

Public-Private Power Grab: The Risks in Privatizing State Economic Development Agencies

by

Philip Mattera, Leigh McIlvaine,
Thomas Cafcas, and Caitlin Lacy

Good Jobs First

1616 P Street NW Suite 210
Washington, DC 20036
202-232-1616
www.goodjobsfirst.org

January 2011

Executive Summary

Transferring state business recruitment functions from government agencies to private entities is not the panacea that its proponents suggest. In fact, the track record of those few states that have taken the step is filled with examples of misuse of taxpayer funds, political interference, questionable subsidy awards, and conflicts of interest. Rather than making economic development activities more effective, privatization often is little more than a power grab by governors and powerful business interests.

Public interest in economic development privatization has surged recently because it is being promoted by newly elected governors in states such as Wisconsin, Ohio, Iowa and Arizona. They are pressing for state commerce or development agencies to be replaced by public-private partnerships (PPPs) that supposedly bring private-sector expertise to state efforts to attract new business investment and thereby create new employment opportunities for residents.

A Good Jobs First review of prior experiments with economic development PPPs finds the following:

- The idea is far from new but it is not a common or standard practice. Economic development PPPs date back more than 20 years, but only seven states currently allow private entities to control their business recruitment functions: Florida, Indiana, Michigan, Rhode Island, Utah, Virginia and Wyoming.
- Several other states previously employed PPPs but abandoned them because of performance problems. One of those states was Wisconsin, where the concept is now being presented as something new. From 1984 to 2007, a private entity called Forward Wisconsin handled recruitment for the state, though not on an exclusive basis.
- Most of the seven states that currently make use of economic development PPPs have experienced a variety of performance problems. These include the following:
 - Misuse of taxpayer funds (Rhode Island, Florida and Wyoming)
 - Excessive executive bonuses (Virginia, Florida, Michigan and Wyoming)
 - Questionable subsidy awards by the subset of PPPs that have a role in that process (Michigan and Rhode Island)

- Conflicts of interest in subsidy awards (Florida, Utah and Texas, which makes limited use of PPPs)
- Questionable claims by the PPP about its effectiveness (Wyoming, Florida, Utah and Indiana)
- Resistance to accountability (Florida and Michigan)

Based on these experiences, we conclude that the creation of economic development PPPs is not a wise course of action and recommend states focus instead on making their existing agencies more effective and accountable.

In states where a PPP already exists or a new one is being created, we recommend that the entity adopt strong accountability principles, including:

- ◆ Maximum transparency in decision-making and finances, including adherence to state open records rules;
- ◆ For PPPs that oversee subsidy awards, maximum transparency concerning recipients of those awards and their performance;
- ◆ Strict conflict of interest rules regarding staff members and boards of directors;
- ◆ Strict rules barring favoritism and “pay to play” in connection with companies doing business with the PPP;
- ◆ Appointment of a public ombudsperson to monitor PPP activities and respond to outside complaints; and
- ◆ Respect for the rights of employees to organize a union (or to transfer a representation agreement that was in place when the entity was a government agency).

As for the governance of PPPs, we recommend that the governor not chair the entity’s board and not have absolute power to name all of the directors. We recommend that leaders of the state legislature be represented on the board and play a role in selecting directors. Board members should represent not only the private sector but also labor, the non-profit sector and other constituencies.

Finally, we recommend that PPPs be funded entirely out of public revenues with full legislative oversight. If private contributions are deemed necessary, they should be in the form of mandatory fees imposed on companies applying for and/or receiving subsidy

awards. Barring voluntary contributions will make it easier to avoid the problems of favoritism and pay to play.

Whether or not a state makes use of a PPP, it is worth keeping in mind that the activities that go by the name of economic development or business recruitment are not magic bullets for improving economic conditions or job opportunities in a state. Those conditions are determined by a host of factors, most of which cannot be altered by persuading individual companies to invest in a state. In the end, the business basics are what really matter: proximity to suppliers and strong linkages, proximity to customers, an adequate supply of skilled labor, adoption of technological innovation, and well-maintained and efficient infrastructure. Growing those assets requires strategic public investments to benefit existing employers, not privatized smokestack-chasing.

Current Economic Development Privatization Arenas

“It stands to reason that private sector business leaders would know best what it will take to attract more private sector business to our state.”¹ This statement by an official of the Ohio branch of the National Federation of Independent Businesses represents a popular notion among some new state officeholders following the November 2010 elections.

These officials are promoting plans to transfer state activities designed to attract new investment—and thus new jobs—from government agencies to private entities that are described as quasi-public or public-private partnerships (PPPs). The concept is being pushed by incoming governors in Wisconsin, Ohio and Iowa as well as Arizona Gov. Jan Brewer.

In this report we look at the origins of this form of privatization and review the experiences of those states that have already adopted the practice. We begin by looking at the state of play in the four states where economic development privatization is on the front burner.

Wisconsin

During his campaign for governor, Scott Walker made some references to overhauling the state Department of Commerce, but it was only after he was elected in November 2010 that he formally proposed replacing the agency with a PPP focused on economic development.

The plan was said to be derive from a report – *Be Bold: The Wisconsin Prosperity Strategy* – that had been issued in November by the 2010 Wisconsin Economic Summit Series, an initiative of the University of Wisconsin System, Competitive Wisconsin Inc., the Wisconsin Technology Council, the Wisconsin Way and the Wisconsin Higher Education Business Roundtable.² The report claimed to “represent the best thinking and sincere efforts of hundreds of Wisconsin’s business, academic, policy and community leaders.” The project received “financial and intellectual support” from corporate sponsors such as Alliant Energy, AT&T Wisconsin and MillerCoors and from various trade associations.³

What the report did not mention—and what Walker did not highlight—was that the idea of privatizing the Department of Commerce originated in an earlier report with a similar title. In August 2010, Competitive Wisconsin Inc. and several other groups released *Be Bold Wisconsin: The Wisconsin Competitiveness Study*.⁴ Whereas in the November *Be Bold* report junking of the Commerce Department was No. 8 in the list of recommendations, the August study put it as number one.

The August study described itself as “independent” and “non-partisan,” yet it was produced by the consulting firms Deloitte and Newmark Knight Frank. Deloitte is a major booster of public-private partnerships: it makes a lot of money providing PPP-related services both in the United States and around the world. Deloitte executives William D. Eggers and Robert N. Campbell III have been described as “two of the intellectual leaders of the public sector privatization movement.”⁵

The Deloitte/Newmark Knight Frank *Be Bold* report declared that “Wisconsin needs a change agent, a high-profile economic development champion empowered to aggressively pursue business retention, growth, and attraction.” While admitting “there are many ways to structure, govern, fund, and transition responsibilities for this new entity,” the report strongly argued in favor of a quasi-public agency, even offering a catchy name: Accelerate Wisconsin.

The entity, it was suggested, should have flexibility in hiring and firing employees and in setting compensation levels; should have a board with 60 percent of its members from the private sector; and should be funded from public funds already earmarked for the Commerce Department as well as private contributions. The report also suggested that Accelerate Wisconsin could impose private-sector assessments on economic development subsidies, the administration of which would be put in the hands of the quasi-public agency.⁶

Ohio

In August 2010 gubernatorial candidate John Kasich proposed that the state Department of Development be dismantled and replaced with a private corporation called JobsOhio. Although it would report to the governor, the entity would, Kasich’s plan said, be headed by a CEO who is “a successful, experienced business leader capable of interacting as a peer with other board members and CEOs, and running the operations of the organization” and it would be “governed by a board of directors comprised of industry experts and current or former CEOs, with a strong presence from small and entrepreneurial growth companies. Board members will engage their CEO peers to identify problems before they begin, and provide essential feedback and guidance.”⁷ Those CEO peers and their companies would be allowed to make financial contributions to JobsOhio.

The Kasich plan argued that “JobsOhio will be more accountable to taxpayers than the current Department of Development because its work will be evaluated against established metrics, and leaders, staff and programs that fail to perform can be more easily replaced or changed—something [that] cannot easily be done now.” The plan was silent, however, on whether the entity would be subject to the state’s open records rules.

Kasich proposed that JobsOhio be put in charge of negotiating tax-break subsidy deals with companies “all the way to dotting T’s and crossing I’s [sic], (but) the final decision will remain inside the governor’s office.”⁸

Iowa

In August 2010 gubernatorial candidate Terry Branstad announced a proposal to replace the state’s Department of Economic Development (IDED) with a public-private entity he called the Iowa Partnership for Economic Progress. The announcement, which came on the same day John Kasich issued his plan in Ohio, included the suggestion that the Partnership be headed by a CEO with a track record of “real world economic development success.”⁹

Alluding to the controversy at IDED over the abuse of film production tax credits, Branstad said he wanted to replace a “dysfunctional and scandal-ridden” agency with a supposedly more nimble public-private entity.¹⁰ Unlike those proposing privatization in other states, Branstad also vowed to review the state’s subsidy programs.

Although Branstad has not yet released a detailed plan, it is clear, as the *Des Moines Register* pointed out, that the Partnership “will rely more heavily on business leaders to drive the state’s development efforts.”¹¹

Arizona

In contrast to Wisconsin, Ohio and Iowa, Arizona’s proposal to replace the state development agency came from a gubernatorial candidate who was already in office. In April 2010 Gov. Jan Brewer, who replaced Janet Napolitano in 2009 when she became U.S. Secretary of Homeland Security, announced plans to scrap the state Department of Commerce and replace it with an entity, the Arizona Commerce Authority (ACA), that would be overseen by the private sector.

The plan was based on the recommendations of a report issued the previous month by the Governor’s Commerce Advisory Council, a body created by Brewer and made up mostly of prominent corporate executives in the state.¹² As envisioned by the Council, ACA would have a board chaired by the governor but otherwise populated by “CEO-level business, education and community leaders representing all areas of the state.”

ACA would receive both state funding and private contributions in the form of fees charges to companies making use of state tax credit and grant programs. Those programs would be managed and administered by ACA.¹³

Although Brewer signed an executive order creating ACA last June, she has still not received authority from the legislature for it to take over the functions of the Department of Commerce. In the interim, she gave ACA control over \$10 million in federal stimulus funds.

A Stale Concept

The economic development privatization proposals that emerged last year in Wisconsin, Ohio, Iowa and Arizona all made reference to similar “reforms” in other states such as Indiana and Michigan. Yet what the candidates often failed to mention was that those initiatives had mostly been adopted long ago. Replacing official state economic development functions with those of public-private partnerships is an old idea—one that has been around for more than 20 years.

Rather than being a revolutionary new concept that is sweeping the country, the economic development PPP is a stale notion that has been tried and abandoned in some states, while in others it has remained in place while suffering a mixed track record. In Louisiana the plan never got off the ground; voters there shot down a privatization proposal in 2000.¹⁴

Ironically, one of the places that tried and later dropped the PPP approach is the state where it is being pushed most aggressively now: Wisconsin. What has been ignored by Gov. Walker and hardly ever mentioned in the news media is that in 1984 a private corporation called Forward Wisconsin (FW) was created to help the state market itself to corporations. FW was part of the response by Gov. Anthony Earl to the decision by Kimberly-Clark to move its corporate headquarters to Texas, supposedly because of Wisconsin’s unfriendly business climate.¹⁵

FW did not replace the Department of Development, but it was supposed to take the lead in business recruitment. The organization’s early claims of success were challenged in a 1986 article in *The Business Journal-Milwaukee* which quoted various business executives as saying that FW played no role in their decision to invest in the state.¹⁶ In subsequent years the mission of FW was frequently criticized for being ill-defined.

FW also got embroiled in a few scandals, including one relating to its 2001 role in arranging for Gov. Scott McCallum and his family to have the free use of a \$20,000 boat provided by manufacturer Mercury Marine.¹⁷ McCallum paid a \$500 fine following a state Ethics Board Investigation.¹⁸ In 2007, after FW President Pepi Randolph resigned, the state Department of Commerce took over management of the organization, eliminating the president's position and the salary that went with it.¹⁹

California dismantled its Technology, Trade and Commerce Agency in 2003, leaving business recruitment to private entities such as TeamCalifornia. A February 2010 report by the Little Hoover Commission was sharply critical of the private sector's performance and argued for the creation of a Governor's Office of Economic Development.²⁰ Gov. Schwarzenegger went along with the suggestion, thereby bringing recruitment functions back into the public sector.

The Michigan Economic Development Corporation (MEDC), often cited as a model by PPP proponents, was not the state's first foray into privatized business recruitment. In 1993 Gov. John Engler arranged for the state's efforts in that area to be taken over by a PPP called Michigan First Inc. Its track record proved disappointing, and in 1995 it was combined with the Michigan International Trade Authority to form a new state entity called the Michigan Jobs Commission.²¹ Four years later, the Jobs Commission was split up, with its economic development functions given to a new PPP, the MEDC.

During the 1990s several other states opted for economic development PPPs and have retained them. The first of these was Florida, where the idea for a public-private partnership to handle economic development functions was first promoted in the early 1990s by the Florida Chamber of Commerce and was championed by Gov. Lawton Chiles, who sought to reduce the size of state government.²²

Local government officials expressed concern that the plan would work to their disadvantage, but in 1992 the state legislature went ahead with the creation of what became known as Enterprise Florida (EF). Initially, the entity was supposed to strengthen and coordinate economic development of the state rather than completely take over that responsibility. But there was confusion on what its mission exactly was. A 1992 article in *Florida Trend* quoted Allen Lastinger Jr., president of Barnett Banks and co-chair (along with the governor) of EF, as saying: "It's premature to speculate on what [EF] is going to look like." A former legislative staffer who had drafted the bill creating EF told the magazine: "Have you figured out yet what Enterprise Florida is? I haven't."²³

The Rhode Island Economic Development Corporation was created in 1995 at the urging of incoming Gov. Lincoln Almond to replace the state's Department of Economic Development and its Port Authority. The entity, which was supposed to treat companies as customers, was modeled on the Michigan Jobs Commission.²⁴

In 1996 the Virginia General Assembly passed legislation transferring business recruitment functions from the Department of Economic Development to a private entity called the Virginia Economic Development Partnership that had been created the year before.²⁵

In 1998 Wyoming handed over its economic development functions to the quasi-public Wyoming Business Council. The state legislature took the step on the recommendation of a study partially funded by the Heritage Society, the state's premier business and industry group.²⁶

After Michigan created MEDC in 1999 it was several years before another of today's surviving PPPs came into existence. The Indiana Economic Development Corporation, cited as a model by Wisconsin Gov. Walker and other PPP proponents, is usually associated with Indiana Gov. Mitch Daniels, who took office in 2005. Yet the transfer of the state's economic development functions to the IEDC had been approved by the state legislature in 2003.²⁷ The switch was not scheduled to occur until July 1, 2005, but soon after taking office Daniels successfully pressed legislators to accelerate the process. He also persuaded them to make the governor rather than the lieutenant governor the chair of the IEDC and to reduce the size of the board, whose members would all be named by the governor.²⁸

During the same time in Utah, newly elected governor Jon Huntsman Jr. was also promoting the PPP concept for his state's business recruitment function. Huntsman had not pushed the privatization idea during his campaign, but it became the centerpiece of his strategy after he chose as his chief economic adviser Chris Roybal, who had been serving as chief executive of the private non-profit Economic Development Corporation of Utah (EDCU).²⁹ In 2005 EDCU was awarded the contract to take over the state's business recruitment effort.

There was little subsequent action on the economic development privatization front until the wave of proposals of 2010. In addition to those, a variation on the economic privatization theme occurred in New Jersey that year. Gov. Chris Christie handed over the state's business recruitment efforts to the newly founded Choose New Jersey, a private entity funded by major corporations. Choose New Jersey was not given any public funds to support its efforts nor was it given any control over subsidy awards.

The fact that Choose New Jersey is not using taxpayer money eliminates some accountability issues but it potentially raises others. The watchdog group New Jersey Policy Perspective has expressed concern that the companies funding the marketing efforts may expect to receive something in return—such as business tax cuts—from the state.³⁰

A Mixed Record

Not counting states that have turned over limited economic development functions to private entities—such as TexasOne—there are now seven states whose business recruitment is under the control of PPPs or similar entities. In order of seniority, they are:

- Enterprise Florida (1992)
- Rhode Island Economic Development Corporation (1995)
- Virginia Economic Development Partnership (1995)
- Michigan Economic Development Corporation (1999)
- Wyoming Business Council (1999)
- Indiana Economic Development Corporation (2005)
- Economic Development Corporation of Utah (2005)

The fact that these states have stuck with their PPPs does not mean that they have been free of performance problems, controversies or scandals. In the following sections we look at some of the blemishes on the track records of these privatized economic development agencies.

Mishandling of Funds

One of the arguments for PPPs is that they function more like businesses and thus supposedly have stricter financial controls than government agencies. That assertion has not always turned out to be valid.

In 1999 Rhode Island Economic Development Corporation director John Swen resigned following reports of inappropriate use of state credits cards by agency employees.³¹

That same year, a report by the state inspector general found what one newspaper called “a pervasive breakdown in Enterprise Florida’s accounting practices.” For example, the entity’s

president, John C. Anderson, was found to have been improperly reimbursed for his wife's travel expenses and to have received \$171,250 in bonuses over three years (on top of a \$200,000 salary) without a formal review or evaluation of his performance.³²

A 2001 report by the state comptroller accused Enterprise Florida of improperly using taxpayer funds to pay for lobbying activities and private club memberships. In a cover message Comptroller Bob Milligan wrote: "Accountability at Enterprise Florida must be immediately and substantially improved."³³

The Wyoming Business Council became embroiled in financial controversies shortly after it was created. In 2000 the organization was criticized for allowing spouses of Council employees to use a state airplane and for providing unauthorized bonuses to the pilots of those planes. That plus other performance problems prompted a state legislative committee to cancel out the Council's entire budget. The funding was restored after the Council's chief executive, John Reardon, resigned.³⁴

Excessive Executive Bonuses

It is a given that the chief executive of an economic development PPP receives a large salary, often well above that of the governor. Privatization proponents argue that the hefty paychecks are necessary to lure top talent from the ranks of the private sector. Today, PPP chief executives have salaries of \$250,000 or more.³⁵

The problem is that those PPP heads start to think like corporate chief executives and expect to receive lucrative bonuses on top of their salaries. The businesspeople who populate the boards of the PPPs are usually happy to oblige.

For example, in 1998 Virginia Economic Development Partnership executive director Wayne Sterling was awarded a 20 percent bonus, worth \$36,400, on top of his salary of \$182,000. This put his total pay at nearly twice the salary of the state's Secretary of Labor and Commerce.³⁶

The 1999 report by the Florida inspector general cited above also criticized Enterprise Florida for giving \$171,250 in bonuses over three years (on top of a \$200,000 salary) to its president without a formal review or evaluation of his performance. And the 2001 report by the Florida state comptroller accused EF of improperly using taxpayer funds to pay executive bonuses.

When the Michigan Economic Development Corporation was created in 1999 through a reorganization of the Michigan Jobs Commission, the head of the jobs commission, Doug Rothwell, was tapped by Gov. John Engler to head the new entity. *Crain's Detroit Business* wrote at the time: "Widespread speculation surfaced last week in Lansing that the new structure is, in part, a way to retain Rothwell and pay him more than the \$108,000 he makes now as an unclassified state employee."³⁷ Rothwell denied there was a connection, but he apparently had no objection when the MEDC board later raised his base salary to \$189,600 – well above that of the governor – and then gave him a \$49,000 bonus.³⁸ Today the head of MEDC receives a salary of \$250,000.³⁹

One of the factors leading to the resignation of Wyoming Business Council chief executive in 2000 was criticism of the \$30,000 bonus he was receiving in addition to his \$135,000 salary.⁴⁰

In 2009 Enterprise Florida head John Adams received a bonus of \$90,000 on top of a base salary of \$199,521.⁴¹

Questionable Subsidy Awards

Some of the state PPPs administer not only the marketing facets of business recruitment, but also the lucrative subsidies that states offer companies in economic development deals. The theory is that the privatized entities have a better sense of what kind of financial incentives companies want and will be more diligent in choosing worthy recipients. Among the states where the PPP has a role in approving or at least negotiating subsidy awards are Michigan, Rhode Island and Virginia.

The theory about PPP superiority in administering subsidy programs was blown to bits in Michigan last year. The Michigan Economic Development Corporation was at the center of two big scandals about tax credit awards.

First, it came to light that a company that had been approved by MEDC for \$9 million in subsidies for a project in Flint was headed by convicted embezzler Richard A. Short. A former Genesee County prosecutor told the *Flint Journal* that Short, who was still on parole, had "an extensive criminal history...a history of scams. To give money to a project like that...shows gross negligence [by] the people who did the homework on this."⁴² Amid the uproar over the case, MEDC head Greg Main offered his resignation, but Gov. Jennifer Granholm declined to accept it.⁴³ The legislature, nonetheless, held hearings on the matter.

Later in the year, the Mackinac Center, a long-time critic of MEDC from a free-market perspective, challenged claims by the developers of a new film studio slated to receive millions in subsidies that they had made a \$45 million investment in the project.⁴⁴ An investigation of the matter by the state attorney general led to the filing of criminal charges.⁴⁵

Also in 2010, the subsidy approval practices of the Rhode Island Economic Development Corporation became a major issue in the gubernatorial race when candidates Lincoln Chafee and Frank Caprio both lambasted the entity's decision to provide a \$75 million loan guarantee to a company controlled by retired Boston Red Sox pitcher Curt Schilling for what they described as a risky video game venture.⁴⁶

Conflicts of Interest in Subsidy Awards

Allowing private parties to play a role in making subsidy awards also creates the risk that they will favor their own companies or industries. There is also the danger that PPPs will show favoritism toward those companies that have made contributions to the quasi-public entity—or even that a “pay to play” situation will arise in which companies that make contributions will be favored for awards or given the largest subsidies.

A 6,000-word investigation published in the *St. Petersburg Times* in August 2006 reached such conclusions about Enterprise Florida. The paper found a pattern of conflicts of interest among EF board members, whose companies in many cases made contributions to EF and then received substantial state subsidies from programs promoted by EF. In at least one major case, BellSouth, the company was reported to have received help from EF staffers in preparing its application for such subsidies. The investigation, titled “Deal Me In,” also raised questions about other transactions between EF and businesses represented on its board.⁴⁷

In a follow-up editorial, the *Times* wrote that EF “has shown itself to be a public-private venture only in the sense that the public pays and the private receives. Despite critical audits, legislative questions and gubernatorial promises of reform, the group has proved to be virtually immune to the normal checks and balances.”⁴⁸

A check of current EF board members finds that several are affiliated with companies that have received state subsidies. For example, Embraer Aircraft Holding Inc., whose president Gary Spulak is an EF director, received \$5.5 million from the Quick Action Closing Fund in 2008 and a \$1.1 million Qualified Target Industry Tax Refund the following year.⁴⁹

After Utah Gov. Huntsman got the legislature to approve his plan to privatize the state's business recruitment activities and a solicitation was published, it turned out that the only bidder for the contract was the Economic Development Corporation of Utah (EDCU), a private entity that had been headed by his chief economic adviser Chris Roybal, who appeared to have convinced Huntsman to push for the privatization.⁵⁰ Despite the obvious ethical issues, Huntsman did not hesitate to accept EDCU's bid.

Texas offers another egregious illustration of these problems. Although the state has not privatized its entire business recruitment function, Texas does use a PPP to administer its Emerging Technology Fund, which has disbursed more than \$300 million in subsidies and equity investments to projects involving corporations and universities. In October 2010 the *Dallas Morning News* reported that more than \$16 million from the fund had been awarded to companies with investors or officers who were large campaign donors to Gov. Rick Perry.⁵¹

The controversy was heightened when it came to light that one of the companies, Convergen Lifesciences, had gotten its award, worth \$4.5 million, even though it had failed to gain the endorsement of a regional board that screens applications to the fund.⁵² The head of the company, David Nance, had previously served on the fund's advisory committee, and his daughter's public relations firm had received a contract to promote the fund.⁵³

Questionable Claims

In addition to these financial oversight and ethical issues, some of the state PPPs have also been criticized for exaggerating their role in business recruitment successes or for overestimating the job-creation results of their efforts.

As noted above, Forward Wisconsin—the earliest PPP we could find—was accused of such exaggerations in its early years.

In 2000 the methods used by the Wyoming Business Council for calculating economic gains for the state were challenged by members of the state legislature. The agency's claims about the number of companies it served were dismissed as “too anecdotal and not...analytical” by state Senator Cale Case. State research analysts and statisticians made the case that the Council was using the wrong methods to measure job growth.⁵⁴

In 2001 the Florida Office of Program Policy Analysis and Government Accountability issued a report that criticized Enterprise Florida for exaggerating its role in creating new jobs, especially in urban distressed areas.⁵⁵ The report also noted that although EF claimed to have collected \$65 million in private sector funds during the previous fiscal year, only \$1.8

million of that sum went toward EF's operating costs (the rest consisted mainly of matching funds paid by employers participating in the Quick Response Training Incentive Program). EF was thus found to be raising only 14 percent of its operating funds from private sector contributions.

A 2005 legislative audit expressed concerns that the state's contract with the Economic Development Corporation of Utah failed to provide for evaluation of outcomes such as the number of companies relocating to Utah or the number of jobs created, but rather focused on the organization's activities alone as measures of success.⁵⁶

In 2010 the job-creation numbers claimed by the Indiana Economic Development Corporation were put into question after a television reporter found that many of the positions did not exist.⁵⁷ A former budget official in Indiana told a reporter that "most of the numbers [IEDC] gave us were either not true or could not be substantiated," adding that he considered IEDC "a political organization that really only served to make it seem like the governor was doing something about the economy."⁵⁸

Inconsistent Practices Regarding Subsidy Transparency

The seven PPP states have a wide range of practices when it comes to disclosing the names of companies receiving subsidy awards and related information. Based on an assessment of state online transparency policies published by Good Jobs First in December 2010, they fall into three categories⁵⁹:

- Two of the states—Indiana and Michigan—have good disclosure systems that are handled by the PPPs—the Indiana Economic Development Corporation and the Michigan Economic Development Corporation. Michigan ranked seventh and Indiana eighth in our study.
- Four of the states—Florida, Rhode Island, Utah and Virginia—have mediocre disclosure systems that are administered by state agencies rather than the PPPs. We did not explore the issue, but having a duplicative outside structure may be impairing the ability of the state agencies to receive and disclose data.
- One of the states—Wyoming—is among the 13 states that have no online recipient disclosure for their major subsidy programs.

Resistance to Accountability

PPP executives often seem to resent the fact that their organizations are still, to some extent, public entities and are thus accountable to elected representatives and the public.

In 2002 John C. Anderson, president of Enterprise Florida, complained to the state legislature about the amount of scrutiny—including a series of critical audits—his organization’s activities were receiving. “We are spending an inordinate amount of time on administrative issues and responding to these things,” he grouched.⁶⁰ A few weeks later Anderson resigned.

In the wake of a series of scandals in 2010 about the Michigan Economic Development Corporation’s handling of tax credit awards, the entity’s executive committee issued an open letter of complaint to the media and the legislature. Rather than addressing MEDC’s shortcomings, the letter made the dubious claim that the controversy might prompt companies to shun the state. “Political in-fighting is a clear warning to business that a state lacks a cohesive climate for economic development,” the letter stated, “and a clear signal to invest elsewhere.”⁶¹

The criticism, however, did not cease. An August 2010 report commissioned by six economic development organizations in the western part of the state found that MEDC was too susceptible to political pressures.⁶² This was followed by a report from the Michigan Economic Developers Association which concluded that “MEDC no longer enjoys the pre-eminence in state government that it has enjoyed in the past” and had become “an entity comprised of program administrators rather than job creators and marketers on behalf of the state.”⁶³

Conclusion and Policy Recommendations

In this report we have frequently used the term “privatization” to refer to the transfer of economic development functions from state agencies to public-private partnerships. The creation of these PPPs is, in reality, somewhat different from what is typically meant by privatization: the contracting out of public services to for-profit companies or the sell-off of public assets to private investors.

Proponents of economic development PPPs, unlike advocates of other forms of privatization, never seem to argue that the practice will save money for the state, nor is the transfer of business recruitment functions out of the public sector explicitly designed to provide business opportunities for private-sector service providers.

Economic development PPPs, instead, are varieties of non-profit organizations and quasi-public entities that inhabit a gray area between the public and private sectors. Their proponents see this as a virtue, arguing that these entities need to be free from bureaucratic strictures while serving the public interest.

Yet this “liberated” status also creates risks, which became realities in numerous cases discussed above. These PPPs can end up lacking both the taxpayer accountability that is necessary in public agencies *and* the adherence to strict financial controls that is supposed to characterize well-functioning private-sector enterprises. The fact that PPPs typically intermingle public funds and private contributions makes the problem even more pronounced.

A case can be made that economic development PPPs are not examples of privatization at all. Given the control that governors have assumed over many of these entities, they can be seen instead as power grabs by state chief executives over the economic development process. From this perspective, the point of the PPP is not a matter of being “nimble,” as proponents like to say, but instead to reduce or eliminate input and oversight from the legislative branch to which traditional state agencies are subject. They also sidestep the integrity safeguards that come from having staffers protected by civil service regulations.

The extreme case of this is seen in Texas, where the PPP controlled by Gov. Rick Perry to run the Texas Emerging Technology Fund has rewarded many of his major campaign contributors. As well, according to a series of journalistic investigations, Perry has also used TexasOne, a nonprofit business recruitment initiative that solicits funds from wealthy businesspeople, as a sort of slush fund to benefit his political ambitions and to cement his relations with the state’s corporate elite.⁶⁴

Based on this analysis, we offer the following policy recommendations:

- *Fix state economic development agencies, don’t privatize them*

State economic development agencies vary greatly in their effectiveness and accountability. The creation of a PPP does not speak to typical agency deficiencies. Having a close sense of the state's economy and strengthening the assets that really matter are not inherently private-sector skills. In fact, the highest-impact strategies – such as “growing your own” by building linkages, improving critical labor force skills, assisting small businesses, and encouraging

technological adaptation and innovation – need sub-state public regional structures, not less accountable centralized systems.

- *If a PPP already exists—or a new one is created—make sure that adequate safeguards are put in place*

The fact that a PPP is not part of the regular structure of state government does not mean that it cannot adhere to principles of accountability. If the entity is set up as a private corporation, such principles can be written into its charter or adopted later by its board.

Among the most important principles are:

- ♦ Maximum transparency in decision-making and finances, including adherence to state open records rules;
- ♦ For PPPs that oversee subsidy awards, maximum transparency concerning recipients of those awards and their performance;
- ♦ Strict conflict of interest rules regarding staff members and boards of directors;
- ♦ Strict rules barring favoritism and “pay to play” in connection with companies doing business with the PPP;
- ♦ Appointment of a public ombudsperson to monitor PPP activities and respond to outside complaints; and
- ♦ Respect for the rights of employees to organize a union (or to transfer a representation agreement that was in place when the entity was a government agency).

There are two other issues that require a bit more elaboration. The first is the governance of the PPP. Given both the potential risks and the actual problems seen in some states, we recommend that the governor not chair the PPP’s board and not have absolute power to name all of its directors. We recommend that leaders of the state legislature be represented on the board and play a role in selecting some directors. Board members should represent not only the private-sector but also labor, the non-profit sector and other constituencies.

The second issue has to do with the funding of the PPP. The current practice of intermingling public money and private contributions is a recipe for ethical problems. Ideally, the PPP would be funded entirely out of public revenues with full legislative oversight. If private contributions are deemed necessary, they should be in the form of mandatory fees imposed on companies applying for and/or receiving subsidy awards. Barring voluntary contributions will make it easier to avoid the problems of favoritism and pay to play.

Whether or not a state makes use of a PPP, it is worth keeping in mind that the activities that go by the name of economic development or business recruitment are not magic bullets for improving economic conditions or job opportunities in a state. What really matters are business basics and how public investments build them: proximity to suppliers and strong linkages, proximity to customers, an adequate supply of skilled labor, adoption of technological innovation, and well-maintained and efficient infrastructure. Growing those assets requires strategic public investments to benefit existing employers, not privatized smokestack-chasing.

Endnotes

¹ Quoted in Laura A. Bischoff, “Kasich Would Privatize Jobs Program,” *Dayton Daily News*, August 18, 2010 (via Nexis).

² *Be Bold: The Wisconsin Prosperity Strategy*, 2010 Economic Summit Series, November 2010; online at http://www.wiroundtable.org/summit/Resources/BE_BOLD_FINAL_Dec1_2010.pdf

³ *Ibid.*, pp. 18 and 19.

⁴ *Be Bold Wisconsin: The Wisconsin Competitiveness Study*, July 2010; online at http://www.weda.org/media/cushycms/BeBoldWisconsin_12_793714231.pdf

⁵ <http://www.inthepublicinterest.org/organization/deloitte>

⁶ *Be Bold Wisconsin*, op. cit. pp.34-36.

⁷ http://www.kasichforohio.com/site/c.hpIJKWOCJqG/b.6186591/k.9589/JobsOhio_Plan.htm

⁸ Joe Hallett and Mark Niquette, “A Privatization Proposal,” *Columbus Dispatch*, August 18, 2010 (via Nexis).

⁹ Quoted in Dave DeWitte and Rod Boshart, “Partnership Key to Branstad Jobs Plan,” *The Gazette* (Cedar Rapids, Iowa), August 18, 2010 (via Nexis).

¹⁰ Quoted in Jason Clayworth and Donnelle Eller, “Oversight Woes Hound Private Job Agencies,” *Des Moines Register*, August 22, 2010 (via Nexis).

¹¹ Donnelle Eller, “Lawmakers’ Challenge: Balancing Jobs, Taxes,” *Des Moines Register*, January 2, 2011 (via Nexis).

¹² http://azgovernor.gov/documents/ACA/PR_GovernorsCommerceAdvisoryCouncilReport.pdf

¹³ *Ibid.*, pp.4-5.

¹⁴ Jack Wardlaw and Ed Anderson, “Foster’s Tax Revision Fails,” *New Orleans Times-Picayune*, November 8, 2000 (via Nexis.)

¹⁵ Paul Johnson, "Forward Wisconsin President Leaving," *Wisconsin State Journal*, September 27, 1995 (via Nexis).

¹⁶ John Fauber and Scott Gillespie, "Forward Wisconsin's Success Claims Disputed," *The Business Journal-Milwaukee*, July 21, 1986 (via Nexis).

¹⁷ David Callender, "McCallum Blasted Over Use of Boat," *Capital Times*, October 2, 2002 (via Nexis).

¹⁸ Dee J. Hall, "McCallum Pays \$13,500 to Settle," *Wisconsin State Journal*, April 24, 2003 (via Nexis).

¹⁹ Kathleen Gallagher, "State Will Take Charge of Forward Wisconsin," *Milwaukee Journal Sentinel*, September 5, 2007 (via Nexis).

²⁰ Little Hoover Commission, *Making Up for Lost Ground: Creating a Governor's Office of Economic Development*, February 2010; online at <http://www.lhc.ca.gov/studies/200/report200.pdf>

²¹ Amy Lane, "Michigan First, MITA Join Under Jobs Commission," *Crain's Detroit Business*, August 7, 1995 (via Nexis).

²² Adam Yeomans, "Seeking Better Way to Lure Business; Plan Calls for A Public-Private Partnership to Boost Florida," *Orlando Sentinel*, December 29, 1991 (via Nexis).

²³ Phillip Longman, "Enterprise Florida: Tower of 'Babble,'" *Florida Trend*, November 1992 (via Nexis).

²⁴ William J. Donovan, "More Businesslike at the New R.I. Economic Development Corporation," *Providence Journal-Bulletin*, August 20, 1995 (via Nexis).

²⁵ Ann Baldwin, "Legislation Changes the Way Economic Development is Done," *Hampton Road Business Contact*, June 1996 (via Nexis).

²⁶ Dennis E. Curran, "Wyo. Plan Privatizes Economic Development," *Northern Colorado Business Report*, January 1998 and Jessica Lowell, "Business Council Open for Business," *Wyoming Tribune-Eagle*, July 1, 1998 (both via Nexis).

²⁷ Peter Schnitzler, "Commerce to Become New IEDC by 2005," *Indianapolis Business Journal*, May 12, 2003 (via Nexis).

²⁸ Martin DeAgostino, "New Law Takes Aim at Jobs, Wages," *South Bend Tribune*, February 10, 2005 (via Nexis).

²⁹ "Governor Transition Sparks Group Firing in Utah Economic Development Ranks," *Salt Lake Tribune*, January 7, 2005 (via Nexis).

³⁰ http://www.njpp.org/mm_20101213.html

³¹ William J. Donovan, "Departure Comes at Crucial Time," *Providence Journal-Bulletin*, December 17, 1999 (via Nexis).

³² Barry Flynn, "Enterprise Florida: 'More Can Be Done,'" *Orlando Sentinel*, June 9, 1999 (via Nexis).

³³ Amy Martinez, "Audit Blasts Enterprise Florida," *Palm Beach Post*, October 11, 2001 (via Nexis).

³⁴ “Business Council Bonuses Returned as Unethical,” Associated Press, January 15, 2000 and Robert W. Black, “Business Council CEO Resigns,” Associated Press, February 10, 2000 (both via Nexis).

³⁵ For example, Rhode Island Economic Development Corporation:
http://www.projo.com/news/content/EDC_CONTRACT_12-09-09_AHGNR7V_v17.3cf67be.html

³⁶ Christine Nuckols, “Virginia Economic Development Chief Gets 20 Percent Bonus,” *Roanoke Times*, September 2, 1998 (via Nexis).

³⁷ Amy Lane, “Engler Splits Jobs Commission into 2 Entities,” *Crain’s Detroit Business*, February 1, 1999 (via Nexis).

³⁸ Amy Lane, “MEDC’s Rothwell Snags a \$49,000 Bonus for a Bountiful Year,” *Crain’s Detroit Business*, July 17, 2000 (via Nexis).

³⁹ <http://www.citizen-times.com/article/C4/20110105/BUSINESS06/301050002/Finney-approved-as-CEO-of-MEDC>

⁴⁰ “Reardon Resigns,” *Wyoming Tribune-Eagle*, February 11, 2000 and “Business Council Names CEO,” Associated Press, May 19, 2000 (via Nexis).

⁴¹ http://dynamodata.fdncenter.org/990_pdf_archive/593/593165226/593165226_200906_990.pdf

⁴² Kristin Longley, “MEGA Me\$\$,” *Flint Journal*, March 18, 2010 (via Nexis).

⁴³ Mark Hornbeck, “MEDC Head Offers to Resign,” *Detroit News*, March 25, 2010 (via Nexis).

⁴⁴ <http://www.mackinac.org/12805>

⁴⁵ Chris Knappe, “Fraud Charge Issued In Movie Studio Case,” *Grand Rapids Press*, August 3, 2010 (via Nexis).

⁴⁶ Barbara Polichetti, “Candidates Dispute Loan to Schilling,” *Providence Journal-Bulletin*, August 10, 2010 (via Nexis).

⁴⁷ Sydney P. Freedberg and Connie Humburg, “Deal Me In,” *St. Petersburg Times*, August 27, 2006 (via Nexis).

⁴⁸ “Private Favors,” *St. Petersburg Times*, September 3, 2006 (via Nexis).

⁴⁹ See <http://www.goodjobsfirst.org/subsidy-tracker/fl-embraer-aircraft-holding-inc-0> and <http://www.goodjobsfirst.org/subsidy-tracker/fl-embraer-aircraft-holding-inc>

⁵⁰ Brice Wallace, “Only One Bid Submitted on Business Recruiting,” *Deseret Morning News*, June 18, 2005 (via Nexis).

⁵¹ James Drew, Steve McGonigle and Ryan McNeil, “\$16M Given to Firms Tied to Perry Donors,” *Dallas Morning News*, October 3, 2010 (via Nexis).

⁵² Steve McGonigle, James Drew and Ryan McNeil, “Donor Skirted Decision,” *Dallas Morning News*, October 13, 2010 (via Nexis).

⁵³ James Drew, Ryan McNeil and Steve McGonigle, “Donor’s Kin Promoted Perry Fund,” *Dallas Morning News*, October 30, 2010 (via Nexis).

⁵⁴ “Legislators Question Wyoming Business Council’s Record,” Associated Press, January 18, 2000 (via Nexis).

⁵⁵ Florida Office of Program Policy Analysis and Government Accountability, *Concerns Over Enterprise Florida’s Performance, Services to Distressed Areas Point to a Need to Consider Several Alternatives for its Future Role*, Report No. 01-62, December 2001, pp.1,3; online at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0162rpt.pdf>

⁵⁶ Utah Office of Legislative Auditor General, *A Survey of Management Controls in the Governor’s Office of Economic Development*, Report No. 2005-14, December 2005, p.13; online at http://www.le.state.ut.us/audit/05_14rpt.pdf.

⁵⁷ Eric Bradner, “Jobs Figures Called Suspect,” *Evansville Courier & Press*, June 16, 2010 (via Nexis).

⁵⁸ Clay Barbour and Mary Spicuzza, “Walker Shakes Up Commerce,” *Wisconsin State Journal*, December 29, 2010 (via Nexis).

⁵⁹ Good Jobs First, *Show Us the Subsidies: An Evaluation of State Government Online Disclosure of Economic Development Subsidies*, December 2010; online at <http://www.goodjobsfirst.org/showusthesubsidies>

⁶⁰ Bill Cotterell, “Enterprise Florida Responds to Critics,” *Tallahassee Democrat*, January 9, 2002 (via Nexis).

⁶¹ Quoted in Rick Haglund, “Economic Group Defends Role,” *Grand Rapids Press*, May 26, 2010 (via Nexis).

⁶² Tamerica Management Company, *Policy Recommendations for the Improvement of Statewide Economic Development in Michigan*, revised August 2010; online at http://www.southwestmichiganfirst.com/userfiles/file/ceo_corner/08302010_MichiganEDOWhitePaperWithAppendix.pdf

⁶³ Michigan Economic Developers Association, *Economic Development Practitioners’ Perspective: An Initiative to Remake Michigan*, September 2010, pp. 12, 13; online at <http://www.medaweb.org/files/PDF%20Files/Whitepaper%20Final%20September%202017%202010.pdf>

⁶⁴ See, for example: Clay Robison and Amy Raskin, “Perry’s Perks Go to Big Spenders,” *Houston Chronicle*, November 5, 2003 and Emily Ranshaw, “Business Initiative or Slush Fund?” *Dallas Morning News*, August 13, 2007 (both via Nexis).