

# HOUSE BILL No. 4613

May 16, 2017, Introduced by Reps. VerHeulen and Kesto and referred to the Committee on Appropriations.

A bill 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:**

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

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

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

7           (2) The commission shall review and recommend changes to the

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

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

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

9 (b) One member appointed by the Michigan Municipal League.

10 (c) One member appointed by the Michigan Townships  
11 Association.

12 (d) One member appointed by the Michigan Association of  
13 Counties.

14 (e) One member appointed by the State Court Administrative  
15 Office.

16 (f) Two members appointed by the governor.

17 (g) Two members appointed by the speaker of the house of  
18 representatives.

19 (h) Two members appointed by the senate majority leader.

20 (i) One member appointed by the Michigan Judges Association.

21 (j) One member appointed by the Michigan District Judges  
22 Association.

23 (4) Only individuals meeting the qualifications under  
24 subsection (3) who have significant experience or involvement in  
25 the courts of this state may be appointed to serve on the  
26 commission. An individual not possessing good moral character, or  
27 who has been charged with a felony or misdemeanor criminal charge

1 involving a controlled substance, theft, dishonesty, or fraud under  
2 the laws of this state, another state, the United States, or a  
3 local ordinance substantially corresponding to the laws of this  
4 state, is not eligible to serve on the commission.

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

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

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

12 (8) The first meeting of the commission must be called within  
13 30 days after the members of the commission have been appointed.  
14 The governor shall appoint 1 commission member to serve as the  
15 commission chairperson. The chairperson shall serve as the  
16 chairperson of the commission for the entirety of the commission's  
17 term unless he or she is removed or resigns. If a chairperson is  
18 removed or resigns, the governor shall appoint another commission  
19 member to serve as chairperson.

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

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

27 (11) A majority of the members of the commission constitute a

1 quorum for the transaction of business at a meeting of the  
2 commission. A majority of the members present and serving are  
3 required for official action of the commission.

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

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

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

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

22 (a) Review and recommend changes to the trial court funding  
23 system.

24 (b) Review and recommend changes to the methods by which the  
25 courts impose and allocate fees and costs.

26 (c) Suggest statutory changes necessary to effectuate  
27 recommended changes.

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

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

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