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Stephan W. Currie, Executive Director

May 16, 2018

Chair Laura Cox and Members of the House Appropriations Committee
124 N. Capitol Ave.
Lansing, MI 48933

Dear Chair Cox and Members of the Committee,

The Michigan Association of Counties (MAC) has worked diligently with the State Budget Office (SBO), the Michigan Indigent Defense Commission (MIDC) and the bill sponsor on policy changes to the Indigent Defense Act. The original goal was to amend the legislation to ensure the seamless application of the newly created standards at the local level, while preserving the responsibility of the State to fund the new obligations.

MAC currently has serious concerns, for several reasons.

House Bill 5985 (H-1) changes the local share calculation and puts more of the responsibility for funding indigent defense on the funding units. When the law was changed creating the MIDC, the local funding units were assured their local expenditures would not increase. In fact, their local share was clearly defined in statute.

MAC has expressed willingness, not without hesitation, to accept these changes to the local share, but only if the State establishes a secure, dedicated revenue source to cover the costs associated with the increase in standards.

As seen in the past, and as the current budget illustrates, counties do not receive all the funding from the State that they are entitled to in statute, nor do they routinely receive inflationary increases in the line items they do receive. By establishing a dedicated revenue source for these new obligations, counties could be assured the State will fund the new standards year after year without placing more of the responsibility on the local units.

While working with the bill sponsor and staff, we have been given verbal assurances that a bill to provide this dedicated revenue source is forthcoming. We appreciate this commitment, but the bill has not been introduced and is not tie-barred to this legislation.

Without a separate bill with a dedicated revenue source moving in conjunction with HB 5985, our membership views this legislation as a clawback of local dollars.

Additionally, MAC has concerns with some of the language regarding the partially indigent funds, the grant distribution process and the local calculation in future years. We cannot express support without having some of these issues addressed and will continue to work with the bill sponsors and members of this committee through the process.

MAC appreciates the diligence Rep. Rob VerHeulen (R-Kent) has shown in creating this legislation. We are committed to a continued conversation on this significant policy change for the State and local units.

Respectfully,

A handwritten signature in black ink, appearing to read 'Deena', written in a cursive style.

Deena Bosworth
Director of Governmental Affairs

DB/drm