

Act No. 65
Public Acts of 2017
Approved by the Governor
June 29, 2017
Filed with the Secretary of State
June 30, 2017
EFFECTIVE DATE: September 28, 2017

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Reps. VerHeulen and Kesto

ENROLLED HOUSE BILL No. 4613

AN ACT to create the trial court funding commission; to prescribe its powers and duties; to review and recommend changes to the trial court funding system; to review and recommend changes to the methods by which courts impose and allocate costs and fees; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the “trial court funding act”.

Sec. 2. As used in this act, “commission” means the trial court funding commission created in section 3.

Sec. 3. (1) The trial court funding commission is created within the department of treasury.

(2) The commission shall review and recommend changes to the trial court funding system in light of People v Cunningham, __ Mich __ (2014), No. 147437, rel’d June 18, 2014. The commission shall exist until it submits the final report to the governor, senate majority leader, and speaker of the house of representatives required under section 4.

(3) Subject to subsection (4), the commission shall consist of the following members appointed by the governor:

(a) Two members nominated by the State Bar of Michigan.

- (b) One member nominated by the Michigan Municipal League.
- (c) One member nominated by the Michigan Townships Association.
- (d) One member nominated by the Michigan Association of Counties.
- (e) One member nominated by the State Court Administrative Office.
- (f) Two members nominated by the governor.
- (g) Two members nominated by the speaker of the house of representatives.
- (h) Two members nominated by the senate majority leader.
- (i) One member nominated by the Michigan Judges Association.
- (j) One member nominated by the Michigan District Judges Association.

(4) Only individuals meeting the qualifications under subsection (3) who have significant experience or involvement in the courts of this state may be appointed to serve on the commission. An individual not possessing good moral character, or who has been charged with a felony or misdemeanor criminal charge involving a controlled substance, theft, dishonesty, or fraud under the laws of this state, another state, the United States, or a local ordinance substantially corresponding to the laws of this state, is not eligible to serve on the commission.

(5) The governor shall appoint the members to the commission within 90 days of the effective date of this act.

(6) Members of the commission shall serve on the commission unless or until a successor member is appointed by the governor.

(7) If a vacancy occurs on the commission, the governor shall make an appointment for the unexpired term in the same manner as the original appointment.

(8) The first meeting of the commission must be called within 30 days after the members of the commission have been appointed. The governor shall appoint 1 commission member to serve as the commission chairperson. The chairperson shall serve as the chairperson of the commission for the entirety of the commission's term unless he or she is removed or resigns. If a chairperson is removed or resigns, the governor shall appoint another commission member to serve as chairperson.

(9) Members of the commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the commission.

(10) The governor may remove a member of the commission for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

(11) A majority of the members of the commission constitute a quorum for the transaction of business at a meeting of the commission. A majority of the members present and serving are required for official action of the commission.

(12) The commission shall establish its own procedures and requirements with respect to quorum, place and conduct of its meetings, and other matters. The procedures established by the commission shall at a minimum prescribe the requirements for attendance at commission meetings by members, how meetings shall be conducted, and any policies necessary to carry out the powers and duties of the commission under this act. The procedures established by the commission under this act must be printed in an appropriate manual and made available to the governor, the senate majority leader, and the speaker of the house of representatives.

(13) The business that the commission may perform must be conducted at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(14) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 4. The commission shall do all of the following:

- (a) Review and recommend changes to the trial court funding system.
- (b) Review and recommend changes to the methods by which the courts impose and allocate fees and costs.
- (c) Suggest statutory changes necessary to effectuate recommended changes.

(d) File a final report with the governor, the senate majority leader, and the speaker of the house of representatives regarding its activities under this act. The commission shall file the report not later than 2 years after the effective date of this act. The report shall include, but not be limited to, the results of the commission's review, recommendations for changes, and recommendations for further legislative action.

Sec. 5. This act is repealed on the date the commission's final report to the governor, the senate majority leader, and the speaker of the house of representatives required under section 4 is filed or 2 years after the effective date of this act, whichever occurs first.

Enacting section 1. This act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor