



## Michigan test results show big COVID-era learning loss

*Struggles in early grades signal trouble in later years*



Photo by Adobe Stock

BY MOLLY MACEK

Michigan public school students recently performed below pre-pandemic levels in reading and math, according to the latest statewide standardized tests. This happened although schools received record funds to help students recover learning losses incurred during school closures.

Students in grades three through seven performed worse on the 2023 M-STEP in both English language arts and math, compared to 2019. There are not enough data to talk about 2020 or 2021, because the state did not require schools to administer the M-STEP those years.

But we can now use the 2023 data – combined with results from previous years – to paint a more complete picture of student performance in the wake of the COVID-19 pandemic.

The 2023 M-STEP results suggest that most students in the tested grades are not where they should be in either English or math. Third grade is a key milestone for English language arts because reading proficiently in third grade is necessary to master the more advanced subject material introduced in fourth grade. Yet third-grade ELA scores have dropped precipitously since 2019.

“Unfinished learning during the COVID and post-COVID years” is to blame for the 2023 results, said Sen. Dayna Polehanki, as quoted by Bridge Michigan. Polehanki chairs the Senate Education Committee.

Third-grade students were especially hurt

by the pandemic, said State Superintendent Michael Rice.

“This past year’s third graders were perhaps the most adversely affected of any age cohort,” Rice told Bridge, “as they had pandemic-influenced school years during grades kindergarten through second grade, a challenge that was particularly noticeable in reading.”

These early grades are critical to a child’s literacy development, so the focus on learning loss for young students is understandable. Receiving less attention is the performance of sixth and seventh graders in both English and math. The share of seventh graders who scored proficient or advanced on the ELA test dropped from 43% in 2019 to 37% in 2023, a difference of six percentage points. This was the single greatest decline in the tested grades.

Sixth graders lost nearly as much as seventh graders. The share of sixth-grade students scoring proficient or better fell from 42% to 38% over the same period. The math M-STEP results reveal concerning trends for sixth and seventh graders, too. Fewer than one-third of them scored proficient or advanced in math in 2023, with proficiency rates in both grades decreasing by about five percentage points since 2019.

The downward trend in test scores was largely the same across family income levels, suggesting that school-related factors, not family socioeconomic status, contributed most to the change in M-STEP performance.

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**A new school year offers Michigan parents a new chance to engage**

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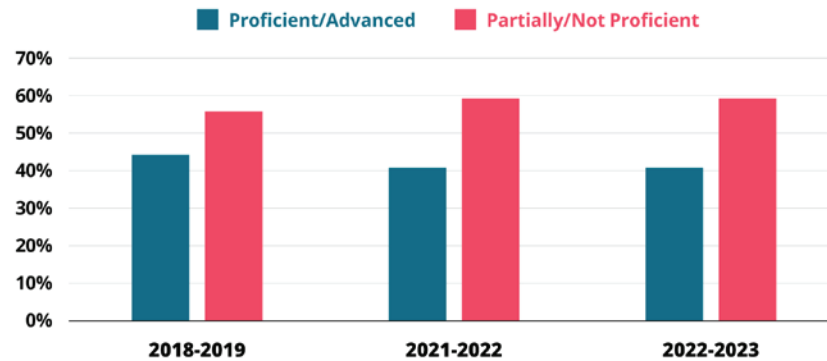


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## TESTING RESULTS

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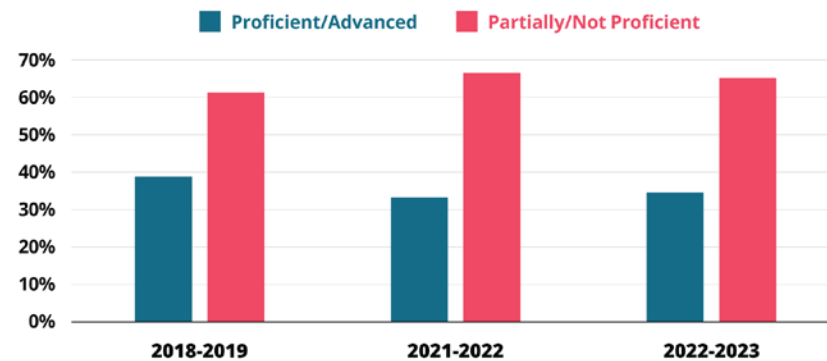
### Michigan Students' Proficiency in English



Source: 2023 M-STEP results

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### Michigan Students' Proficiency in Math



Source: 2023 M-STEP results

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The elementary and middle school M-STEP results predict student performance in high school and beyond. They also provide schools with key data they can use to fill gaps in students' learning.

Unfortunately, several programs that would have helped students recover learning lost during the pandemic-era school closures were struck down by Gov. Gretchen Whitmer. She vetoed legislation that would have provided families with reimbursements for summer enrichment programs, tutoring grants, and scholarships to cover the cost of learning supports. If the governor had agreed to the legislation, it would have empowered parents to secure more personalized services tailored to their children's unique needs.

Instead, the state is allocating unprecedented levels of funding to school districts in the hope they can turn things around. While the school aid budget provides some funds for tutoring, it is unlikely to be enough to meet the vast and significant learning needs of the state's

1.4 million public school students. Under the governor's direction, the state is also expanding access to pre-K and post-secondary programming. Doing this won't help the school-aged kids who need help with their reading and math skills now.

Schools can better ensure students' success by directing funds to evidence-based programs in core subject areas. They can enhance teacher quality by adhering to robust evaluation and feedback cycles. They can improve the curriculum's alignment with state standards assessed by the M-STEP. They can provide professional development in research-based strategies for teaching reading and math.

And by partnering with parents, they are more likely to reverse the downward trend and focus on interventions that work. ■

*The original version of this story was posted online on September 12, 2023 and is available at [MichCapCon.com/31258](https://michcapcon.com/31258).*



Photo by University of Michigan

## U-M demands COVID-positive students leave campus housing

*University recommends hotel stays for college students who fall sick, without accounting for cost*

“Make an isolation plan,” the university says, “which could include relocating to your permanent residence, staying with a nearby relative or friend, or finding a hotel space.”

U-M warns that the policy is not merely a helpful hint.

“The isolation guidelines below need to be met,” the policy statement reads.

And they apply even to people living in a single room.

The university calls for isolation even for students who are kicked temporarily off campus. Such students, U-M says, may use public transportation and may allow one other person in the car if there is no personal vehicle available.

A student can quarantine in a home off-campus, the university advises, so long as

“you will have access to your own closed-door bedroom.”

The student who has to share a bathroom with one or two others is required to clean and disinfect the space after every use.

Many students attending the university have a primary residence outside the state and may not be able to afford to travel to their primary residence.

If a student is kicked off campus to a hotel because of the threat of spreading the virus, this transfers the risk to unsuspecting vacationers or business people staying at the same hotel.

“Isolation and quarantine are standard practices for preventing the transmission of many infectious diseases including COVID-19, measles, tuberculosis, and many others,” university spokesperson Kim Broekhuizen told CapCon in an email. “Other diseases would be addressed accordingly if they were seen in our campus population.”

When asked about the possibility of transferring the risk of transition to hotels,

Broekhuizen said, “Isolation and quarantine are standard practices for preventing the transmission of many infectious diseases, including COVID-19, measles, tuberculosis, and many others.”

An official with the Mackinac Center for Public Policy dismissed the new policy. “These new rules are empty gestures, because they are impossible to enforce and apply only to students who voluntarily test and report their results,” said Michael Van Beek, director of research. “After all the classroom closures, virtual lessons, mask and vaccine mandates failed, here are university officials still fighting a futile battle against an easily transmissible virus that poses virtually no threat to healthy college-age students. They should let the kids get on with their lives already.” ■

*The original version of this story was posted online on September 6, 2023 and is available at [MichCapCon.com/31245](http://MichCapCon.com/31245).*

BY JAMIE A. HOPE

The University of Michigan has implemented a new COVID-19 isolation policy for students who live on campus and test positive for the virus. Students who test positive for COVID-19 are asked to leave campus for at least five days, unless symptoms persist or the student has a weak immune system.

And the restrictions do not stop there.

## Two Michigan lawmakers join Mackinac Center’s tax cut lawsuit

*Some \$714 million in state tax revenue at stake in action to restore lawful tax cut*

BY JAMES DAVID DICKSON

Two lawmakers who voted for the 2015 law that created this year’s tax cut joined the Mackinac Center Thursday in a lawsuit against Michigan Treasurer Rachael Eubanks.

The suit seeks to preserve the reduction in the state income tax rate. The authors of that law say they intended the tax cut, which was automatically triggered by a revenue surplus in 2022, to be permanent. Attorney General Dana Nessel, on the other hand, argues that the tax cut is event-driven, not permanent.

The 2015 law specified that the “current” tax rate would be reduced if the previous year’s budget surplus exceeded inflation. State fiscal authorities determined at the

beginning of this year that the budget surplus met the conditions to trigger a tax cut. Accordingly, the Senate Fiscal Agency calculated a rate reduction from 4.25% to 4.05%.

“At issue is whether Michigan’s approximately 5 million individual income tax filers will have permanent tax-cut relief or whether any rate cut will generally revert to 4.25%,” the lawsuit reads. “As to state income-tax collection, the annual difference between a 4.05% income tax rate and a 4.25% income tax rate is around \$714 million.”

The 28-page lawsuit was filed in the Michigan Court of Claims.

The treasurer’s office has operated on Nessel’s opinion. The state told taxpayers

that the income tax rate for 2024 will be 4.25%, not the 4.05% it was in 2023.

Two Michigan lawmakers, Sen. Ed McBroom, R-Waucedah Township, and Rep. Dale Zorn, R-Onsted, joined in the lawsuit, along with the Associated Builders and Contractors of Michigan, and the National Federation of Independent Businesses. Six individual taxpayers also joined the suit: Rodney Davies, Kimberley Davies, Owen Pyle, William Lubaway, Barbara Carter and Ross VanderKlok.

Patrick Wright, vice president for legal affairs at the Mackinac Center, explained the lawsuit in a two-minute video on Twitter.

The lawsuit seeks resolution of the question by Dec. 15, 2023.

The timing request is made “so that

Michigan’s 5 million individual income taxpayers will know their rights and will not overwhelm the Department of Treasury, this Court, and/or the Tax Tribunal with individual challenges to the income tax rate,” the lawsuit reads.

Both McBroom and Zorn were lawmakers in 2015. Both say the 2015 tax cut was permanent. They were joined in that interpretation by the House Fiscal Agency, which wrote at the time that the lower tax rate, once triggered, would “continue indefinitely on an annual basis.” ■

*The original version of this story was posted online on August 25, 2023 and is available at [MichCapCon.com/31221](http://MichCapCon.com/31221).*



## Michigan energy regulator considers penalties for mass power outages

*Public asked to weigh in on proposals to punish Michigan utilities for poor performance*

BY JAMES DAVID DICKSON

When Michigan has power outages, they're more widespread and last longer than the power outages in other states. To combat this, the Michigan Public Service Commission in August announced the start of a process that could punish energy companies for poor performance. And it's asking for the public's help shaping that process.

"The commission remains concerned that Michigan's utilities continue to perform in the 4th quartile on key reliability metrics, particularly outage duration," the commission wrote when announcing the proposal. "Furthermore, certain customers experience worse service reliability than system-wide measures would indicate."

Pictured below is a partial list of the incentives and disincentives being considered by Michigan's energy regulator: Among the straw proposal's potential incentive and disincentive mechanisms:

- Establishing penalties for utilities whose customers experience four or more sustained power interruptions per year. Current service quality standards require that, through December 2029, not more than 6% of a utility's customers may experience more than 4 sustained outages, and no more than 5% of customers after Jan. 1, 2030. In 2022, DTE Electric had 163,417 such customers, and Consumers Energy 173,273, according to annual utility reports.
- Utilities would be penalized further for having customers experience seven or more sustained power interruptions.

Annual reports filed by the utilities indicate DTE Electric had 16,262 such customers, and Consumers Energy 19,821 in 2022.

- Utilities would be penalized if a circuit ranked in the top 10 worst-performing circuits for 3 or more years within the past 5 years.
- Considering financial mechanisms connected to the time it takes utilities to restore power, including a particular focus on restoration timelines during major storms.

The idea is to tie utility companies' financial metrics to their performance, Dan Scripps, chair of the commission, said in a statement.

"We share the public's frustration with the number and duration of power outages, and particularly those who experience outages over and over again," Scripps said. "By focusing on the places where improvement is needed most, we're working to better connect the financial performance of the utilities with the experience of their customers."

The public comment period for Case No U-21400 ends on 5 p.m. on Sept. 22.

More than half a million homes and businesses in Michigan lost power after last week's storms. Most of the outages took place in either DTE Energy or Consumers Energy turf in the Lower Peninsula. ■

*The original version of this story was posted online on August 31, 2023 and is available at [MichCapCon.com/31239](https://MichCapCon.com/31239).*

## 'Charging can be a challenge' says Ford CEO as EVs gather dust

*Farley's reality check comes as Dearborn automaker is set to lose \$4.5B on electric vehicles in 2023*

BY JAMES DAVID DICKSON

Ford Motor Co. CEO Jim Farley did a little product testing in August. He took an electric F-150 on a long drive, and in so doing got a reality check about the difficulties of charging electric vehicles.

"Charging has been pretty challenging," Farley said in a video posted to his Twitter account. He plugged into the Tesla charging network and found that it took 40 minutes to charge the vehicle to just 40%. Farley called the ordeal "a good reality check of the challenges our customers go through."

There are three levels of chargers: Level 1, low-level; Level 2, which customers can install in their own homes; and Level 3, top speed. Farley described the charger he used as low speed.

Farley's product test did not reveal anything new. People who can afford electric vehicles face two problems: first, the time it takes to charge; and second, range anxiety, wherein the driver suffers uncertainty about how long the vehicle can travel without needing a charge.

The tank of a gas engine takes a few minutes to go from empty to full. Jim Farley's rate of 40% in 40 minutes indicates a limited utility for electric vehicles in hauling, towing, or long-range nonlocal driving.

The practical problems of electric vehicles are probable contributors to Ford's difficulty selling them. While Ford's gas engines are expected to rake in \$8 billion in profit this year, its EVs are set to lose \$4.5 billion.

Farley insists that Ford's future electric vehicles "will blow people away." In Sunday's video, he admits the need for faster charging and reassures customers that Ford is working on it. Ford's big idea is to plug into the Tesla supercharger network. It will rely on a competitor to charge the vehicles its customers buy.

"This is why we're working w/ @Tesla to provide @Ford drivers access to +12,000 superchargers & our EV certified dealers are installing fast chargers at their dealerships. Will help us improve the EV experience for our customers," Farley tweeted Sunday. ■

*The original version of this story was posted online on August 18, 2023 and is available at [MichCapCon.com/31207](https://MichCapCon.com/31207).*

# Does Prop 2 render National Popular Vote unconstitutional in Michigan?

*Before Congress or the U.S. Supreme Court, National Popular Vote faces a roadblock: The Michigan Constitution*



Photo by Shutterstock

BY JAMES DAVID DICKSON

Michigan's entry into the National Popular Vote Interstate Compact would be unconstitutional, a Mackinac Center review has found. And the provision that prevents it was passed by Michigan voters last year in Proposal 2.

Proposal 2 passed in Nov. 2022 by a 60-40 margin. As the House Fiscal Agency wrote

in its analysis of Proposal 2022-2:

The proposal would add a provision to the constitution stating that the outcome of every election in Michigan must be determined "solely by the vote of electors casting ballots in the election."

I wrote in April that faithful electors were the antidote to National Popular Vote. The interstate scheme would pledge all of Michigan's electoral votes to the popular vote winner.

Those votes would be pledged even if the popular vote winner lost Michigan. House Bill 4156 would create the first loser-takes-all system in Michigan's history.

But Michigan already has a faithful elector

amendment in its supreme law. The people of Michigan approved it.

Not in the 1890s. Last November. The people of Michigan have spoken, and they want our elections decided "solely by the vote of electors casting ballots in the election."

## Outcome decided by ballots

The proposal would add a provision to the constitution stating that the outcome of every election in Michigan must be determined "solely by the vote of electors casting ballots in the election."

Electors' votes must reflect the will of the people of Michigan. Not interstate schemes. Not acts of conscience.

The push for House Bill 4156 reflects no awareness of the provision. In July I debated State Rep. Carrie Rheingans, D-Ann Arbor,

on Fox 2 Detroit's Let It Rip on House Bill 4156. I work for a policy shop. Carrie is a lawmaker. Roop Raj and Charlie Langton are veteran TV news reporters. And none of the four of us spoke with an awareness of Article 2, section 7.

If Michigan will become a National Popular Vote state, it will take a constitutional amendment to that effect. Not an act of law, passed by two-seat majorities in each house. That shortcut was closed off by we, the people. It turns out we anticipated the 2023 Michigan Democrats.

For all Rheingans' talk that the Electoral College is outdated, it's actually a 2022 Michigan Constitutional amendment that will render National Popular Vote inert.

Hail the wisdom of crowds. ■

*The original version of this story was posted online on July 18, 2023 and is available at [MichCapCon.com/31119](https://michcapcon.com/31119).*

# How California learned to stop worrying and embrace fossil fuels

*If sunny California can't run on solar panels, why would anyone think cloudy Michigan can?*

BY JAMES DAVID DICKSON

As Michigan jumps headlong into so-called clean energy, led by wind turbines and solar panels, our leaders should take heed from events in California. Gov. Gavin Newsom took the Golden State pretty far down that path, but he is reversing course and embracing fossil fuels in a time of need.

How did Newsom learn to stop worrying and embrace old-fashioned dirty energy? Necessity and emergency.

Politico reports:

California Gov. Gavin Newsom campaigned on shutting down Aliso Canyon, a gas storage facility that was the site of the largest methane leak in U.S. history.

Now, five years later, his administration is poised to inject even more gas into the sandstone chamber 8,500 feet beneath north Los Angeles in a bid to stave off energy

price spikes and power shortages.

He's also blessed extensions of gas and nuclear power plants that were scheduled to be closed. Keeping the lights on takes precedence over California's clean energy goals, at least for now.

Read that last sentence again. Read it twice if you're one of the 150 elected officials who run Lansing: "Keeping the lights on takes precedence over California's clean energy goals, at least for now."

In Michigan, meanwhile, the plan for our energy transition is to leap before we look. Gov. Gretchen Whitmer is urging lawmakers to formalize her administration's goal of 100% reliance on clean energy. Whitmer set the goal last year in the MI Healthy Climate Plan. She announced plans to make it state law in her recent "What's next?" address.

Sometimes, when politicians speak of

clean energy, they include nuclear along with wind and solar. This time, Whitmer did not, and the bill she touts, Senate Bill 271, is similarly confused in its stance toward nuclear.

Prior to 2034, nuclear is not considered clean. From 2035 on, nuclear would be considered clean.

State Rep. Samantha Steckloff, D-Farmington Hills, told CapCon via Twitter that nuclear is indeed in the Democrats' clean energy plan. That is good news.

But nuclear is not an overnight proposition. Even if a proposed nuclear plant has the full support of state and federal politicians, it still wouldn't be open until 2035. Lansing's word games draw attention away from the seriousness of the matter: If Michigan has to run on wind turbines and solar panels, it won't run.

There is no need for Whitmer and ten million Michiganders to learn this lesson for ourselves. All we need to do is look at California. When Gavin Newsom wanted to keep the lights on and preserve his political future, he embraced fossil fuels. ■

*The original version of this story was posted online on September 8, 2023 and is available at [MichCapCon.com/31251](https://michcapcon.com/31251).*



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## Auto buyers have good reasons for avoiding e-cars

*Electric vehicles are the least effective way of satisfying consumers' needs*

BY JASON HAYES

Big government mandates are forcing the national transition to electric vehicles. Consumer demand doesn't appear to matter.

Government is doling out billions in special loans and subsidies to select companies and twisting tax policy to make EVs appear cheaper. At the same time, heavy-handed mandates are making traditional, reliable cars more expensive and harder to produce.

Despite these efforts, the evidence is increasingly clear: Electric vehicles are not ready for prime time.

People buy vehicles to get them where they want to go, when they want to go there, with the things they want to take along with them. Yet a June study from AAA found that electric trucks lose nearly 25% of their range when they haul heavy loads. Even when they're carrying 100 pounds less than their maximum load, their range drops off precipitously.

Trucks powered by combustion engines can lose range, too. But when you compare them with electric vehicles, traditional vehicles have a clear advantage. A Magna International towing test, carried out in July

2022, compared the capacity of a Ford F-150 Lightning to a gasoline-powered GMC Sierra when both trucks were towing a 6,100 lb. trailer at highway speeds. The gasoline-powered Sierra managed to pull the trailer 156 miles with an estimated 65 miles remaining in the tank, for a total of just over 220 miles. The F-150 Lightning managed an anemic 86 miles before requiring a charge. The gas truck went more than 2.5 times the EV's distance.

Magna did a similar range test in October, comparing a Ram Cummins diesel with a GMC Hummer EV. Again, both trucks were pulling 6,100 lb. trailers at highway speeds. The Hummer had to stop at 123.2 miles, with an estimated 5 additional miles remaining in the battery — for a total possible distance of 128 miles. The Dodge Ram made it 212 miles before stopping to refuel, with an estimated 87 miles (or more than a quarter of the tank) remaining. That's a total possible distance of 299 miles. The diesel truck was able to go more than 2.4 times farther.

It's not just trucks. Electric vehicles, as a whole, are less convenient options for getting people where they want to go. The

Wall Street Journal described a nightmare of an EV-powered trip from New Orleans to Chicago, highlighting range anxiety as well as extended charging times.

Certainly electric vehicles have their staunch defenders, and they appear to be OK for short trips around larger cities, where ample charging infrastructure exists. But they will fail to meet the needs of many drivers who live in rural areas or routinely need to travel on highways. Politicians are floating extensive plans to expand charging infrastructure, but that goal is decades away and will cost billions of dollars in taxpayer money.

Consumers are smart enough to know that electric vehicles don't meet their needs. Most people, when given the option, select from a mix of luxury, reliability, cost, and design. They buy vehicles that get them where they want to go, with as little difficulty and as much comfort as they can afford. More often than not, that means avoiding an electric vehicle.

Consumers are also smart enough to know that electric vehicles are a worse investment. The North American Auto Dealers Association used Kelley Blue Book

figures to conclude that the average EV has a five-year cost to own of more than \$92,000. A typical internal combustion vehicle, meanwhile, costs only \$76,500 over that same time frame. The association also noted that, after five years of ownership, electric vehicles depreciated by an average of \$43,515, whereas traditional vehicles depreciated by \$27,883.

The politicians who are coercing the public into buying electric vehicles are ignoring these realities as they force people to buy products they don't want at far higher prices.

Mandates from on high should always concern customers and voters because they are inefficient and take away consumer choice. But electric vehicle mandates, in particular, use a top-down method that satisfies only the desires of government bureaucrats and C-suite executives, not consumers or the public. ■

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# No, Michigan climate policy won't improve the weather

*Protecting the vulnerable means keeping their lights on*



Photo from Michigan Legislature

BY EWAN HAYES, JOSHUA ANTONINI AND JASON HAYES

Michigan lawmakers proposed legislation in June that would impose green energy mandates and carbon-emission standards, claiming that addressing climate change is a moral imperative and necessary to protect society's most vulnerable. But even if the proposed laws were effective at halting Michigan's CO<sub>2</sub> emissions, they would have no impact on the climate — and do great harm to vulnerable Michigan residents.

Michigan House Bill 4759 would expand the state's renewable energy mandate in an effort to combat climate change. HB 4759 is part of a three-bill package, along with House bills 4760 and 4761. Among other things, these bills would “codify the governor's MI Healthy Climate Plan, which was introduced in April of last year,” according to the primary sponsor of HB 4759, Rep. Betsy Coffia, D- Traverse City.

The bill package would also mandate the state move to a “carbon-free energy portfolio,” requiring 100% of the state's energy to be supplied by sources like wind and solar by 2035.

The bills would have the real-world impact of promoting specific energy sources, rather than actually reducing CO<sub>2</sub> emissions. That is because the bill package specifically excludes the use of carbon capture and storage, hydrogen and natural gas.

Although Rep. Laurie Pohutsky, D-Livonia, assured House Energy Committee members in June that the bill package could designate nuclear a type of

clean energy, the text of House Bill 4759 specifically notes that, for the purposes of the legislation, renewable energy “does not include petroleum, nuclear fuel, natural gas, or coal, hydrogen, solid waste, biofuel, or ... biomass.”

Limiting reliable energy sources, like natural gas, nuclear, and biomass, will leave the state dependent on the vagaries of unreliable and intermittent gusts of wind and errant solar beams. This is hardly advisable. The United States has successfully reduced CO<sub>2</sub> emissions — more than any other developed nation — primarily through switching from older, less efficient coal-fired plants to newer, more efficient natural gas units.

Supporters of the bill claim it is needed to address “an increasing level of climate impact,” which they believe is being felt across the state.

“Flooding, drought, fire and smoke” are “collectively causing climate havoc,” Coffia said in her spoken testimony supporting the bill package.

The ice storms that struck southern Michigan in February, taking out the power for more than 900,000 households, were labeled “a consequence of climate change” by Pohutsky during the same hearing.

But more knowledgeable sources have less confidence in Pohutsky's weather theories.

“It remains very difficult to attribute any individual event to greenhouse gas-induced warming (even if physical reasoning or modal experiments suggest such an extreme may be more likely in a changed climate),” the United Nations Intergovernmental

Panel on Climate Change wrote in its 2012 document, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation*.

That finding has not substantially changed since.

“The recent IPCC assessment report is quite clear on the state of detection of trends and attribution” of specific storms to global warming, Roger Pielke, professor at the University of Colorado-Boulder, wrote in 2021, pointing to the report's conclusion that “observational trends in tornadoes, hail, and lightning associated with severe convective storms are not robustly detected.”

Pielke also noted that the “attribution of certain classes of extreme weather (e.g., tornadoes) is beyond current modelling and theoretical capabilities.”

Climate scientists quoted by *Smithsonian Magazine* also recognized the tenuous nature of any direct link between weather and climate.

“The big challenge is that these kind of extreme events have always happened,” says climate scientist Ken Kunkel, who works with the North Carolina Institute for Climate Studies and the National Oceanic and Atmospheric Administration. “Can you say, ‘[a certain weather] event was caused by global warming?’ No.”

The pushback offered by House Republicans during the June hearing was warranted because the costs of the net-zero CO<sub>2</sub> energy legislation are unquestionably high.

Coffia claimed that her bill required an “all of the above approach on a technology scale,” but in fact, it would outlaw Michigan's most reliable energy sources.

Soon-to-be-released Mackinac Center modeling, completed with the Center for the American Experiment, reveals the cost of a renewables-based grid to be around \$124.3 billion through 2035 and over \$386 billion by 2050. Despite the costs, the clean energy plan would expose Michigan residents to as much as 61 hours at a time of cumulative blackouts during winter months.

If policymakers are dead set on lowering greenhouse gas emissions, nuclear power is the best technology to meet that goal while also maintaining reliable electricity

services. Supporters of the legislation have not addressed the discrepancy between the bills' exclusion of nuclear as a clean energy source and their public admissions that it produces no greenhouse gas emissions.

“The bill is very much a work in progress,” Pohutsky pointed out when pressed on the issue.

The legislation's authors would do well to reconsider technologies such as carbon capture and sequestration, as well as nuclear. These technologies would allow the state to keep existing baseload (always-on) plants open and reduce the costs of the wind and solar plan by \$90 billion to 2035 and \$180 billion in 2050. At the same time, these reliable sources would prevent blackout events predicted under the wind and solar scenario.

If the goal of this statewide shift in energy generation is merely to slow climate change, lawmakers' ambitions are sorely misplaced.

Recent modeling completed by the Texas Public Policy Foundation, using the Model for the Assessment of Greenhouse Gas Induced Climate Change, or MAGICC, showed that if the United States entirely phased out all fossil fuels by 2050, it would lower global temperatures in 2100 by 0.082° Celsius, an effectively unmeasurable amount.

Michigan accounted for about 3% of total U.S. carbon dioxide emissions in 2021, according to the Energy Information Agency.

That is to say: Even if Michigan cuts its emissions to zero, it will have almost no impact on the world.

“Addressing climate change and protecting society's most vulnerable are moral imperatives,” Coffia said.

But the most effective way to address climate change is by adapting to it.

Protecting society's most vulnerable means prioritizing their needs. Having affordable electricity and heating today is a far more immediate need than enacting legislation that might lower global temperatures by an undetectable amount in 80 years. ■

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Photo by Shutterstock

## Federal court severely curtails civil asset forfeiture in Michigan

### *How lawmakers should respond*

BY JARRETT SKORUP

Wayne County, which includes the city of Detroit, has long run a program where it seizes cars and cash from people police say might be involved with illegal drugs or prostitution. The problem? Most are never criminally convicted of or even charged with a crime.

Now a federal court has severely curtailed this program. The U.S. Court of Appeals for the Sixth Circuit ruled last week that the program's heavy restrictions on appeals by property owners violate the due process clause in the U.S. Constitution's 14th Amendment. The ruling only applies to this program, but the U.S. Supreme Court has a similar case on its docket, so a broader precedent may soon be set.

Wayne County law enforcement officers seize vehicles based on probable cause, often related to people driving or parking in areas where illicit drug use and prostitution is suspected. After having their vehicle seized, people are offered a deal: Pay a fine of around \$1,000 and get their car back immediately or risk having it forfeited to the county government. The county can then sell the vehicle and pocket the proceeds.

People can challenge a forfeiture in court, but it is expensive and time consuming. Most make the rational decision to just pay the fine or abandon their property, rather than spending thousands on an attorney and

waiting months to get in front of a judge.

That was the subject of a lawsuit filed by the Institute for Justice. It takes people up to a year even to get a hearing on a challenge to a seizure. The court ruled that this period was too long, and the hearing needs to happen within two weeks (one judge argued that it should be within 48 hours).

Here's how the court described the key plaintiff and her situation:

Stephanie Wilson, at the time the complaint was filed, was a 29-year-old single mother studying to become a nurse at Wayne County Community College. She had two vehicles seized under Michigan's Controlled Substances Act. The first seizure occurred in January 2019. Wilson drove to pick up Malcolm Smith, who is her daughter's father. As soon as Smith entered the car, Detroit officers ordered them to exit without explanation. Wilson asserts no drugs, guns, or cash were found, and no one was arrested. But Wilson's car was still seized for violating Michigan's Controlled Substance Act. The officers provided her with a notice of seizure, which required her to contact the Wayne County Prosecutor's Office in no fewer than three, and no more than twenty, business days. The following

day, Wilson attempted to contact the Vehicle Seizure Unit, but the county would not speak to vehicle owners outside the provided time frame. She then visited the Unit in person four days after the seizure but was turned away because her paperwork could not be found. Two weeks later, she visited again in person, but was told it was too late to contest the seizure. So, she had to abandon her vehicle. Wilson spent over a month without a car before purchasing a new one with money from her tax refund.

In response to lawyers for the county who defended the program as a means to combat drugs and prostitution, Judge Amul Thapar asked: "Does this sound like a legitimate way of cleaning up Wayne County? Or does it sound like a money-making scheme that preys on those least able to fight it?"

The federal 6th Circuit Court found the program to be unconstitutional. The ruling only applies to this program, but the U.S. Supreme Court has a similar case on its docket, so a broader precedent may soon be set.

The Wayne County case highlights a key problem with Michigan's civil asset forfeiture laws. State lawmakers have passed a series of reforms over the past decade. A Mackinac Center report notes that these policy changes have likely led to fewer

forfeitures and a higher likelihood that people are at least charged with a crime before losing their assets.

But current laws still have loopholes. Notably, while the state needs to secure a criminal conviction or have people sign away the rights to their property prior to forfeiture, this only applies to drug-related crimes. This should apply to all forfeitures. And allowing people to sign away their assets, especially with no clear timeframe, means they can be pressured to do so despite never being charged with a crime.

As this recent court case shows, police can seize the property but not actually pursue the forfeiture for months. The court notes, "The generally high burden of proof imposed on the government under these statutes only applies at the forfeiture hearing itself. The statutes therefore do not protect plaintiffs from the deprivation of their properties while they await that hearing."

It is typically a year before a person is actually in front of a neutral court to contest the forfeiture. Almost none of the cases make it that far. Few people want to go a year without a car or pay an attorney for just a chance at getting a vehicle back.

Lawmakers should take a cue from the court and clean up forfeiture laws statewide. ■

*The original version of this story was posted online on September 11, 2023 and is available at [MichCapCon.com/31253](https://michcapcon.com/31253).*



## There are no free school lunches

*Michigan's universal free lunch program gets glowing media hype, but you're still paying for it*

BY JAMES DAVID DICKSON

“Michigan is now the seventh state in the country to completely fund school lunch when school starts in just a couple of weeks,” read an Aug. 14 tweet from WXYZ-TV, a Detroit news station. “It’s having a huge impact on families.”

The story wasn’t much better. It carried the headline “How Michigan students are getting free breakfast and lunch this year.”

The story and the tweet are centered around two common inaccuracies, which we’ll see plenty of as Michigan readies for the 2023-24 school year:

1. There is no such thing as a free lunch. Somebody pays for every single one — in this case, the Michigan taxpayer.
2. A program that hasn’t started yet can’t have had “a huge impact on families.”

The tweet got the funding situation right. These are taxpayer-funded lunches. They are not “free,” any more than rides on the QLine in Detroit are free. We the people pay for every single “free” meal.

The confusion is not without harm. If you think the welfare state is out of control now, wait until entire generations of Michigan school children have benefited from it, all while reading mainstream news stories touting “free” lunch. You hear people tell a lie often enough and you’ll believe it’s true. Doubly so when those people are your teachers, your parents and news outlets.

It’s natural, and even adorable, for children to have a childish understanding of how the food arrived on their plates. It’s wrong for the adults they trust to tell them lies. “Free school lunch” is a lie every time you hear it.

As for the second claim, it’s possible the program will have a “huge impact on families.” It just hasn’t had that impact yet, as most Michigan school districts have yet to start the school year.

For WXYZ to assign credit before a program even begins is misleading. It assumes facts not in evidence. It accounts for no trade-offs, such as the growth of the welfare state, the lack of universal need, and the apparent belief that “free lunch” grows on trees.

WXYZ reporter Kiara Hay interviews the chairman of the K12 Appropriations Subcommittee, along with a school principal and a math coach. Not surprisingly, they all agree that the lunch program is a great idea.

No hugely impacted families are quoted, nor does any source for the story suggest that anybody will have to pay for these 1.4 million daily meals.

And just like that, another false narrative — the lunches that aren’t free and don’t yet exist are having a huge impact — arrives on your television screen and in your social media feed. ■

*The original version of this story was posted online on August 15, 2023 and is available at [MichCapCon.com/31202](https://michcapcon.com/31202).*



*Photo by Shutterstock*

## A new school year offers Michigan parents a new chance to engage

*Here's how to follow the goings-on in your school and school district*

BY JAMIE A. HOPE

Recently we received an email from a reader asking us what that person can do to ensure government is serving citizens in its proper capacity.

There are proactive measures public school parents can take to ensure students are being properly educated. Parents and schools must be partners in guiding a child’s education. This can prevent bad blood if there are disagreements over a child’s education.

Most parents get to know their children’s teachers and other staff at school. Parents should also get to know the district’s school board members. School boards develop the district’s annual budget, set school policies and oversee the superintendent.

Respectfully engage board members if you have questions regarding their decisions. You can do this through a phone call, email, or a school board meeting.

If an issue arises, address it with facts, not accusations. It is easy to become emotionally charged when it comes to our children, but level heads tend to prevail. Good rapport between parents and school officials helps alleviate acrimony when an issue does arise.

Attend school board meetings, even if a hot topic is not on the agenda. Stay informed on all of the issues. There may be a concern you were not aware of because it was not detailed on the agenda, but it may be discussed at a meeting anyway.

Parents began showing up to school board meetings in greater numbers during the COVID-19 pandemic. They learned that schools were requiring students to wear masks for more than eight hours per day and to socially distance from their friends. Once the parents were engaged, they became aware of other issues, including what a majority of Americans consider irrelevant

or inappropriate curricula.

CapCon reported on a similar situation at Grand Ledge Public Schools in 2021. Parents showed up to voice their opposition to masking and addressed concerns that critical race theory was being taught. The meetings were acrimonious and a school board president accused the parents of a mini-January 6 insurrection. A school board member came forward to say this did not happen and video from the meeting absolved the parents.

Because of the accusation, however, Grand Ledge parents were cited in an infamous letter from the National School Board Association asking federal law enforcement agencies to investigate parents who attend the meetings. The letter has since been removed, but ill will between parents and the school district persists. Had the president of the school board stuck with facts, there would have been a better outcome.

If you cannot attend a meeting due to work or other reasons, often people will record the meetings and post them to social media. Inquire if that is something available in your district.

If there are concerns that are not being addressed, or parents think they are not getting enough information, use the Freedom of Information Act. If there is a legitimate concern and submitting a FOIA request is too costly or you need assistance, you can ask CapCon for help. If we believe an issue needs to be investigated, we will submit a FOIA request to the school to retrieve the necessary information.

You can also submit FOIA requests for curricula. If you are concerned about what your student is learning, the FOIA can help clarify what is being taught. ■

*The original version of this story was posted online on September 2, 2023 and is available at [MichCapCon.com/31237](https://michcapcon.com/31237).*

# Clean energy isn't clean

## Wind turbines and solar panels don't grow on trees

BY JOSHUA ANTONINI

Wind and solar energy do not generate much electricity, but they have a great power to cloud people's minds. It is now fairly well known that wind and solar can pose serious threats to the nation's wildlife — from endangered right whales to tens of thousands of bird deaths each year from solar. But optimistic green energy advocates still don't realize the many environmental impacts associated with manufacturing, maintaining, and disposing of solar panels and wind turbines.

It takes a great deal of material to produce solar panels and wind turbines. Wind and solar energy technologies collect diffuse and intermittent gusts of wind and rays of sunlight to generate electricity, which means they have a very low energy density in comparison to other generation technologies, like fossil fuels or nuclear.

Because of the diffuse nature of their fuel sources, renewables consume orders of magnitude more materials for the same electricity output, thereby causing greater environmental burdens than do more dense energy sources.

A single 100-megawatt natural gas-fired turbine about as large as a residential house will power 75,000 homes. Replacing that energy output with wind requires 20 wind turbines that occupy around 10 square miles of land, and it also needs "enormous quantities of conventional materials, including concrete, steel, and fiberglass, along with less common materials, including 'rare earth' elements such as dysprosium," Mark Mills, senior fellow at the Manhattan Institute, wrote in a 2020 report.

Increased demands for materials leads to the first major impact: Wind and solar require massive increases in mining.

"Global mining today already accounts for about 40 percent of worldwide industrial energy use" Mills wrote. But "renewable plans proposed or underway will require from 400 percent to 8,000 percent more mining for dozens of minerals, from copper and nickel, to aluminum, graphite, and lithium." The energy system "is dominated by hydrocarbons, and will be for decades," Mills told the House Energy and Commerce Committee in April.

After the materials are mined, the wind turbines and solar panels must be manufactured. Construction materials—steel, glass and concrete—are produced in energy and emissions-intensive industries (cement/concrete and steel production account for 7% each of global CO2 emissions). The industry relies on iron smelting, cement kilns, petrochemical feedstocks and fuels for plastics and fiberglass. Fossil fuels are also needed to power ships, trucks and construction equipment, as well as providing lubricants for gearboxes on turbines.

In 2021, wind and solar combined to produce less than 5% of total U.S. primary energy. But President Biden has targeted "achieving a carbon pollution-free power sector by 2035 and net zero emissions economy by no later than 2050."

"If wind turbines were to supply half the world's electricity," explains Mills, "nearly 2 billion tons of coal [around one quarter of all global coal use] would have to be consumed to produce the concrete and steel, along with 1.5 billion barrels of oil to make the composite blades."

Economic and environmental damages aren't the only problems with wind and solar power. There's a third problem of moral cleanliness. Around half of the world's polysilicon, a key ingredient in solar cells, is made in Xinjiang, China, where Uyghur Muslims are enslaved to produce it.

The majority of the world's cobalt (over 70% in 2021) is mined in the Democratic Republic of Congo. Cobalt is essential to manufacture the batteries that will be needed to provide backup for wind and solar and to power electric vehicles.

"As of 2022, there is no such thing as a clean supply chain of cobalt from the Congo. All cobalt sourced from the DRC is tainted by various degrees of abuse, including slavery, child labor, forced labor, debt bondage, human trafficking, hazardous and toxic working conditions, pathetic wages, injury and death, and incalculable environmental harm," Siddharth Kara wrote in his shocking exposé *Cobalt Red*.

I don't know about you, but I prefer my energy, metals and minerals to be produced by well-paid roughnecks and miners under strict labor and environmental regulations

rather than extracted under compulsion by poverty-stricken Congolese children or enslaved Uyghurs.

Finally, wind turbines and solar panels don't last forever. Solar and wind energy sources are said to last an average of 25 years (though in practice, wind is often "repowered" after a median of only 10 years). As a result, the process of extraction and production is renewed in half the time, as the old panels and turbines must be disposed of.

"Clean" energy waste is nothing to scoff at, either. Many of the materials used to manufacture solar panels can be toxic, and if disposed of improperly, they can leach into drinking water.

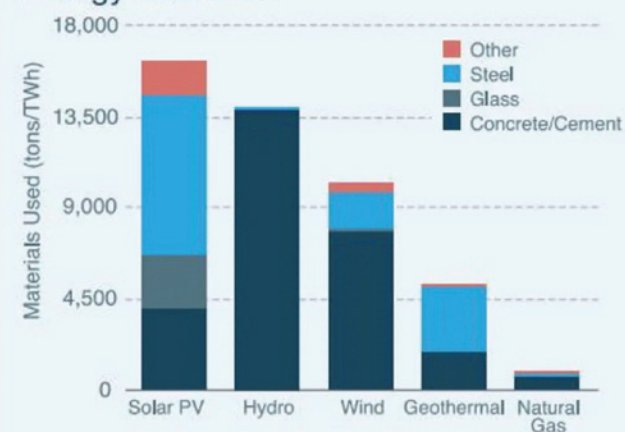
Similarly, wind power will create "over 3 million tons per year of unrecyclable plastics from worn-out wind turbine blades," according to Mills. "When the 20 wind turbines that constitute just one small 100-MW wind farm wear out, decommissioning and trashing them will lead to fourfold more nonrecyclable plastic trash than all the world's (recyclable) plastic straws combined. There are 1,000 times more wind turbines than that in the world today."

Both wind turbines and solar panels are coated with PFAS sealants. PFAS-covered waste in landfills has a record of leaching into groundwater. The Biden administration's Environmental Protection Agency has proposed a pollution limit of these "forever chemicals" of four parts per trillion. That limit is almost certainly far too stringent to be reasonable, but if the administration is serious, it will need to hold wind and solar to a special, more lenient standard than other forms of electricity generation.

So is using wind and solar any better than burning fossil fuels? This is a false dichotomy. Wind and solar energy infrastructure would not exist without the fossil fuels needed to manufacture it. And the intermittency of wind and solar means "that some of the renewable advantage of 'clean energy' is offset by extra gas burned inefficiently as backup," wrote Meredith Angwin in her book "Shorting the Grid."

FIGURE 1.

### Materials Requirements to Build Different Energy Machines



Source: U.S. Department of Energy (DOE), "Quadrennial Technology Review: An Assessment of Energy Technologies and Research Opportunities," September 2015, p. 390  
Chart: Manhattan Institute

"Do not be fooled by the idea that a high renewable percentage is the most virtuous form of grid," Angwin wrote.

This is especially the case if the grid isn't stable. If green virtue is obtained only by ceasing the use of fossil fuels, renewables are entirely virtue-free.

Wind and solar simply shift fossil fuel usage from the electric generation portion of the life cycle toward the more inefficient backup role and increased use manufacture and disposal.

Recent data reported by nonprofit Environmental Progress show that because China powers its solar industry with coal, it's quite likely that solar ends up more carbon-intensive than carbon-capture-aided natural gas.

Ostensibly clean wind and solar are "critically dependent on specific fossil energies," according to scientist and policy analyst Vaclav Smil. "We have no nonfossil substitutes that would be readily available on the requisite large commercial scales."

While nuclear offers a form of genuinely clean, scalable electricity generation, it's nigh-impossible to build in the U.S.

In the end, wind and solar aren't "clean" by environmentalists' own standards. If environmentalists were to scrutinize wind and solar as much as fossil and nuclear power, they might find the benefits of the energy transition outweighed by its costs. ■

The original version of this story was posted online on August 22, 2023 and is available at [MichCapCon.com/31200](https://michcapcon.com/31200).



Photo by Shutterstock

# The house always wins: Michigan's coming housing crisis will be man-made

*Help today for Michigan's renters will bring headaches tomorrow*

BY JAMES DAVID DICKSON

In Decatur, Georgia, a landlord named Tim Arko tried in February to evict squatters from his property. The squatters called 911, and the police arrested Arko.

Six months later, Arko is still waiting for the legal eviction process to play out. That's six months that Arko has not had access to his rental property. He's unlikely to recover funds from the squatters, and he's still unable to rent the property, to say nothing of recovering any damages the squatters inflict.

Such is life in a tenant-friendly state.

Property rights — the ability to choose who lives in your property and then to evict those people if need be — are under attack in America.

In Michigan, it manifested in COVID-era changes designed to avoid evictions during a global pandemic. Three years later, efforts are afoot to crystallize those changes into law by way of the “renters bill of rights,” a package of about 30 bills moving through the Legislature.

As my colleague Jamie Hope reported:

House Bill 4062 would forbid landlords from considering a prospective renter's source of income, such as public subsidies, in deciding whether to extend a lease. House Bill 4063 would embed that restriction in Michigan civil rights law. Senate bills 408 and 409 would make it harder for landlords to recoup money owed by renters who do not pay.

Another measure, House Bill 4878 would make it illegal in most circumstances to consider a person's criminal record when renting property. (There are some exceptions, such as for sex offenders.)

House Bill 4891 would require landlords who reject a prospective tenant's rental application to refund the application fee.

That last one actually makes sense. Renters looking for housing tend to need the money.

A \$75 fee means a lot more to someone looking for housing than it does a landlord. Nobody needs to turn a profit running background checks.

Another bill, which bans landlords from using credit scores “as a determining factor,” makes less sense. It represents an extreme state intervention in the commercial housing market. An overreach such as this makes owning rental properties less attractive. The very suggestion in the bill is a turn-off to would-be buyers of rental properties.

If you are a renter in Michigan who sees hope in the efforts to push Michigan from a tenant-friendly to a tenant-favoring state in landlord-tenant disputes, a word of caution. Getting what you want today could limit your access to a new apartment tomorrow. Costs are already on the rise, without the bill of rights.

Let's game this out. Let's say the entire 30-bill “renters bill of rights” gets enacted into law, and tenant advocates get everything they're pushing for.

An equal and opposite reaction from landlords will come: build more hoops and more costs for tenants, and more certainty for themselves. If renting property to people is a risky endeavor, costs will shift to tenants.

A plan meant to make life better for renters will instead make it harder and more expensive to be one. Lawmakers talk as if their plans are solutions. But there are no solutions, only trade-offs. Too little thought is given to those trade-offs.

If Michigan becomes a tenant-favoring state, renting a new apartment won't be easy. Landlords who can't choose renters through credit scores or payment history might require character references, large upfront payments and blood oaths.

If tenants are trained to overstate their rights, landlords will rent to only the right tenants.

The house always wins. ■

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## Despite talk of transparency, in 2023 Lansing is opaque as ever

*Word and deed are in conflict in the state capital*

BY JAMIE A. HOPE

Michigan Democrats declared last November that they would provide transparency in state government. Elected Democrats stood shoulder-to-shoulder on Mackinac Island in June and declared new transparency laws were coming to Lansing. “Our government must be transparent and accountable to the people,” states the Michigan Democratic Party on its website.

But no laws have been enacted to put sunshine on the governor and Legislature since the legislative term began nine months ago. And two politicians this week showed why Michigan government lacks accountability to residents, no matter which party is in power.

Rep. Angela Witwer, D-Delta Township, faces questions about whether she fully severed ties to the lobbying firm she founded. One of its clients is the Michigan

Department of Education, as reported by Craig Mauger at The Detroit News. Witwer is also the chair of the House Appropriations Committee, which approves the department’s funding.

Witwer did not respond to a request for comment.

Sen. Kristen McDonald Rivet, D-Bay City, introduced Senate Bill 466, which seems only to benefit a single cigar bar in her district, by allowing it an exemption to the state’s ban on smoking in businesses. It is unclear how it will benefit Michiganders at large.

The language of the bill does not provide the name of the cigar business that would gain a reprieve.

“The cigar bar is located in a city with a population of more than 32,000 and less than 34,000 that is located in a county with a population of more than 100,000 and less

than 105,000,” the bill states. Bay City is the only location that fits the parameters of this bill, according to the most recent federal census records.

Tim Socier, owner of Timothy’s Fine Cigars in Bay City, however, believes the bill was introduced to allow Stables Martini Bar, a now-shuttered business, to redeem its cigar exemption, which it lost after reportedly failing to file annual paperwork for up to three years. Stables Martini Bar was part of the Lumber Barons and Stables restaurant and bar.

Lumber Barons closed and has since been purchased by Golden Glow Ballroom, according to the Huron Daily Tribune. Socier says McDonald Rivet’s attempt to give out an exemption is not fair to owners who follow the law.

McDonald Rivet did not respond to a CapCon request for comment. ■



*Photo from Michigan Legislature*

*The original version of this story was posted online on September 9, 2023 and is available at [MichCapCon.com/31254](https://michcapcon.com/31254).*

## Michigan senator says Democrats copied and pasted his veterans legislation

*Four versions of the same bill sit in committee*



*Photo from Michigan Legislature*

BY JAMIE A. HOPE

Sen. Jon Bumstead, R-North Muskegon, took two Democratic colleagues to task last month for introducing what he calls copies of legislation he introduced in March, which he said was years in the making.

“Over the last three years, I have worked closely with Michigan veteran organizations, local governments, and the Department of Treasury, hosting numerous work group meetings to get this legislation right,” Bumstead said in a July statement.

Bumstead said Democratic colleagues spurned his offer to co-sponsor the legislation.

Instead, Sens. Kevin Hertel, D-St. Clair Shores, and Sam Singh, D-East Lansing, introduced Senate bills 454 and 455, exact copies of Bumstead’s Senate bills 95 and 96. All four bills sit in the Senate Committee on Finance, Insurance and Customer Protection.

“I am disappointed that instead of them working across the aisle with me that they have hijacked this legislation as their own

in an attempt to take credit on an issue that should be solely focused on assisting our state’s veterans,” Bumstead wrote.

Hertel downplayed Bumstead’s claim.

“This legislation is a priority for veterans in our state and local communities, and as a member of both policy and appropriations committees working on veterans’ affairs, I felt it was important to follow their lead on legislation,” Hertel told Michigan Capitol Confidential. “Michigan’s veterans don’t care who gets credit for the bill and neither do I. Whoever’s version makes it to the governor’s desk, I will be celebrating the win for our state, and I look forward to working with Sen. Bumstead and my Senate colleagues toward the passage of this policy.”

Singh did not respond to requests for comment.

Bumstead said in an email to CapCon that

he has worked with veterans groups on the legislation for years.

“In the conversations that I have had with the veteran groups across Michigan, they had not heard from either Senator regarding this legislation,” Bumstead said. “I am ready and willing to work with Sen. Hertel and Sen. Singh on this important legislation to help our veterans and local governments.”

Bumstead’s legislation would amend the property tax exemption process for veterans with a 100% disability. Veterans file a request for an exemption with local municipalities, and the bill ensures local governments’ finances are held harmless.

Hertel’s and Singh’s legislation does the same thing. ■

*The original version of this story was posted online on August 13, 2023 and is available at [MichCapCon.com/31171](https://michcapcon.com/31171).*