

MICHIGAN  
**CAPITOL CONFIDENTIAL**

A review of the votes and proposals of the Michigan Legislature — Vol. 2, No. 5 — September/October 2008

A popular Government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps both.  
JAMES MADISON

# “WASTEFUL AND WRONGHEADED”

## Lawmakers fight unemployment with more government

The direct subsidy from all Michigan taxpayers to the Michigan Department of Labor and Economic Growth will increase sharply for fiscal 2009, under an agreement ratified by large majorities in both chambers of the Legislature and signed by Gov. Jennifer Granholm on July 17. While DLEG is financed primarily with fees and federal revenue, it also receives money from state government’s general

fund, the main discretionary pot of revenue that comes from Michigan business, sales and income taxes. The general fund contribution for DLEG will increase by 59.9 percent for 2009, to \$75.9 million. More than half of the \$27.5 million increase will be used to fund “No Worker Left Behind,” another state job training program that did not exist two years ago.

See “Wasteful,” Page 4



“I’m the ghost of tax hikes past!”

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## State checkbook still missing from Internet

*State rejects transparency despite minimal costs*

by **Kenneth M. Braun**

Thomas Jefferson envisioned that the finances of government should be “as clear and intelligible as a merchant’s books,” allowing “any man of any mind” to “comprehend them, to investigate abuses and consequently to control them.”

While the Information Age places such transparency within our grasp, a detailed expense report for Michigan government will not soon appear on the Internet for public inspection. With one exception: Last spring, Michigan Secretary of State Terri Lynn Land began placing a

quarterly report of the Department of State’s expenses online. Despite this example to guide them, the Office of the Governor has refused a request to replicate this report for other departments of state government, dismissing the idea as “cost prohibitive.”

This request to the Office of the Governor was made by the Mackinac Center for Public Policy’s “Show Michigan the Money” transparency project ([www.showmichiganthemoney.org](http://www.showmichiganthemoney.org).) An identical and earlier request from the Center is what inspired the Secretary of State to begin posting her department’s reports, and the MDOS has since provided a cost estimate for the project.

Cost for staff to initially create the first online expense report was \$2,400. The “going forward” price to continue posting this report each quarter is just \$700; or \$2,800 annually. The MDOS also notes that these costs have been

See “State Checkbook,” Page 6

### SPECIAL INTERESTS

## Frugality Put in the Pokey

House passes binding arbitration for jail guards

by **Paul Kersey**

Guards at county jails in Michigan would be covered by a binding arbitration process similar to that used in labor disputes involving police officers and firefighters under legislation passed by the Michigan House on June 26, 2008.

House Bill 6112 stipulates that when negotiations between a county government and union representing county jail guards reaches an impasse, either party may call for the creation of an arbitration panel made up

See “Frugality,” Page 9

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Sincerely,



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

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# IS PRIVATE PROPERTY LEAKING AWAY?

## Senate amendment targets water rights

An individual property owner's right to the groundwater underneath his or her land would have been significantly curtailed under a proposed amendment that was narrowly defeated by the Michigan Senate on May 15, 2008. MichiganVotes.org describes the impact of the amendment as establishing...

"...that groundwater is a 'public trust' in the same fashion as surface water (streams and lakes). This would in effect repeal the riparian water use doctrine of Michigan law, which establishes that a property owner has a property right to the use of groundwater drawn from beneath his or her land, as long as this does not interfere with another person's use of groundwater. Instead, property owners would not have an ownership right, but could use groundwater only if the state grants permission."

According to a press statement put out by the author of the amendment, Sen. Liz Brater, D-Ann Arbor, its purpose is to apply "the same public trust" to groundwater and create a new standard whereby "all Michigan water truly belongs to the people."

Such an extension of the public trust doctrine would

amount to a massive government confiscation of private property, according to Russ Harding, former director of the Michigan Department of Environmental Quality and now the director of the Mackinac Center's Property Rights Network.

"Much of the water located in the state is owned by individual property owners," said Harding. "Just as the state cannot by legislative fiat claim ownership of all of the oil in the state without paying for it, it cannot seize ownership of all the water."

The comparison is apt because of a 1980s court case over an attempt by Michigan government to limit oil drilling in a sand dune. The court found that the state's action amounted to a taking of private property and the end result was a settlement that cost Michigan taxpayers \$94 million.

"The precise value of all the water in Michigan is unknown but clearly would exceed what the state could afford," observes Harding. "Declaring a public trust over all the state's water could result in the largest private property takings in state history. In many cases, landowners would need to secure permission from

See "Private Property," Page 8

### NOTES ON STATESMANSHIP

# Growing Up Means Resisting the Statist Impulse

By Lawrence W. Reed

(Note: The commentary below first appeared in the October 2006 issue of *The Freeman*, the journal of the Foundation for Economic Education.)

A few months ago, I walked into a restaurant in Naples, Fla., and said "A nonsmoking table for two, please." The greeter replied, "No problem. All restaurants in Florida are nonsmoking by law. Follow me."

For a brief moment as we walked to our table, I thought to myself: "Good. No chance of even a whiff of a cigarette. I like that!"

And then I felt shame. I had fallen victim to the statist impulse. For 40 years, I thought I was a passionate, uncompromising believer in the free society. Yet for a few seconds, I took pleasure in government trampling on the liberties of consenting adults in a private setting.

This incident troubled me enough to think about it a long while. I wanted to know why my first instinct was to abandon principles for a little convenience. And if a committed freedom-lover like me can be so easily tugged in the wrong direction, what does that say for ever getting nonbelievers to eschew similar or more egregious temptations?

At first, I thought about the harm that many doctors believe secondhand smoke can do. Perhaps it wasn't wrong for government to protect nonsmokers if what we have here is a case of one person imposing a harmful externality on an unwilling other. Then I quickly realized two things: no one compelled me to enter the place, and the restaurant belonged to neither the government nor me. The plain fact is that in a genuinely free society, a private owner who wants to allow some people in

his establishment to smoke has as much right to permit it as you or I have to go elsewhere. It's not as though people aren't aware of the risks involved. Moreover, no one has a right to compel another citizen to provide him with a smoke-free restaurant.

Besides, I can think of a lot of risky behaviors in which many adults freely engage but which I would never call upon government to ban: sky diving and bungee-jumping being just two of them. Statistics show that merely attending or teaching in certain inner city government schools is pretty risky too — and maybe more so than occasionally inhaling somebody's smoke.

The statist impulse is a preference for deploying the force of the state to achieve some benefit — real or imagined, for one's self or others — over voluntary alternatives such as persuasion, education or free choice. If people saw the options in such stark terms, or if they realized the slippery slope they're on when they endorse government intervention, support for resolving matters through force would likely diminish. The problem is, they frequently fail to equate intervention with force. But that is precisely what's involved, is it not? The state government in Florida did not request that restaurants forbid smoking; it ordered them to under threat of fines and imprisonment.

I tried this reasoning on some of my friends. Except for the diehard libertarians, here were some typical attitudes and how they were expressed:

**Delusion:** "It's not really 'force' if a majority of citizens support it."

**Paternalism:** "In this instance, force was a positive thing because it was for your own good."

**Dependency:** "If government won't do it, who will?"

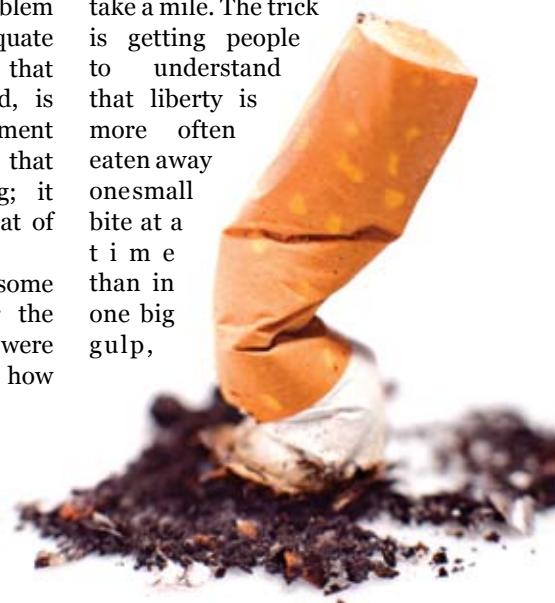
**Myopia:** "You're making a mountain out of a molehill. How can banning smoking in restaurants possibly be a threat to liberty? If it is, it's so minor that it doesn't matter."

**Impatience:** "I don't want to wait until my favorite restaurant gets around to banning it on its own."

**Power lust:** "Restaurants that won't keep smoke out have to be told to do it."

**Self-absorption:** "I just don't care. I hate smoke and I don't want to chance smelling it even if a restaurant owner puts the smokers in their own section."

On a larger scale, every one of these arguments can be employed — indeed, they are invariably employed — to justify shackling a people with intolerable limitations on their liberties. If there's one thing we must learn from the history of regimes, it is that you give them an inch and sooner or later, by appealing to popular weaknesses, they will take a mile. The trick is getting people to understand that liberty is more often eaten away one small bite at a time than in one big gulp,



See "Growing Up," Page 7

## WASTEFUL from Page One

The total DLEG appropriation enacted for 2009 will be almost \$1.4 billion — the largest appropriation ever for this department, exceeding the amount enacted the prior year by 6.6 percent.

NWLB is primarily a free tuition program open to Michigan workers who have been laid off or terminated (recent high school graduates are not eligible.) According to its Web site ([www.michign.gov/nwlb](http://www.michign.gov/nwlb)), NWLB is a one-time offer to displaced workers and provides up to two years of free instruction at one of the state's community colleges or public universities. To be eligible, a person must pursue certification or a degree in a "high demand" field, an "emerging industry," or an "entrepreneurship program." The state determines the definitions of these terms.

Gov. Granholm first proposed the creation of NWLB during her 2007 State of the State Address. Shortly thereafter she introduced her 2008 Executive Budget which proposed the most expensive state government spending plan in Michigan history and what would eventually become a \$1.358 billion tax hike to pay for it. A brand new \$40 million general fund appropriation for her proposed NWLB program was included in the request. In the acrimonious political environment resulting from the tax proposal, some lawmakers did not welcome the prospect of creating brand new spending programs.

A spokesman for Senate Majority Leader Mike Bishop, R-Rochester, observed that asking "for new expenditures to pay for free college for some people while other families are being forced to pay higher tuition costs — that just doesn't make sense." He also noted that making the request for the money "just shows again that the state doesn't have a taxing problem, it has a spending problem."

State Rep. Jack Brandenburg, R-Harrison Twp., is a member

of the House subcommittee that considered "No Worker Left Behind." Explaining his decision to vote against giving it \$40 million from the general fund, he noted: "I truly believe this program should be left behind."

The governor's total initial funding request for NWLB was \$77 million, \$37 million of which was redirected federal dollars coming in to the state. In the end, reluctant lawmakers declined to approve any of the \$40 million appropriation from the state's general fund, but did allow the reallocation of federal funding in the fiscal 2008 budget for the program's creation.

This year, in her 2009 Executive Budget proposal, the governor once again requested a \$40 million direct subsidy from Michigan taxpayers for NWLB. The Legislature was more accommodating this time, allowing the general fund appropriation to increase from zero to \$15 million. As noted above, this new spending item represents more than half of the \$27.5 million general fund increase in the 2009 DLEG budget.

### State Rep. Jack Hoogendyk, R-Portage, calls NWLB "wasteful and wrongheaded," and akin to "trimming the front hedges while the house is on fire."

State Rep. Jack Hoogendyk, R-Portage, voted against the budget, in part because of the added NWLB funding. Laying some of the blame for Michigan's unemployment troubles on the growth of government and new programs, he calls NWLB "wasteful and wrongheaded," and akin to "trimming the front hedges while the house is on fire." Hoogendyk suggested that "hundreds of thousands" of jobs could be attracted and retained if the state instead overhauled its tax, regulatory and labor policies.

In the House of Representatives, Hoogendyk was one of 34 lawmakers — all Republicans — who voted against final passage of the 2009 DLEG budget. Seventy-three representatives, including 16 Republicans, voted for the proposal. Eighteen Re-

publicans in the Senate and 16 Democrats voted for this budget. Only three senators, all Republicans, were opposed.

The MichiganVotes.org vote tally for House Bill 5809, the bill creating the 2009 budget for the Department of Labor and Economic Growth, is

below. The contact information for all lawmakers is on page 10 and 11. ■

For additional information and an opportunity to comment on this issue, please see [www.mackinac.org/9795](http://www.mackinac.org/9795).

## Check MichiganVotes.org

### "Wasteful and Wrongheaded" Legislators who voted IN FAVOR of a DLEG budget with a 59.9 percent increase in general fund spending:

#### SENATE REPUBLICANS (18)

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

#### SENATE DEMOCRATS (16)

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

#### HOUSE REPUBLICANS (16)

Ball (R)	Emmons (R)	Horn (R)	Marleau (R)	Nofs (R)	Wenke (R)
Booher (R)	Gaffney (R)	Huizenga (R)	Meekhof (R)	Palsrok (R)	
Caul (R)	Hansen (R)	LaJoy (R)	Moore (R)	Rocca (R)	

#### HOUSE DEMOCRATS (57)

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

### Legislators who voted AGAINST a DLEG budget with a 59.9 percent increase in general fund spending:

#### SENATE REPUBLICANS (3)

Cassis (R)	Patterson (R)	Sanborn (R)
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#### SENATE DEMOCRATS (NONE)

#### HOUSE REPUBLICANS (34)

Acciavatti (R)	DeRoche (R)	Knollenberg (R)	Palmer (R)	Sheen (R)
Agema (R)	Elsenheimer (R)	Law, David (R)	Pastor (R)	Stahl (R)
Amos (R)	Green (R)	Meltzer (R)	Pavlov (R)	Stakoe (R)
Brandenburg (R)	Hildenbrand (R)	Moolenaar (R)	Pearce (R)	Steil (R)
Calley (R)	Hoogendyk (R)	Moss (R)	Proos (R)	Walker (R)
Casperson (R)	Hune (R)	Nitz (R)	Schuitmaker (R)	Ward (R)
Caswell (R)	Jones, Rick (R)	Opsommer (R)	Shaffer (R)	

#### HOUSE DEMOCRATS (NONE)

### Legislators who DID NOT VOTE:

Rep. John Garfield (R)	Rep. LaMar Lemmons (D)	Rep. Dave Robertson (R)	Sen. Gretchen Whitmer (D)
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2008 Senate Roll Call 481 on HB 5809  
2008 House Roll Call 628 on HB 5809

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# THE LOWDOWN

## RECALL DRAMA RUMBLES ON

An effort to remove Michigan Speaker of the House Andy Dillon, D-Redford, from office has succeeded in placing a recall question on the Nov. 4, 2008, ballot in Dillon's district — the same general election ballot on which the lawmaker will stand for re-election to his third and final term in the Michigan House. Those organizing the recall are targeting the Speaker for his role in pushing through state tax hikes and budget increases in 2007 (see "Total Recall...", March/April 2008 Michigan Capitol Confidential).

Needing 8,724 valid names from Dillon's district to initiate a recall election, those seeking his ouster originally believed that they had collected more than enough signatures to place the question on the August primary election ballot. But because of a Michigan law requiring signature gatherers to be registered to vote within the district of the targeted lawmaker, and the subsequent discovery that some of the gatherers collecting signatures were not registered within the district, the Michigan Bureau of Elections invalidated 2,053 of the submitted names, leaving the recall proponents 776 names short of their mark and seemingly putting an end to their campaign.

However, a federal court ruling on a similar case had recently invalidated a residency requirement for petition circulators in Colorado, holding that the ineligibility of a citizen to vote on a particular electoral matter did not preclude that same citizen from exercising other First Amendment political rights. Using this precedent, recall proponents filed a lawsuit claiming that the Michigan law also violated the U.S. Constitution. The court agreed, ordering the Bureau of Elections to reconsider the 2,053 names without using the residency law and — if at least 776 of them were valid — to place the recall question on the November ballot. On Sept. 5, the Bureau of Elections announced that the signature requirement had been met and certified a recall election for Nov. 4.

Reinstating a recall that was assumed dead was just the latest of many colorful legal and political disputes regarding this ongoing drama. Here are just a few:

On May 1, when the signatures were first submitted, recall proponents and the Michigan Taxpayers Alliance had planned a press conference inside the capitol building but were denied the use of a room by the Speaker. "They want to have a press conference in one of my rooms? Yeah, right," said Dillon to the MIRS Capitol Capsule daily newsletter ([www.mirsnews.com](http://www.mirsnews.com) — subscription required.)

The weather permitted the recall team to hold its news conference on the steps of the capitol instead.

That same afternoon, the Speaker held his own press conference to detail his reasons why the question should not appear on the ballot. According to MIRS in a separate article, the "top story" from this event was Detroit Free Press capitol reporter Dawson Bell asking Dillon why he didn't "just let the voters of his district vote on the question," to which Dillon responded by accusing Bell of having a pattern of bias when reporting on the recall story.

Earlier, as the signatures were being collected throughout the spring, partisans of both sides filed injunctions asking local courts to put a stop to alleged illegal conduct. Those siding with Dillon accused the pro-recall side of fraud and violating the state prohibition on out-of-district circulators — the allegation appearing to be related to the law that would later be ruled as unconstitutional. Part of the fraud allegation was an assertion that 279 names were forged — a charge that the pro-recall side later refuted by producing a sworn deposition from a Democratic activist who stated that she had been paid by Dillon's attorneys to infiltrate the recall campaign and deliberately solicit bad signatures.

Throughout the campaign, those collecting signatures against Dillon repeatedly claimed that they were receiving "harassment and intimidation" from pro-Dillon partisans in general and Redford Township government officials in particular, led by Redford Township Supervisor Miles Handy. The pro-recall side would file an injunction, alleging that township police officers were being used to intimidate recall petition circulators canvassing door-to-door.

To document and publicize their claims, the anti-Dillon group produced a humorous five-and-a-half-minute YouTube video titled, "The Thugs of Redford Township," complete with the theme of the old "Dukes of Hazzard" television show. The video alleges harassment of petition gatherers by Handy and one of his police sergeants.

In a surprising development, Handy unexpectedly lost his own bid to continue serving as Redford Township supervisor when Democratic primary voters rejected him on Aug. 5 — the same day that Dillon's opponents had originally scheduled as the date of his recall election. Absent the recall question and with only mild Democratic opposition, Dillon easily won his primary.

Dillon has a Republican opponent in the Nov. 5 general election and Republicans in the Michigan House note optimistically that his margin of victory as recently as 2002 was just 681 votes.

Another possible scenario is that voters may decide to both remove Dillon from office for his present term

via the recall, but still re-elect him for the new legislative term that begins on Jan. 1, 2009. In this instance, he would be required to vacate what remained of his present term in office but could return in January.

## LABOR PAINS

The University of Michigan's Board of Regents' April meeting drew about 100 demonstrators as a result of a planned merger of the U of M Labor Studies Center with the university's Ross School of Business program. As reported in the Michigan Daily, the student newspaper, the protesters believed that a merger of "a labor institute and a business division would present a conflict of interests."

The paper notes that the purpose of the LSC is to provide "leadership conferences for workers," and to "educate laborers, particularly women and minorities, on subjects like unionizing, collective bargaining and contract negotiations."

One demonstrator, Shannon Kirkland, a previously non-union Comcast employee from Detroit and now a member of the Communications Workers of America, testified to the board, saying of the LSC that "they taught me the skills, they gave me the drive, they gave me the determination to first and foremost to combat an employer that was dead set against us unionizing."

The University of Michigan is not the only taxpayer-financed state university to provide a labor studies program that offers tactical training to union organizers. The Web site of Michigan State University's Labor Education Program states that its purpose is to "provide education and training for union leaders and members." And amongst a wide variety of programs at Wayne State University's Labor Studies Center are "consulting and technical assistance" to unions in the areas of "political education" and "developing strategies to prevent privatization." ■

*For additional information and an opportunity to comment on these issues, please see [www.mackinac.org/9795](http://www.mackinac.org/9795).*



## STATE CHECKBOOK

from Page One

and will be entirely absorbed by assigning the task as a job priority for their existing employees. No additional staffing costs were or will be necessary.

**A government that is spending money on everything from 20th Century Fox to 21st Century Jobs shouldn't have a 19th century standard for showing the taxpayers where it's all going.**

The governor's office appears to be misunderstanding the modest nature of this request for information. Bearing in mind that the annual budget for all of state government is nearly \$43 billion, it would appear that the comparative price to implement an MDOS-equivalent report for all departments would be far short of "prohibitive."

The fiscal 2008 budget for the MDOS was just short of \$208 million, so figuring out how to produce that first report cost the department 0.0012 percent of its total budget. Now that they know how to do it, the cost for each subsequent quarterly report is just 0.00035 percent of the annual budget. Roughly applying these ratios to the entire \$43 billion state budget would mean that the total cost of creating the first reports of this kind for every department would be \$516,000. Thereafter, the total cost of quarterly reports for every department would be just \$129,000 – or \$602,000 annually to keep this whole transparency project running.

These numbers are figuratively "pennies in the seat cushions" of the state budget. For example, one relatively new government program, the "21st Century Jobs Fund," cost taxpayers \$65 million in 2008; and a brand new program designed to lure movie producers into Michigan carries

an estimated 2009 price tag of \$117 million. It would take less than one week of spending from just one of these new programs to start up and fully fund an online expense report project for every state department. The decision to "show Michigan the money" – or not – is a matter of priorities, not resources.

This ballpark figure will surely vary depending upon the specific details of each department's spending. But economies of scale could also drive down the estimate significantly: The Michigan Department of Information Technology should theoretically find it easier to replicate the procedure for each department now that MDOS has shown the way.

The MDOS has taken a modest but firm step in the right direction, placing online the names of vendors getting paid by the department, the reason for the expenditure and the amount. The report has its limitations, and falls short of the "gold standard" of transparency set by Missouri (a state Web site which, among other things, is updated daily and also provides the salary information for every state employee). While the Office of the Governor has stated that replicating Missouri would cost \$100 million or more, they have yet to justify why replication of what the MDOS has already accomplished is beyond Michigan's reach.

A government that is spending money on everything from 20th Century Fox to 21st Century Jobs shouldn't have a 19th century standard for showing the taxpayers where it's all going. ■

*Kenneth Braun is director of the Mackinac Center for Public Policy's Show Michigan the Money transparency project and the senior managing editor of Michigan Capitol Confidential. For additional information and an opportunity to comment on this issue, please see [www.mackinac.org/9795](http://www.mackinac.org/9795).*

# School Service Privatization Grows Again

By Michael D. LaFaive and William Freeland

The Mackinac Center for Public Policy's sixth privatization survey of Michigan's 552 conventional public school districts found that the percentage of districts contracting for the management or operation of at least one of the "big three" support services — food, janitorial or busing — increased for the fifth survey in a row to 42.2 percent, up from 40.2 percent in 2007. That is a rate increase of almost 5 percent.

According to this year's survey respondents:

- Custodial services made relatively large gains over the last year, increasing from a revised 14.7 percent of districts surveyed to 17.6 percent of districts surveyed – a 20.2 percent rate increase over last year. In 2003 only 6.6 percent of districts were contracting for custodial services.
- Food services remain a favorite area for contracting out. We found that 160 of 550 districts (29.1 percent) currently contract for management or operation of food services in their districts. This represents a year-over-year decline in the food service contracting rate from 2007 of 2.1 percent, the first year-over-year decline in food service contracting since the survey began in 2001.
- Contracting for school busing management or operation grew from a revised 4.7 percent to 5.5 percent between the 2007 and 2008 surveys. That represents a year-over-year rate increase of nearly 15.8 percent, a significant leap in percentage terms, but still a relatively small amount compared to the number of school districts in the state. We exclude all special education-related busing and those contracts solely for field trips from its tally.



We received a great deal of feedback from literally hundreds of superintendents and business managers, dozens of whom volunteered that the mere discussion of privatization allowed them to wrest significant cost-saving concessions from different bargaining units. Some districts, on the other hand, said they were too small to privatize because they could not attract vendors. But we have seen privatization take place in districts that have only 14 students. It is possible.

No single story from this year's survey stands out like that of the Southfield Public Schools. Since our last survey, Southfield has privatized food, janitorial and busing services and estimates three-year savings of between \$14.7 million and \$21.5 million. Dividing the 2008-2009 expected enrollment of 8,800 students in the district into expected savings, these figures translate into projected annual average savings of \$557 to \$814 per student per year. These are huge savings for any school district.

The district tried to avoid privatizing these large services, but its back was against the proverbial wall. Ken Siver, deputy superintendent, reports that the district attempted to obtain

sufficient concessions to keep the work in house, but was rebuffed each time, leaving the district no choice but to privatize.

This year's survey includes 550 of the 552 conventional public school districts in Michigan. Despite aggressive attempts to get answers from Detroit Public Schools by phone this summer, and despite invoking the Freedom of Information Act, we were unable to find someone in the district willing to respond to the survey. This was also the case with DPS in 2006. We also chose to exclude the Upper Peninsula district of White Pine because, as in 2006, it has no students.

Done right, school support service privatization can save money and improve services — even if the privatization option is used solely to persuade public employee bargaining units to sharpen their pencils. This year's survey findings indicate that contracting out not only remains a widely accepted practice, but one that will likely grow in the future. ■

*Michael D. LaFaive is director of the Morey Fiscal Policy Initiative and William Freeland is a fiscal policy assistant at the Mackinac Center for Public Policy.*

## GROWING UP

from Page 3

and that it's wiser to resist liberty's erosion in small things than it is to concede and hope that bigger battles won't have to be fought later.

Delusion, paternalism, dependency, myopia, impatience, power lust and self-absorption: All are reasons people succumb to the statist impulse. As I pondered this, it occurred to me that they are also vestiges of infantile thinking. As children or adolescents, our understanding of how the world works is half-baked at best. We expect others to provide for us and don't much care how they get what they give us. And we want it now.

We consider ourselves "adults" when we learn there are boundaries beyond which our behavior should not tread; when we think of the long run and all people instead of just ourselves and the here and now; when we make every effort to be as independent as our physical and mental abilities allow; when we leave others alone unless they threaten us; and when we patiently satisfy our desires through peaceful means rather than with a club. We consider ourselves "adults" when we embrace personal responsibility; we revert to infantile behavior when we shun it.

Yet survey the landscape of American political debate these days and you find no end to the demands to utilize the force of the state to "do something." Tax the other guy because he has more than me. Give me a tariff so I can be relieved of my foreign competition. Subsidize my college education. Swipe that property so I can put a hotel on it. Fix this or that problem for me, and fix it pronto. Make my life easier by making somebody else pay. Tell that guy who owns a restaurant that he can't serve people who want to smoke.

I wonder if America has become a giant nursery, full of screaming babies who see the state as their loving nanny. It makes me want to say, "Grow up!"

Societies rise or fall depending on how civil its citizens are. The more they respect each other and associate freely, the safer and more prosperous they are. The more they rely on force — legal or not — the more pliant they are in the hands of demagogues and tyrants. So resisting the statist impulse is no trivial issue.

In my mind, resisting that impulse is nothing less than the adult thing to do.

*Postscript:* House Bill 4163 of 2007, now pending before the Michigan Legislature, would prohibit a business owner, including the owner of a bar or restaurant, from choosing to allow smoking in his or her establishment. The state Senate and House of Representatives have approved this bill in slightly different forms, but have a dispute regarding whether to apply the bill to certain casinos and this has prevented it from being presented to the governor.

The House voted on Dec. 5, 2007, with 10 Republicans joining 46 Democrats to approve the legislation with 56 votes — the narrowest possible margin. The Senate voted 25-12 in favor of the bill on May 8, 2008, with 9 Republicans joining 16 Democrats. The MichiganVotes.org vote tally for House Bill 4163 is to the right. The contact information for all Michigan lawmakers is on pages 10 and 11. ■

*Lawrence W. Reed is president emeritus of the Mackinac Center for Public Policy.*

*For additional information and an opportunity to comment on this issue, please see [www.mackinac.org/9795](http://www.mackinac.org/9795).*

## Check MichiganVotes.org

**"Growing Up" Legislators who voted TO PROHIBIT a business owner from choosing to allow smoking in his or her establishment:**

### SENATE REPUBLICANS (9)

Birkholz (R)	George (R)	McManus (R)
Brown (R)	Jelinek (R)	Pappageorge (R)
Cassis (R)	Kahn (R)	Patterson (R)

### SENATE DEMOCRATS (16)

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

### HOUSE REPUBLICANS (10)

Acciavatti (R)	LaJoy (R)	Palsrok (R)	Stakoe (R)
Ball (R)	Law, David (R)	Proos (R)	
Brandenburg (R)	Meltzer (R)	Schuitmaker (R)	

### HOUSE DEMOCRATS (46)

Angerer (D)	Corriveau (D)	Hammon (D)	McDowell (D)	Smith, Virgil (D)
Bauer (D)	Coulouris (D)	Hood (D)	Meadows (D)	Tobocman (D)
Bennett (D)	Dean (D)	Hopgood (D)	Meisner (D)	Valentine (D)
Bieda (D)	Dillon (D)	Johnson (D)	Melton (D)	Warren (D)
Brown (D)	Donigan (D)	Jones, Robert (D)	Miller (D)	Wojno (D)
Byrnes (D)	Ebli (D)	Law, Kathleen (D)	Polidori (D)	Young (D)
Byrum (D)	Gillard (D)	LeBlanc (D)	Scott (D)	
Clack (D)	Gonzales (D)	Leland (D)	Sheltrown (D)	
Condino (D)	Griffin (D)	Lemmons (D)	Simpson (D)	
Constan (D)	Hammel (D)	Lindberg (D)	Smith, Alma (D)	

**Legislators who voted AGAINST ordering private business owners to ban smoking in their establishments:**

### SENATE REPUBLICANS (11)

Allen (R)	Garcia (R)	Kuipers (R)	Stamas (R)
Bishop (R)	Gilbert (R)	Richardville (R)	Van Woerkom (R)
Cropsey (R)	Jansen (R)	Sanborn (R)	

### SENATE DEMOCRATS (1)

Barcia (D)

### HOUSE REPUBLICANS (39)

Agema (R)	Gaffney (R)	Hune (R)	Nitz (R)	Rocca (R)
Booher (R)	Garfield (R)	Jones, Rick (R)	Nofs (R)	Sheen (R)
Calley (R)	Green (R)	Knollenberg (R)	Opsommer (R)	Stahl (R)
Casperson (R)	Hansen (R)	Marleau (R)	Palmer (R)	Steil (R)
Caswell (R)	Hildenbrand (R)	Meekhof (R)	Pastor (R)	Walker (R)
Caul (R)	Hoogendyk (R)	Moolenaar (R)	Pavlov (R)	Ward (R)
DeRoche (R)	Horn (R)	Moore (R)	Pearce (R)	Wenke (R)
Elsenheimer (R)	Huizenga (R)	Moss (R)	Robertson (R)	

### HOUSE DEMOCRATS (7)

Cheeks (D)	Lahti (D)	Spade (D)
Espinoza (D)	Mayes (D)	
Farrah (D)	Sak (D)	

**Legislators who DID NOT VOTE:**

Rep. Accavitti (D)	Rep. Cushingberry (D)	Rep. Shaffer (R)
Rep. Amos (R)	Rep. Emmons (R)	Rep. Vagnozzi (D)
Rep. Clemente (D)	Rep. Jackson (D)	Sen. Hardiman (R)

## PRIVATE PROPERTY

from Page 3

government before using water that formerly belonged to them.”

The Michigan Chamber of Commerce opposed the Brater proposal, asserting that it was an example of “overregulation” that would “turn ownership of water over to the government.”

**The Michigan Chamber of Commerce opposed the Brater proposal, asserting that it was an example of “overregulation” that would “turn ownership of water over to the government.”**

Sen. Brater proposed to affix this amendment to Senate Bill 860, one of many bills in a package of legislation designed to alter the state’s overall water withdrawal policy. Support for the amendment was just one vote shy of the 20 needed for passage after two Republican senators crossed party lines and voted with all 17 Democrats in favor of it.

The MichiganVotes.org vote tally for the Brater amendment is to the right. The contact information for the senators is on page 10. ■

For additional information and an opportunity to comment on this issue, please see [www.mackinac.org/9795](http://www.mackinac.org/9795).

## Check MichiganVotes.org

“Is Private Property Leaking Away” Legislators who voted IN FAVOR of government ownership of groundwater:

### SENATE REPUBLICANS (2)

Kahn (R) Richardville (R)

### SENATE DEMOCRATS (17)

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

Legislators who voted AGAINST government ownership of groundwater:

### SENATE REPUBLICANS (18)

Allen (R)	Garcia (R)	Jelinek (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)	

### SENATE DEMOCRATS (NONE)

Legislators who DID NOT VOTE:

Cropsey (R)

2008 Senate Roll Call 322 on SB 860

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My neighbor showed me an article in Michigan Capitol Confidential and I realized that I must get a subscription and stay informed!! Thank you for all of your hard work. I even made a donation online! Thank you!

### CHASSEL, MI

I talked to my representative about one of your articles concerning a commission being formed to establish a wage rate for nurses, plumbers, etc... that he voted for as my representative. He was totally in the dark about the bill. When everybody votes straight party line and they don't even know what they voted for, we need to vote them out and get somebody that cares about the state and not the party. The Republicans and Democrats are equally guilty at the state and national level.

Term limits.....two terms and out.

### ARMADA, MI

This is a newspaper that every Michigan politician hates because it tells the truth and reports how the politicians vote, NOT what they say.

### ALPENA, MI

I have received my first issue of Capitol Confidential (August 2008) and enjoyed the information. It assisted me in knowing when to contact my representatives to provide my viewpoints. Please continue to send your paper to me.

### ANN ARBOR, MI

Thank you for sending us the latest complimentary copy of the Michigan Capitol Confidential – it was VERY informative and eye-opening.

Please add us and the following family and friends to your subscription list. Sorry we can't send you any money right now (the State and Federal governments has almost bled us dry through high taxes and energy costs) – but we hope to be able to do so in the future.

Thanks again – keep up the good work.

## FRUGALITY

from Page One

of one county representative, one union representative and a neutral chairman selected from a list provided by the Michigan Employment Relations Commission. The basic procedures and criteria are essentially the same as those already established for police officers and firefighters under Public Act 312 of 1969.

Research by the Mackinac Center for Public Policy has shown that binding arbitration is a slow and costly process. Arbitration under PA 312 typically takes nearly 15 months to complete. A commission on local government finance appointed by Gov. Jennifer Granholm found that binding arbitration increased the cost of government by as much as 3 to 5 percent.

**A commission on local government finance appointed by Gov. Granholm found that binding arbitration increased the cost of government by as much as 3 to 5 percent.**

The arbitration process created by HB 6112 is different from the existing process for police and firefighters in one important respect. Under HB 6112 the

process is all or nothing; the panel is presented with final offers of settlement by the county and the union, and must choose one or the other. This differs from the existing process of PA 312, which allows the arbitration panel to divide the dispute into separate issues and choose between the union and the municipality's offers on each issue or substitute its own proposals on non-economic matters.

Prior to passing the bill, the House rejected several amendments. One proposed to tie-bar HB 6112 to another bill that would change the process for all arbitration hearings, allowing arbitrators to create their own proposals rather than choose between the offers set before them by unions and local governments. Another would have adjusted the criteria to be used by arbitrators, such as expecting them to look at a longer time frame, consider the county's unfunded liabilities and stipulate that they could not base a decision on the county's ability to raise taxes or shift resources from other departments.

Needing 56 votes to pass the House of Representatives, HB 6112 received a majority when 54 Democrats were joined by 24 Republicans voting for final passage of the bill. Opposing the bill were 27 Republicans and two Democrats. The MichiganVotes.org vote tally is at right. The contact information for members of the House of Representatives is on page 11.

As of this writing, HB 6112 is still pending before the state Senate's Committee on Government Operations and Reform. ■

*Paul Kersey is the Mackinac Center for Public Policy's director of labor policy.*

*For additional information and an opportunity to comment on this issue, please see [www.mackinac.org/9795](http://www.mackinac.org/9795).*

## Check MichiganVotes.org

**“Frugality Put in the Pokey”** Legislators who voted TO MANDATE a more costly process of resolving labor disputes at county jails:

### HOUSE REPUBLICANS (24)

Casperson (R)	Hansen (R)	Moolenaar (R)	Schuitmaker (R)
Caswell (R)	Hildenbrand (R)	Moore (R)	Stahl (R)
Caul (R)	Hune (R)	Nofs (R)	Stakoe (R)
Elsenheimer (R)	Jones, Rick (R)	Palsrok (R)	Walker (R)
Gaffney (R)	Law, David (R)	Pearce (R)	Ward (R)
Green (R)	Meltzer (R)	Rocca (R)	Wenke (R)

### HOUSE DEMOCRATS (54)

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

Legislators who voted AGAINST a more costly process of resolving labor disputes at county jails:

### HOUSE REPUBLICANS (27)

Acciavatti (R)	Calley (R)	Huizenga (R)	Nitz (R)	Shaffer (R)
Agema (R)	DeRoche (R)	Knollenberg (R)	Opsommer (R)	Sheen (R)
Amos (R)	Emmons (R)	LaJoy (R)	Palmer (R)	Steil (R)
Ball (R)	Garfield (R)	Marleau (R)	Pastor (R)	
Booher (R)	Hoogendyk (R)	Meekhof (R)	Pavlov (R)	
Brandenburg (R)	Horn (R)	Moss (R)	Proos (R)	

### HOUSE DEMOCRATS (2)

Brown (D)	Jones, Robert (D)
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Legislators who DID NOT VOTE:

Gillard (D)	Lemmons (D)	Robertson (R)
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2008 House Roll Call 601 on HB 6112



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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.*

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**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:

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- 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. ■

**Information appears as follows:**

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# I'M JUST A BILL

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

To comment on these bills, please see [www.mackinac.org/9795](http://www.mackinac.org/9795).

**SENATE BILL 1087**  
(Impose restrictions on citizen's  
initiative signature gathering)

*Introduced by state Sen. Mark Jansen,  
R – Grand Rapids*

Requires circulators of petitions placing Constitutional amendments, initiated laws, or referendums on the ballot, to live in the jurisdiction where the signatures are collected. In other words, a person would be prohibited from gathering signatures outside the community in which he or she resides. The bill would also require the secretary of state to certify and distribute a proposed constitutional amendment initiative or other special question at least 60 days, rather than 49 days, before an election.

**HOUSE BILL 6304**  
(Increase "historic" building  
regulation penalties)

*Introduced by state Rep. Robert Jones,  
D – Kalamazoo*

Would increase the penalties for violating the law that prohibits owners of buildings deemed to be "historic" from undertaking exterior renovations on their property without permission from a local authority. The bill increases civil fines for unauthorized work from \$5,000 to \$50,000, and for unauthorized demolition to \$150,000. It also increases criminal penalties, and revises a number of other provisions to generally increase enforcement of these restrictions on property owners.

**HOUSE BILL 6279**  
(Place "Brass Roots" plaque  
on Capitol grounds)

*Introduced by state Rep. Tim Moore,  
R – Farwell*

Would require a plaque honoring the Second Amendment's recognition of the right of individuals to keep and bear arms to be placed on the Capitol grounds, except that no tax dollars would be allowed for the purpose. This plaque was created by the "Brass Roots" organization, reportedly by melting down brass cartridge cases donated by citizens who gathered at the Capitol in 1994 to protest federal and state infringements on the rights recognized by the Second Amendment.

**HOUSE BILL 5758**  
(Require state to pay for  
Detroit school elections)

*Introduced by state Rep. LaMar Lemmons  
Jr. D – Detroit*

Would require state taxpayers to pay the cost of Detroit school elections.

**HOUSE BILL 5679**  
(Impose new regulations on  
maple syrup producers)

*Introduced by state Rep. Howard Walker,  
R – Traverse City*

Would impose on maple syrup producers the same (extensive) regulatory regime that applies to "food processing plants" that process, manufacture, package, label and store food products.

**SENATE BILL 895**  
(Create "statewide recycling  
coordinator" office)

*Introduced by state Sen. Patricia Birkholz,  
R – Saugatuck Township*

Would create a "statewide recycling coordinator" office. The coordinator office would be required to gather information about recycling processes, markets, and rates; review local recycling programs; conduct and submit a study of the capacity, feasibility and ability of the state to sustain markets for products containing recycled content; and submit to the Legislature recommendations for improving and expanding recycling in the state.

**HOUSE BILL 5628**  
(Mandate that skiers and  
snowboarders wear helmets)

*Introduced by state Rep. Bob Constan,  
D – Dearborn Heights*

Would mandate that downhill skiers and snowboarders must wear a helmet while on the slopes, subject to a \$100 fine.

**HOUSE BILL 5751**  
(Establish new ethanol,  
alternative fuel subsidies)

*Introduced by state Rep. Fred Miller,  
D – Mt. Clemens*

Would authorize a specialty license plate recognizing alternative fuels, and give the net revenue generated from sale of the plates to the subsidy and promotion program proposed by House Bill 5750.