" specialty license plate, with the net premium revenue going to a Mackinac State Park Commission Fund the bill would also create.

HOUSE BILL 4577

Increase school employee pensions

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

The bill proposes to increase the pension payments to school employees who retired before October 1990 by between 4 percent and 30 percent, based on when they retired. The bill does not specify the means by which the large increase in unfunded liability would be paid.

HOUSE BILL 5233

Allow some state employees to collect pension check and paycheck

Introduced by state Rep. Mark Meadows, D-East Lansing

The bill proposes to exempt former state employees from a provision prohibiting them from collecting both a pension check and a paycheck, if they return to work in a different state department than the one from which they "retired."

HOUSE BILL 5197

Authorize enhanced pension "early out" for state employees

Introduced by state Rep. Gary McDowell, D-Rudyard

The bill authorizes early retirement benefits for certain state employees who retired between Aug. 1 and Nov. 30, 2009. These employees would be able to get full benefits if their age plus years on the job equal 70 (that is, a 50-year-old with 20 years on the state payroll could get a full pension), plus the cash benefits would be increased by 33 percent until age 62, and then by 16.7 percent thereafter.

HOUSE BILL 5449

Give \$40,000 to state employees who retire early

Introduced by state Rep. Rick Jones, R-Oneida

The bill proposes to pay \$40,000 in a lump sum to state employees who retire between April 1 and Sept. 30, 2010. This would apply to employees whose years on the job plus their age equals 80 or more.

HOUSE BILL 4275

Cap government employee health benefits at national average

Introduced by state Rep. Tom McMillin, R-Rochester Hills

The bill proposes to prohibit the state from paying a higher percentage of the premium or other cost of health benefits for each state employee than the average for all the other states. ■