



BY JAMES DAVID DICKSON

Gov. Gretchen Whitmer on Friday signed House Bill 4004, a repeal of Michigan's right-to-work law for public sector workers, into law.

That part is not a surprise.

But for Whitmer to sign a policy-focused bill with a \$1 million appropriation attached, thus rendering it ineligible for a voter referendum, she had to violate her own 2019

executive directive disavowing the tactic.

For a decade, Michigan Democrats, Whitmer top among them, bewailed that tactic. Now it appears their only objection was being on the wrong side of it.

Whitmer was in the minority in Lansing in 2012 when then-Gov. Rick Snyder signed right-to-work into law. For a decade, Democrats vowed to repeal the law when they got the chance.

WHITMER SIGNS REFERENDUM-PROOF RIGHT-TO-WORK REPEAL

A Michigan run for the few will continue to lose people

In the November election, Michigan Democrats kept the governor's office, and won control of the House and the Senate, giving them all the gavels in 2023. Right-to-work was one of their top targets.

Two things that irked Democrats about the 2012 law is that Snyder had said right-to-work was "not on my agenda" before signing the bill. Snyder justified his change by saying unions crossed a line by pursuing a failed state constitutional amendment to outlaw right-to-work. Voters rejected that effort roundly.

But Republicans added an appropriation to the bill to make it ineligible for a popular repeal, by way of a voter referendum. There was always the option for another constitutional question, but it never materialized. Instead, a decade later, the Democrats simply won the majority back.

Whitmer was angered by the appropriation tactic, and in 2019 signed an executive directive stating her intention to veto any bill that used it. She faced a test early on, when a \$10 million appropriation was attached to a bill related to wrongful imprisonment.

Whitmer felt the appropriation was inappropriate, even when she supported the underlying cause, and vetoed that line item from the bill.

Whitmer did not exercise her line-item veto on House Bill 4004, however. She signed it as-is, including the \$1 million appropriation that makes it ineligible for a referendum of Michigan voters.

Even though Whitmer signed House Bill 4004, public sector employees such as teachers still cannot be forced to pay unions. A 2018 U.S. Supreme Court ruling in *Janus v. AFSCME* held that public sector workers have a First Amendment right not to pay union dues or fees.

"Some of our state elected officials have made it resoundingly clear that they are willing to sacrifice many to serve a few," said Mackinac Center President Joseph G. Lehman in a statement. "That may be politics, but it is not leadership." ■

The original version of this story was posted online on Mar. 24, 2023 and is available at [MichCapCon.com/30777](https://www.michcapcon.com/30777).



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Wayne State prof calls murder of conservative campus speakers 'admirable'

Professor suspended from \$140K/year job after remarks school president calls 'reprehensible'

BY JAMIE A. HOPE

Steven Shaviro, an English professor at Wayne State University, was suspended with pay this week for promoting on social media the murder of conservative speakers on college campuses.

"Although I do not advocate violating federal and state criminal codes, I think it is far more admirable to kill a racist, homophobic, or transphobic speaker than it is to shout them down," Shaviro wrote in a Facebook post.

Wayne State refused to divulge his name to CapCon, but said it had referred Shaviro's comments to law enforcement. However, his name and screenshots of his social media post quickly began circulating.

Shaviro's picture has been removed from his Wayne State webpage.

Shaviro writes a blog where he discusses class warfare, socialism and oppression.

He describes himself on Twitter as a "Stealth assassin from the clouds. Science fiction. Music video. Alfred North Whitehead. Kitsch Marxist. Sex negative."

Although he bemoans capitalism, Shaviro made \$140,926 as of 2022, with an additional \$1,494 in compensation, according to AAUP-AFT, Shaviro's union. Wayne State University received \$213.6 million in taxpayer funds in the current fiscal year.

The median household income in Michigan was \$63,202 between 2017-2021, according to the U.S. Census Bureau. The per-capita income in the state during that time was \$34,768. This means that Shaviro is paid more than double the average household, and almost four times the average individual income.

Anne Marie Tamburro, program officer for the Foundation for Individual Rights and Expression, or FIRE, defended the professor's right to his comments.

FIRE is helping Shaviro connect with no-cost legal defense through the group's Faculty Legal Defense Fund, according to The Detroit News.

Tamburro says Shaviro's comment "doesn't come close" to unlawful behavior and "Wayne State needs to know the contours of its faculty members' expressive right and respect even – especially – when others are calling for censorship."

Tamburro says the professor's threat of violence against those he doesn't agree with was hyperbole.

The suspension comes on the heels of a school massacre in Nashville, Tennessee, where several children and staff at a Christian school were shot.

M. Roy Wilson, president of Wayne State University, released a statement distancing itself from Shaviro. Wilson puts Shaviro's remarks on a range between "morally reprehensible" and "criminal."

"We have on many occasions defended the right of free speech guaranteed by the First Amendment to the U.S. Constitution, but we feel this post far exceeds the bounds of reasonable or protected speech," Wilson said. "It is, at best, morally reprehensible and, at worst, criminal." ■

The original version of this story was posted online on Mar. 29, 2023 and is available at [MichCapCon.com/30781](https://michcapcon.com/30781).

DTE makes 5,170-page case for \$619 million rate increase

Five takeaways from DTE Energy's February 2023 rate case

BY JAMES DAVID DICKSON

DTE Energy is seeking a \$619 million rate hike. The state-protected utility submitted a new rate case to the Michigan Public Service Commission Feb. 10 — a file that, including testimony and exhibits, came to 5,170 pages of documents.

These are five early takeaways from DTE's Case U-21297:

1. Only 20% of the \$619 million, or \$124 million, would be used for operating expenses.

DTE's sales margin, or built-in profit, is \$102 million. Another \$101 million will be spent on return on equity (\$42 million), cost of debt and capital structure (\$29 million) and other items (\$30 million).

DTE's rate base is \$292 million.

According to the National Renewable Energy Laboratory, "the utility's rate base is the total value of a utility's assets (e.g., plant, equipment, working capital, and deductions for accumulated depreciation). Both the rate of return and the rate base are components of the utility's revenue requirement, which the utility collects from customers in the form of electricity rates."

2. Undergrounding pilot in Detroit will shape the future.

DTE will begin a project later in the year to put more power lines underground, on a circuit in Detroit called Fairmount DC 1593. It follows an earlier undergrounding pilot in Detroit.

The company chose the Fairmount circuit because the area it serves suffered heavy power outages, despite extensive tree-trimming.

"When this project is completed, the company will have additional data to support a more statistically significant benefit cost analysis for undergrounding projects," wrote Satvir Deol, DTE's director of substation operations, in his testimony in the rate case.

3. DTE still believes tree-trimming is the answer. But it can't fill 1,300 tree-trimming jobs.

"The tree-trimming program is the most impactful and important program in (DTE's) long-term investment strategy for its electric distribution and subtransmission systems," wrote Shannen M. Hartwick, DTE's director of tree-trimming, in her rate-case testimony.

But DTE struggles to find the personnel. The utility giant has been unable to find a solid, local cohort of 1,300 tree-trimmers, and sometimes has to bring in non-local talent.

Hartwick testified that locals and non-locals are all paid union wages, but non-locals are paid a per-diem to cover their lodging. Non-locals come at a greater expense.

A collaboration between DTE and the Michigan Department of Education to train prisoners in tree-trimming has only placed 23 people on the job, Hartwick testified.

4. DTE's request, \$619 million, is about 60% bigger than its last one, \$388 million.

In November 2022, the Michigan Public Service Commission granted DTE only about 8% of the price hike it sought: \$30.5 million. DTE wanted \$388 million.

DTE returned two months later with an even bigger ask: \$619 million.

When DTE filed its rate case Feb. 10, millions of Michiganders had not yet lost power in the ice storm of late February or the thundersnow of early March — or both. On Wednesday DTE will face Michigan

lawmakers for the first time since the storms, when they meet with the House Energy Committee.

The public service commission will decide the rate case. But what cue will it get from lawmakers? Wednesday's hearing and a later companion version in the Senate will be important. Michigan Attorney General Dana Nessel has also been a steady critic of the energy companies and their regular attempts at rate increases.

5. DTE's filings from a single day ran 5,170 pages.

The Michigan Public Service Commission has only 180 employees. Large utilities like DTE Energy and Consumers Energy have the resources to submit frequent rate cases that flood the state in paperwork. The cases take about 10 months to be resolved and involve filings from the company and interveners in the case.

These interveners can be local governments, like the city of Ann Arbor, environmental groups, or energy industry groups. ■

The original version of this story was posted online on Mar. 14, 2023 and is available at [MichCapCon.com/30740](https://michcapcon.com/30740).



BY JAMES DAVID DICKSON

What are the root factors of Michigan's poor energy reliability? The Michigan Public Service Commission is looking for answers in a first-of-its-kind audit of the state's monopoly utilities, DTE Energy and Consumers Energy. This week the commission issued a 65-page request for proposals for the audit.

In 15 years of monopoly power, DTE and Consumers, energy providers to 90%

of Michigan, have never been subject to an audit.

The commission announced the audit last October but issued the request for proposals months later, on March 13. Proposals are due April 25, and work on the contract will begin on Sept. 1.

"This is the first time this has been done in Michigan," said Katherine Peretick, one of the state's three public commissioners, in her testimony Wednesday before the House Energy Committee.

Michigan regulator seeks proposals for audit of DTE, Consumers

First-of-its-kind audit seeks root causes of Michigan's unreliable energy grid

Matt Helms, spokesman for the Michigan Public Service Commission, said preliminary information from the audit is expected by year's end.

"Understanding the root causes of system unreliability in Michigan is absolutely essential to getting to solutions," Peretick testified. "We don't want to treat the symptoms, we need to treat the cause, and that means ensuring we understand it."

Peretick said the audit "will consist of a full engineering audit as well as an audit of internal policies and procedures, including a physical audit of existing infrastructure

to ensure compliance with applicable engineering standards, and a comparison to the performance and condition of distribution systems of similarly situated utilities."

Katie Carey, a spokeswoman for Consumers Energy, said that while the commission orders after-action reports after storms, a top-to-bottom audit is indeed a new step.

"We are looking forward to seeing what a third party will determine," Carey told CapCon. ■

The original version of this story was posted online on Mar. 17, 2023 and is available at [MichCapCon.com/30752](https://michcapcon.com/30752).



Wind industry declares war on Michigan man

'Like a Cult' producers sling mud for clean energy



Kevon Martis

BY JAMIE A. HOPE

Wind energy activists believe they have found an explanation for the waning popularity of wind projects in Michigan and around the county: a cult of homeowners whose objection to turbines is, according to a new video clip, wholly irrational.

'Like a Cult,' a documentary-style ten-minute video from environmental activist Peter Sinclair and Yale Climate Connections, attacks local residents and officials in Michigan who express concerns about wind energy projects in their townships.

The video singles out Kevon Martis, Deerfield Township zoning administrator and a recently elected Lenawee County commissioner. Sinclair pieces together a shadowy network of brainwashing and gaslighting, with Martis as the cult's high priest — or "Big Cheese," according to an intertitle.

The video attempts to tie Martis to April 2020 COVID-19 shutdown protests at the Michigan Capitol in Lansing and the January 6, 2021, riot in Washington, D.C.

Sinclair blames Martis for the unwanted participation of residents at townhall

meetings, which has revealed deep opposition to and shallow support for landscape-altering wind turbine projects. Popular opposition to wind turbines in Michigan is part of a national trend that has dealt ballot-box defeats in several states to wind giants like NextEra and Apex Clean Energy. But Sinclair believes he sees the fingerprints of Martis everywhere.

"Time and again, when Mr. Martis becomes involved, formerly low-key meetings become settings for anger and division," Sinclair says in the video.

The video had 5,200 views as of March 28.

Sinclair, who admitted in a Saginaw County meeting that he has been paid by energy companies, nevertheless slams Martis for his work with E&E Legal, which he says has also received money from many of the same companies.

The video also neglects to mention that its three most prominent subjects — former local elected officials Jed Welder, Phyllis Larson and Terry Anderson — were all recalled by voters in elections where turbine opposition was the main subject of campaigning.

Welder was the sole vote against an ordinance in July 2021 to protect Sidney Township from an industrial-scale wind turbine project. He signed a wind energy easement agreement with Coral Wind I, LLC, an affiliate of Apex Clean Energy August 2020.

Douglass Township Supervisor Anderson was forced to apologize to local resident Cindy Shick after removing her from the planning commission over rumors she had divulged documents to someone outside the commission. Shick was elected to replace the recalled Anderson.

Phyllis Larson was a Winfield Township supervisor who signed two wind leases and voted for a wind-friendly ordinance. Residents later voted that ordinance down in a referendum.

Michigan State Police investigated Larson and other officials last August over their tactics for publishing notices of the proposed wind ordinance, according to a story in the Daily News of Montcalm County. Though local residents accused Larson and others of violating public notification laws, no charges were filed.

Unseated but unbowed, the three politicians now critique the false consciousness of the voters. "It's almost like a cult-type deal," Welder says of his neighbors and former constituents who opposed the turbine project.

Ashlyn Newell, identified in the video as a resident of Maple Valley Township and a science teacher, says township officials were threatened and that there is still fear in the community. She did not provide evidence of those claims.

Newell declines to mention that she and her husband signed a wind lease with Apex for their property. A memorandum of the wind lease was recorded Oct. 23, 2020, according to the Montcalm County Register of Deeds.

"Depending upon the terms of the contracts, typically hosting a wind turbine will bring \$8,000 to \$12,000 per year or more, depending upon the size of the turbine," Martis told Michigan Capitol Confidential. ■

The original version of this story was posted online on Mar. 28, 2023 and is available at [MichCapCon.com/30719](https://michcapcon.com/30719).

Michigan House energy work group aims to address power outages

And three other takeaways from the House Energy Committee's hearing on mass outages in Michigan

BY JAMES DAVID DICKSON

At the end of a three and a half hour hearing, Rep. Helena Scott, chair of the House Energy Committee, said a work group will be convened to discuss Michigan's chronic issues with long power outages. During the storms, more than a million Michigan homes lost power, some for several days.

The committee met in response to power outages in February that left hundreds of thousands of Michigan residents without power for several days. Called in to testify were DTE Energy, Consumers Energy, and Katherine Peretick, a commissioner of the Michigan Public Service Commission, which regulates utility companies.

"We are planning a work group around this, because changes need to be made," said Scott, D-Detroit.

The form this work group will take, and who will participate in it, was not immediately shared. Earlier Wednesday, the Senate Energy Committee announced a hearing of its own next Thursday with DTE, Consumers and regulators.

These are three other takeaways from Wednesday's hearing.

1. Power restorations could take keystrokes, not days. But DTE is years away from automation.

DTE Energy president Trevor Lauer testified on the company's behalf. Lauer

said that DTE's problem, more than outages themselves, is the length of duration once outages happen. He said utility companies have found a simpler way to restore power after outages, through automation.

"We need to automate our system," Lauer told lawmakers. "There are devices that you can install in the field that will allow you to reroute power to restore customers' power without ever rolling a crew or rolling up the truck out into the field. We've got an ambitious plan to move that forward in the next five to six years."

Earlier in his testimony, Lauer noted that more than 4,000 linemen and other workers were in the field during the power failures from late February to early March. It was the largest emergency force DTE had ever assembled, he said.

Lauer indicated that some of those human resources could have been spared, and lengthy outage times reduced, with a flip of a switch. If DTE had that technology in place. Which it does not, and will not for years, per Lauer.

"This will not take away outages, but will dramatically reduce the duration of outages," Lauer said.

2. Michigan's shaky grid could imperil EV adoption.

Cathleen Russ of Royal Oak testified that she suffered back-to-back outages. She was without power for 10 of 14 days and lost two shopping trips worth of food.

"Gov. (Gretchen) Whitmer wants Michigan to be the leader in electric vehicles. I would not accept an EV right now if you gave me one," Russ testified. "Gov. Whitmer's goals and the current state of DTE are clearly at odds."

The Michigan Department of Environment, Great Lakes and Energy, meanwhile, believes the state needs the charging resources for two million EVs by 2030.

But is Michigan's grid up to the demand? Energy companies, which stand to benefit from increased billings, say yes.

In its 2020 EV-grid impact study, DTE claimed it could absorb 20% adoption of EVs "without major upgrades" on most circuits.

Russ said that if she had an electric vehicle during the ordeal, she would have had to call an Uber to get to work, adding to her expense.

3. DTE believes it can tree-trim its way to reliability. Lawmakers aren't so sure.

"We have been and remain fierce advocates of tree-trimming," Lauer testified, adding that 70% of outages owe to fallen tree limbs.

But DTE's Feb. 10 rate case shows the limits of tree-trimming. A circuit in Detroit called Fairmount DC 1593 had its tree-trimming completed. Then it still suffered long power outages, with downed wires.

Starting later this year, and continuing through 2024, DTE will bury the power

lines of Fairmount DC 1593. That pilot will shape the future of its undergrounding plan.

But lawmakers were wary of the tree-trimming narrative.

"I don't want to walk away from this committee and for the takeaway to be that what we're already doing is good enough, because I think our constituents feel that it's not," said Rep. Kevin Coleman, D-Westland.

Coleman asked Lauer to talk more about automation.

"Modern cities have the ability to reroute power on their electrical system by opening devices and closing devices that sit on utility poles," Lauer explained, citing the Chicago grid. "By opening and closing devices you can reroute the power if there's a damaged section. You can close the device and reroute the power back across the electrical section of 1,000 people instead of waiting for a crew to show up. You may isolate that outage down to 50 people and the other 950 people get power back literally in minutes because we have control room operators who can reroute that."

"We were going to do it as we rebuild all the circuits," Lauer added. "But now I'm asking the team to pull it all into a five-year window." ■

The original version of this story was posted online on Mar. 15, 2023 and is available at [MichCapCon.com/30750](https://www.michcapcon.com/30750).



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Michigan's coming energy crisis will be man-made

Michigan's energy transition is a bait-and-switch move away from reliable energy

BY JAMES DAVID DICKSON

There exist enough resources to provide the 10 million people of our state the energy they need. What Michigan lacks is the political will to insist on reliable energy, preferring instead weather-dependent sources such as wind and solar. Michigan's coming energy crisis will be man-made.

The resources of the future — said to be wind and solar — are not ready, while one of today's energy sources, coal, is demonized and pushed to a premature retirement.

In Michigan's energy transition, coal is portrayed as Public Enemy No. 1. The quicker we can all move past coal, the conventional wisdom says, the better. That's why only one coal plant will be operating here after 2028.

But state officials aren't sure the coal rollback will make a difference.

Last year, the Michigan Department of Environment, Great Lakes and Energy released its "MI Healthy Climate Plan." The plan admits:

In the electric sector, there is no automatic guarantee that retiring coal facilities and increasing use of other electric generation assets – current or future – will benefit Michigan communities.

It's rare to see such an admission offered publicly. EGLE is saying that

even if Michigan conducts the immediate transition green energy advocates wish for, there's no promise it will work. The natural next question is, why do it?

This is Michigan energy policy in the 2020s: "No automatic guarantee" that its tactics will work, but let's rush in headlong anyway.

Four of Michigan's top-10 energy generating facilities are coal-powered, according to 2021 data from the U.S. Energy Information Administration.

After 2028 only one, Monroe, will be running.

EGLE predicts that by 2030, or two years later, Michigan will need infrastructure to support two million electric vehicles.

Ask yourself: How many windmills and solar panels are needed to replace the energy now generated by coal? And have you seen anything to indicate efforts of that scale are underway?

Michigan's energy transition is really a bait-and-switch move away from reliable energy and toward weather-dependent energy. There exist the resources to reliably power every home and business in Michigan. Where is the political will?

Michigan's representatives in Lansing and Washington have used their station to push "net-zero" energy policies.

• **Lansing: Michigan bill demands 100% transition to green energy by 2035**

• **Washington: Zero is the most dangerous number in government**

As Michigan residents are saddled with more costly, less-reliable energy, its utility companies play along.

In 2021, Consumers Energy admitted that its renewable energy plan could leave ... well, consumers ... without power for long stretches of time.

• **Related reading: Michigan Healthy Climate plan: Build infrastructure for 2M electric vehicles by 2030**

In testimony to the Michigan Public Service Commission, Sara T. Walz, an engineering analyst for Consumers, wrote:

The results of the electric supply reliability studies show that dependence on so many intermittent sources of generation results in significant periods of time for which the potential loss of load may occur.

Translation: When state officials and utilities move Michigan to less-reliable forms of energy, residents will find their energy is less reliable.

Meanwhile, Consumers' counterpart, DTE Energy, hopes that its peak-hour pricing plan will head off some excessive demand, before reliability becomes an obvious problem. Peak-hour pricing will start in March.

DTE's peak-hour plan will bring Michigan's energy prices to the cusp of California's. Perhaps EV users will remember to wait a few hours after work to recharge, to avoid the upcharge.

Don't fall for the okeydoke on Michigan's energy transition. The choice Michigan faces is not between energy that's reliable and dirty and energy that's reliable and clean.

The choice Michigan faces is this: Do you want power on the coldest and hottest days of the year, or not? ■

The original version of this story was posted online on Feb. 5, 2023 and is available at MichCapCon.com/30602.



Photo by Pexels

Biden signs bipartisan COVID origins bill

Congress presented a united front on the COVID-19 Origin Act, and Biden signed it into law

BY JAMES DAVID DICKSON

A bill that would declassify U.S. intelligence reports on the origins of COVID-19, which mentions the Wuhan Institute of Virology as the global pandemic's likely source, was signed into law by President Joe Biden Monday.

The COVID-19 Origin Act of 2023, S.619, is the first bill signed into law in the 118th Congress.

The bill was submitted by Sen. Josh Hawley, R-Missouri, and passed the Senate on March 1 with unanimous consent.

It passed the U.S. House on March 10 in a 419-0-16 vote.

That means not a single representative in either chamber of Congress voted against the bill, though 16 did not vote.

Every Michigan rep voted, and they all voted yes. ■

The original version of this story was posted online on Mar. 21, 2023 and is available at MichCapCon.com/30760.





Photo by Shutterstock

National Popular Vote plan would disenfranchise Michigan voters

Michigan voters often decide presidential elections; that would end under proposed law

BY JAMES DAVID DICKSON

It was meant to warm the heart, seeing former leaders of the Michigan Republican Party and the Michigan Democratic Party share a byline in *The Detroit News*, pushing the National Popular Vote. Civility in our time.

But underneath a facade of bipartisanship is a plan to disenfranchise the Michigan voter.

If you don't like it when a 538-member Electoral College chooses the president, you'll hate it when 23 secretaries of state meet in a smoke-filled room to choose the president.

The National Popular Vote compact would give elites more power, not less, to decide who leads American government.

If Michigan were to join the National Popular Vote

compact, the scheme would have 210 of the 270 electoral votes needed to take effect.

If just a few other states join on, your vote would be watered down in presidential elections.

"A National Popular Vote would make all 50 states battleground states," Republican Saul Anuzis and Democrat Mark Brewer wrote this week in *The Detroit News*. "It would mean every vote would count and every voice would be heard."

Both Anuzis's firm, Coast to Coast Strategies, and the law firm that employs Brewer, Goodman Acker, have been paid thousands by the "yes on National Popular Vote of Michigan" campaign, according to state finance records. That wasn't mentioned in the op-ed.

Anuzis and Brewer also forgot to mention what would happen to your vote.

Under current law, the Michigan vote is the deciding factor in awarding Michigan's electoral votes. But according to the House Fiscal Agency analysis of House Bill 4156, Michigan's top vote-getter would receive Michigan's electoral votes only in the event of a nationwide tie. That's right: Under the National Popular Vote compact, Michigan, a vital and sometimes decisive swing state in presidential votes, would be reduced to a tie-breaker.

Disenfranchisement is not more appealing because the spokesmen are bipartisan.

Election night would no longer exist. Weeks later, we would learn who has been declared president.

The National Popular Vote idea is popular among Democrats who believe Al Gore should have won the

presidency in 2000 rather than George W. Bush, and that Hillary Clinton should have won in 2016 rather than Donald Trump.

They don't see that things could change tomorrow.

Consider this hypothetical: It's 2028, the National Popular Vote Compact is live, and President Ron DeSantis is running for reelection against Democratic nominee Gretchen Whitmer.

Whitmer carries Michigan, but DeSantis wins the national popular vote. Michigan's 15 electoral votes go to DeSantis.

Is that "one person, one vote"? Whitmer would lose her home state in the only tally that matters, electors, because voters in Florida and Texas supported DeSantis in great numbers. This is disenfranchisement, not democracy.

And disenfranchising Michigan voters is an odd way to pursue Anuzis and Brewer's vision that "every voter, no matter where they live, should be politically relevant."

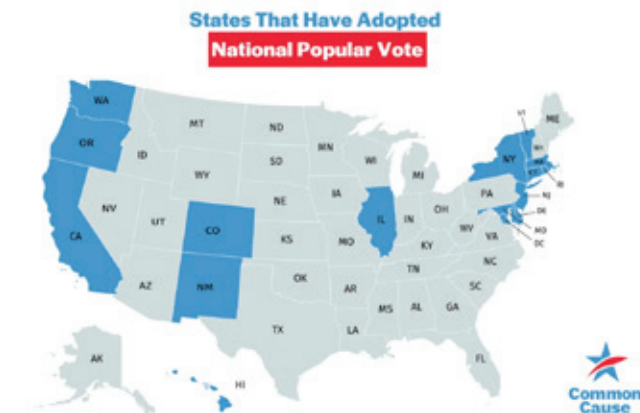
Michigan is one of a few battleground states right now.

If "all 50 states" became battleground states, as Anuzis and Brewer hope, Michigan will get less attention, fewer campaign stops, and fewer promises made on the issues that matter to Michigan.

The National Popular Vote scheme would be done to you, not for you.

Speak up now. If this compact takes effect, your voice will only matter in the event of a tie. ■

The original version of this story was posted online on Mar. 26, 2023 and is available at MichCapCon.com/30773.



As of now, 15 states and Washington, D.C. have joined the National Popular Vote compact.





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Government workers can't be forced into unions even after right-to-work repeal

Know your Janus rights: For Michigan teachers, police, firefighters & others, worker freedom is guaranteed

BY JAMIE A. HOPE

Gov. Gretchen Whitmer signed legislation repealing Michigan's right-to-work law in March, after the bill passed the House and Senate.

Tens of thousands of Michigan residents are unsure about their rights regarding union membership. If you are one of those workers, it's important to know if keeping your job depends on your paying the union, or if you are exempt from this requirement.

Do not rely on your employer when it comes to knowing where you stand with respect to right-to-work.

The bad news is that many workers who had resigned their memberships under right-to-work will have to pay dues or agency fees, which are slightly lower. But there is also some good news you should know about and share with others.

There is a lot of confusion over which employees will be required to pay a union to keep their job and which are exempt.

Public Sector

One reason for the confusion is that Democrats in the Legislature introduced bills to repeal right-to-work for both private sector workers and public sector ones. There's a hitch: Public sector workers still enjoy right-to-work protections. As a result, House Bill 4004, the legislation that calls for repealing right-to-work for government employees, was unconstitutional as introduced.

The U.S. Supreme Court ruled in the 2018 case *Janus v. ASFCME* that public sector workers who choose not to join a union can not be required to pay union dues or fees as a condition of employment. House Bill 4004, as first written, violated this ruling. It was not until the bill was on the floor that House Democrats amended it to comply with the ruling. The option to join or not join will not change for public employees.

Several former and current public-sector employees, when asked by Michigan Capitol Confidential, did not know that public

employees' status will not change after the signing of the bill. Any public employee who hears that union dues or agency fees are now required should ask the employer or a union representative to put that statement in writing.

If you are a public employee and your employer or a union representative says you must pay dues or fees, contact Michigan Capitol Confidential or the Mackinac Center for Public Policy. We will help you. You have First Amendment rights. These rights are nonnegotiable and can not be removed by any state law.

Private Sector

If a private-sector employer is unionized or becomes unionized after you are already employed, you will have several options. You can decide to become a member of the union and pay full union dues. You can choose not to become a member and still pay full union dues. Or, you can decide not to be a union member, but you will still have to pay an agency fee. An agency fee typically ranges from 70% to 80% of the full dues payment.

The union agency fee is, by law, supposed to cover only the amount the union spends on collective bargaining, representing employees in grievance proceedings, and contract administration. Employees who opt out of the union typically do not want to pay for its political spending on issues or candidates.

Michigan is likely to be the first to repeal its right-to-work law through the legislature in almost 60 years. Indiana repealed its law in 1965 but reinstated it in 2012. Polling as far back as 2002 show that Michigan residents believe employees should have the right to decide whether to join a union or pay dues.

If you have questions or concerns over your union status due to the repeal, please contact us by email. ■

The original version of this story was posted online on Mar. 24, 2022 and is available at [MichCapCon.com/30772](https://michcapcon.com/30772).



The CapCon Guide: How to be an effective citizen-advocate in Michigan

Things are changing fast in Michigan. Here's how to make your mark on the state

BY JARRETT SKORUP

“Everything happening in Lansing and Washington, D.C., seems like such a mess. What can I do to actually make a difference?”

The Mackinac Center and Michigan Capitol Confidential receive emails and phone calls like that regularly. Here's some advice on how to be an effective citizen-advocate.

Focus on the issues you care about

The two worst advocates are 1) the person who does nothing and 2) the person who weighs in on everything. You don't want to be either of these. It's important to figure out what, among your beliefs, are the most important ones, and then advocate them – even if just among your family and friends.

You don't want to be the person shouting about everything. Think about the family member or friend who has opinions on every issue, each one just as strong as the last. That's not very persuasive. In the same way, calling or emailing your lawmaker about every issue under the sun isn't very persuasive.

So the first order of business of getting involved in advocacy work is to find the

issues you care about and then prioritize them. Don't spend your time being an advocate on an issue that is far down the list of what you care about. And don't weigh in on everything.

Join a larger group

It's easier than ever to find a group that shares your values. Maybe you've served in the military and are concerned about veterans issues. Find a VFW chapter. Are you a contractor or construction worker? Check out Associated Builders and Contractors. Business owner? Look into the Chamber of Commerce. Involved in real estate? Join the local planning commission or Realtors association.

You may not feel heard in Lansing, but Lansing listens to interest groups and associations. Whatever issue you care about, there's probably an interest group representing it. You can influence that group.

There are also several grass roots activist groups. Opportunity Michigan, Michigan Freedom Fund and Americans for Prosperity-Michigan focus on a range of free-market policy issues, and they can keep you informed about the most important issues in Michigan.

Understand the tools that are available ... and use them

Phone calls. Emails. Facebook messages. Twitter. You don't need to use all of them, but you should be using at least some of them. Someone will read every message you send to your lawmaker – and authentic messages delivered by voters from the district have a very good chance of being read by lawmakers themselves. So look up your lawmakers' contact information (Google will give you their Facebook and Twitter pages) and send them a note!

State lawmakers also have in-person coffee hours and staffers who read the local newspapers. Go talk to them in the flesh, or write a letter to the editor about something you care about.

Put your money, and your time, where your mouth is

Got a politician you love? Write a check. Got one whose policy priorities are way off from your own? Donate to the opposing candidate. If you don't have the money to do that, donate your time, whether for or against. But be smart and be strategic. Find out if the politician stands a chance of losing, or if reelection is all but guaranteed.

Be principled and informed

Here are some principles for relating to your elected officials, courtesy of a Mackinac Center toolkit from the Tea Party era:

- Don't be impressed by the “nice guy.”
- Don't presume virtue in party labels.
- Get to know your lawmakers' voting records.

The Mackinac Center and Michigan Capitol Confidential are here to simplify issues for Michigan voters and residents.

You know where we stand – for a smaller government that doesn't play favorites between different citizens or groups.

We promise to continue blowing the whistle on attempts to raise taxes, force people into unions, give billions to chosen corporations and expand the state budget by an explosive amount.

We don't engage in clickbait issues or unimportant or partisan fights that are often the sideshow to the real issues.

So if you are looking for what's really going on in Lansing, we aren't a bad place to start. ■

The original version of this story was posted online on Mar. 21, 2023 and is available at [MichCapCon.com/30759](https://michcapcon.com/30759).



THE WHITMER AGENDA IS A SOP TO THE RICH

*Governor proposes EV subsidies
that would benefit the well-off*

BY JARRETT SKORUP

Michigan has long had programs in place to help low-income households. Food, housing, health care, day care, preschool, tax credits and more. These programs have traditionally been limited to those who truly need it, with eligibility based on income.

That is changing. Activist groups have pushed for years to expand social welfare programs to more people. They often exaggerate economic doldrums and broaden the definition of poverty to make their case. The bottom line is that expanding means-tested programs does nothing for those truly in need. It simply doles out benefits to wealthier and wealthier households.

Michigan Gov. Gretchen Whitmer's recent budget proposals turbocharge this effort. She proposes expanding several government programs so they reach solidly into the middle class and even beyond.

Preschool: Michigan's Great Start preschool program, and the federal government's version, called Head Start, was once limited to low-income families. Eligibility for Great Start was expanded in 2011, so that families of four with incomes up to \$75,000 are now eligible. Still, the number of children eligible and enrolling in the program has been falling for years.

Whitmer now wants to make the program universal. This requires expanding eligibility so that all households qualify for taxpayer-

funded preschool. Since all low-income and many middle-class households are already eligible, the only beneficiaries of expanding the program will be the relatively well-off. Taxpayers will find themselves funding preschool for millionaires.

School lunches: Another budget proposal from the governor is free school lunches for all students. A federal program has long provided subsidized school lunches for families with incomes up to 130% of the federal poverty line, and discounted lunches available to those at nearly twice the federal poverty line. This is in addition to food stamps that low-income households qualify for, which they could use to buy food for their child's lunch.

Whitmer proposes to have state taxpayers pay more so that all students, regardless of household income or need, get free lunches. Since the federal government subsidizes the cost of providing these meals to low-income families, state tax dollars will be used exclusively to subsidize lunches for households with middle and upper income levels.

Electric vehicles: The people most likely to purchase an electric vehicle earn an average of \$150,000 per year. They tend to own a home, with an average value of \$275,000. The federal government gives these electric car buyers a subsidy of \$7,500 per vehicle. Whitmer proposes that state taxpayers chip in another \$2,000 on top of that. That's nearly

\$10,000 in subsidies for almost exclusively well-to-do families. Whitmer has also supported \$48 million in tax exemptions for EVs, \$65 million for charging stations, more for other infrastructure and billions to the companies making vehicle batteries. It's hard to imagine how even a single low-income taxpayer might benefit from this welfare.

College: Michigan primarily funds college by appropriating more than \$1.5 billion to its 15 public universities. Little consideration is given to how well the funds are spent or how well students are served. This spending overwhelmingly benefits middle- and upper-income residents, as they are much more likely to attend and graduate from these universities. On top of that, Whitmer's budget expands the Michigan Reconnect program to cover the cost of community college for anyone over 21, even for those from wealthy families that can afford to pay.

Tax policy: Michigan has a constitutionally required flat income tax, and its rate of 4.25% is set to fall to 4.05%. Whitmer also signed a new law that expands tax breaks for retirement income, fully exempting pension income. Senior households already have some of their income exempt from the tax — \$20,000 for single-filers and \$40,000 for joint filers. So the new pension exemptions apply only to people who earn more than that in retirement, which means the main beneficiaries will be relatively well-off retirees.

Corporate subsidies: In one month, the new Democratic-led Legislature pledged \$3 billion of taxpayers' money to a handful of rich corporations. That's more than the state spends on local roads. It's safe to say that corporate welfare is the top spending priority of this Legislature and a long-time priority of the governor. While these large corporations promise to create some new jobs, those are relatively few and might be offset by company layoffs elsewhere. Shareholders and company executives are the ones most likely to benefit.

The government, at the state and federal level, has long provided taxpayer-financed support for people with low incomes. Programs toward that end work best when they are carefully designed to give specific aid, targeted to people who need it. Exceptional programs also provide support and incentives for qualifying individuals to help them work their way out of poverty.

Although the programs Whitmer and the Michigan Legislature are pursuing are sold as poverty relief, they are something different altogether. They provide benefits once meant only for the poor to wealthier and wealthier households. This might be good politics — voters tend to like free stuff — but it's bad public policy to provide taxpayer-funded benefits to people who don't need them. ■

The original version of this story was posted online on Mar. 17, 2023 and is available at [MichCapCon.com/30751](https://michcapcon.com/30751).



LETTER FROM THE EDITOR

The people we serve

You don't agree with the Mackinac Center on everything. But you agree with us on something. Let's talk about those things.

BY JAMES DAVID DICKSON

Nobody will agree with the Mackinac Center on everything. But everybody will agree with us on something. And it's those intersections of interest we live for.

This think tank aims to make Michigan the freest and most prosperous state in the union. When we write stories, issue policy papers, or file lawsuits, we do it on behalf of ten million neighbors. Seven million taxpayers.

You might not like us on right-to-work. But when you're concerned about what your kid is learning in class, and you're being stonewalled by the school district, we hope to be the one you call.

You might not like us on school choice. But you know we cover energy reliability as closely as anyone in Michigan. Power outages fall on the just and the unjust. On the well-connected and the average citizen. You'd rather help us blow the whistle than build back after an emergency.

You might think we're hard on the politicians of Michigan. But you understand

that scrutiny is necessary for a public servant, and that people behave better when they're being watched.

You understand watchdog reporting is important. You know that we need the 150 people we send to Lansing — 110 House representatives, 38 senators, the governor and lieutenant governor — to be stewards of the state we all love. When they're not, we'll say so. At a time when so many reporters in Lansing explain government, we question it. We do this in your name.

We don't have to agree on everything. And we won't. But we do agree on some things. Let's talk about those things.

This week I sent an email to our staff, asking: Who are our people? Who are the people we serve? Who are the people you think about when you're working?

Our president, Joseph G. Lehman, wrote about this topic 10 years ago. Among the people on his list:

- The person who does for you whatever it is you would hate to do for a living.

- The pastor or other religious leader who teaches, encourages and exhorts to strengthen the moral underpinnings of civil society, without which no people can be free.

- The citizen who won't let their elected officials get away with saying one thing and doing another.

Others my colleagues mentioned include:

- The small business owner who is delayed, then delayed again, by local and state government hoops when trying to get her salon off the ground.

- The aspiring worker who faces months or years of hoop-jumping to meet the government's licensing, training and certification requirements.

- The freshman legislator who feels steamrolled by an agenda of government control and needs data to fight back.

- The person who wants to be left alone by the government to live her life in peace.

- The newlyweds who won't have any children for fear that they'll worsen climate change or bring up their children in a dying world.

- The young parents sitting at their dinner table, looking at a huge energy bill, and deciding between heating and eating.

- Workers in the oil, gas, coal and nuclear industries who see the state and federal government actively working to subvert and bankrupt their companies.

- The elderly husband and wife who worked and paid for their own home, but face ever-higher property taxes as assessments increase.

I added a few of my own:

- The parents who need to find the best school for their child, ASAP. And it's not

the one around the corner. My parents were those parents. But that's a story for another day.

- The gym owner forced to shut down during COVID.

- The elderly woman forced to die in the midst of masked-up hospital staffers rather than with family members, by order of the governor.

Now I have questions for you, Dear Reader.

How did you find us? What is the intersection of interest between your life and the Mackinac Center? How can we help?

Email me at dickson@mackinac.org. I read every single email. ■

The original version of this story was posted online on Mar. 12, 2023 and is available at [MichCapCon.com/30733](https://michcapcon.com/30733).



 James David Dickson

2023 PUBLIC ACTS – EFFECTIVE DATES					
*LINE ITEM VETOES			VETOED BILLS (See Final Page)		
Public Act Number	Senate Bill Number	House Bill Number	Signed Date	Filed Date	Effective Date
1	7		1/31/2023	1/31/2023	1/31/2023
2	13		2/1/2023	2/1/2023	Sine Die
3	8		2/14/2023	2/14/2023	2/14/2023
4		4001	3/7/2023	3/7/2023	Sine Die
5		4016	3/8/2023	3/8/2023	3/8/2023
6	4		3/16/2023	3/16/2023	Sine Die
7	12		3/24/2023	3/24/2023	Sine Die
8	34		3/24/2023	3/24/2023	Sine Die
9		4004	3/24/2023	3/24/2023	Sine Die
10		4007	3/24/2023	3/24/2023	Sine Die



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

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MichiganVotes.org

‘National Popular Vote’ scheme would let California choose Michigan’s president

House Bill 4156 would disenfranchise Michigan voters in presidential elections

BY JAMES DAVID DICKSON

You might not love how your neighbors vote. But you had better hope their votes count.

As the law stands now in Michigan, whoever gets the most votes wins the election — and in a presidential election, Michigan’s electoral votes. As it should be.

But a bill submitted in the Michigan House would change all that.

No longer would Michigan award its electoral votes to the candidate most Michiganders vote for. Michigan’s electoral votes would be given to whichever candidate receives the most votes in what activists call “the national popular vote.”

House Bill 4156 was submitted on March 7 by Rep. Carrie Rheingans, D-Ann Arbor, and referred to the House Elections Committee.

“I was elected to the Michigan House because I won the most votes — and the same should be true for how we elect our country’s president,” Rheingans said at a press conference announcing the bill.

“Fairness and living in a democracy means every voice is heard, and every vote is equal,” Rheingans added. “The National Popular Vote bill ensures that every voter, in every state, will have an equal vote in every presidential election.”

Rheingans was right the first time. The winner is the person who gets the most votes — among the voting electorate.

In her case, that was a House district in Washtenaw County, Michigan. In a presidential election, the electoral votes for a state go to the candidate who gets the most votes in the state.

In her second thought, Rheingans drifts beyond the mandate of a Michigan lawmaker, into territory that would disenfranchise Michigan voters.

If the national popular vote bill had been law in Michigan in 2016, it wouldn’t have mattered that Donald Trump won the state by 10,000-plus votes. Because Hillary Clinton won California big — big enough to swing the national popular vote — Clinton would have won Michigan, too.

The only problem the national popular vote would solve is that Democrats don’t always win the presidency. Only most of the time. Rather than a national compact that would take precedence over state law, how about good old fashioned campaigning?

Fifteen states and Washington, D.C. have joined the compact. When enough states join to make up the 270 electoral votes needed to elect a president, it will take effect. This is a plot to elect Democratic presidents, not a civil rights movement.

“It is the public policy of this state that the one person, one-vote principle requires that the candidate who receives the most votes nationwide should become president,” the bill reads.

Electoral College reform is handled in Washington, not Lansing. In a sane Lansing, this bill would be a dead letter. In 2023, it might sail through in a single day.

When I wrote “Don’t California my Michigan” in January, I was being sardonic. The worries back then were TV shows, and office policies. That feels quaint now.



Photo by Shutterstock

In the time since, DTE has moved to mandatory peak-hour billing that will approach California-level energy prices in the summer.

A House Bill, 4235, would make union dues tax refundable. Except unlike in California, where there is a \$400 million cap on dues credits, the Michigan bill has no cap.

Now, a Michigan lawmaker has submitted a bill that would let California override the Michigan voter.

Michiganders should decide who gets Michigan’s electoral votes. Anything else would be grotesque. ■

The original version of this story was posted online on Mar. 19, 2023 and is available at [MichCapCon.com/30755](https://michcapcon.com/30755).

Michigan lawmakers have not tried to solve union ‘free rider’ problem

One in three bills in Michigan in 2023 has been labor-related. None try to solve a long-claimed problem. Why?

BY JAMES DAVID DICKSON

One in every three bills submitted in Michigan this year has been labor-related. Yet none of them, zero, address the “free-rider” problem unions cite in right-to-work states.

The union argument is this: If people are represented by the union, but not required to pay it, they are free riders on its services.

Why, then, the lack of legislation correcting that problem? Not a single Michigan lawmaker has submitted a bill allowing nonpaying workers to disconnect entirely from the union.

Of the 88 bills submitted in the 102nd

Legislature, 29 are labor-related.

Labor bills that have been submitted instead include:

- House Bill 4233 would remove the prohibition against labor unions assisting in collecting dues from public school employees.
- House Bill 4235 would make union dues tax refundable. Michigan taxpayers would be on the hook for their neighbors’ union dues.
- House Bill 4240 would prohibit an employer from looking into a job applicant’s credit score.
- Senate Bill 5 would require an agency fee for nonunion members.

- Senate Bill 142 would require written job descriptions at firms with more than five employees.

Why would lawmakers leave a glaring problem unaddressed?

A 2018 memo on public policy priorities, co-authored by the AFSCME, AFT, NEA and SEIU labor unions, sheds light. The joint memo considers it counterproductive to solve the free-rider dilemma.

In the eyes of the union, to leave free-riders to negotiate for themselves is to break the union’s right to exclusive representation.

Steve Delie, director of the Workers For Opportunity initiative at the Mackinac

Center, argues that unions don’t want to solve the free-rider dilemma.

“What they want to do is have the free rider problem be a cudgel that they can use to bully people into the union and to pay dues and to get rid of right-to-work,” Delie told CapCon.

While private sector opt-outs would take a change in federal law, “solving the free-rider problem in the public sector is relatively easy,” Delie said.

“You just do it.” ■

The original version of this story was posted online on Mar. 20, 2023 and is available at [MichCapCon.com/30755](https://michcapcon.com/30755).