

HOUSE BILL No. 6078

April 27, 2010, Introduced by Reps. Spade, LeBlanc, Polidori, Gonzales, Moss, DeShazor, Slavens, Walsh, Agema, Booher, Bledsoe, Geiss, Green, Ball, Durhal, Mayes, Hildenbrand and Roy Schmidt and referred to the Committee on Judiciary.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
by amending section 371 (MCL 18.1371), as amended by 2007 PA 2.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 371. (1) An employee of a state agency shall not make or
2 authorize an expenditure or incur an obligation that results in the
3 agency exceeding the gross appropriation level of an appropriation
4 line item made to that agency by the legislature. The chief
5 executive officer and the chief financial officer of a state agency
6 are responsible for any action taken by a state agency that results
7 in exceeding an appropriation. The chief executive officer of a
8 state agency shall report a violation of this subsection

1 immediately to the director and the chairpersons of the senate and
2 house appropriations committees, together with a statement of any
3 action taken to remedy the occurrence.

4 (2) Within 15 days after a bill appropriating an amount is
5 enacted into law, the amount appropriated shall be divided into
6 allotments by department and by state agency based on periodic
7 requirements to represent a spending plan. The state budget
8 director shall review the allotments. Not later than June 1 of each
9 year, the director shall submit to the chairpersons of the
10 appropriations committees and the fiscal agencies a report that
11 provides estimates as to which departments are spending at a rate
12 that would exceed the level of the appropriation for the fiscal
13 year. This report shall include recommendations as to actions that
14 need to be taken to ensure that actual expenditures do not exceed
15 the appropriation at the close of the fiscal year. When it appears
16 that a spending plan, or sources of financing related to a spending
17 plan, do not provide the level of program service assumed in the
18 appropriation for the fiscal year, the state budget director shall
19 immediately notify the chairpersons and minority chairpersons of
20 the appropriations committees, the chairpersons and minority
21 chairpersons of the appropriate appropriations subcommittees, and
22 the fiscal agencies.

23 (3) AN OFFICER OR EMPLOYEE OF A STATE AGENCY WHO MAKES OR
24 AUTHORIZES AN EXPENDITURE OR INCURS AN OBLIGATION KNOWING THAT THE
25 EXPENDITURE OR OBLIGATION WILL RESULT IN THE STATE AGENCY EXCEEDING
26 THE GROSS APPROPRIATION LEVEL OF AN APPROPRIATION LINE ITEM MADE TO
27 THE STATE AGENCY BY THE LEGISLATURE IS GUILTY OF A MISDEMEANOR

- 1 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 30 DAYS OR A FINE OF
- 2 NOT MORE THAN \$500.00, OR BOTH.