

HOUSE BILL NO. 4082

February 02, 2021, Introduced by Reps. Frederick, Albert, VanWoerkom, Beson, Hall, Huizenga and O'Malley and referred to the Committee on Appropriations.

A bill to amend 1921 PA 2, entitled

"An act to promote the efficiency of the government of the state, to create a state administrative board, to define the powers and duties thereof, to provide for the transfer to said board of powers and duties now vested by law in other boards, commissions, departments and officers of the state, and for the abolishing of certain of the boards, commissions, departments and offices, whose powers and duties are hereby transferred,"

by amending section 3 (MCL 17.3), as amended by 2019 PA 161.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The state administrative board shall exercise

1 general supervisory control over the functions and activities of
2 all administrative departments, boards, commissioners, and officers
3 of ~~the~~ **this** state, and of all state institutions.

4 (2) Except as provided in subsection (5), the state
5 administrative board shall not ~~have power to transfer any an~~
6 appropriation to the general fund ~~at any time or use the same an~~
7 **appropriation** for ~~any a~~ purpose other than that designated by the
8 legislature.

9 (3) The state administrative board shall not ~~have power to~~
10 allow to ~~any a~~ state department, board, commission, officer, or
11 institution any ~~funds, money that is~~ not appropriated ~~therefor for~~
12 **the department, board, commission, officer, or institution** by the
13 legislature, from any source. ~~whatever, except as provided in the~~
14 ~~emergency appropriation act of 1931.~~

15 (4) Except as provided in subsection (5), the state
16 administrative board shall not ~~have the power to transfer to any a~~
17 state department, board, commission, officer, or institution ~~any~~
18 ~~sum money~~ from the amount appropriated by the legislature for any
19 other purpose.

20 (5) The state administrative board may inter-transfer ~~funds~~
21 **money** within the appropriation for a ~~particular~~ department, board,
22 commission, officer, or institution. ~~If if~~ the inter-transfer of
23 funds could otherwise be accomplished through the transfer process
24 under ~~section 393 of the management and budget act, 1984 PA 431,~~
25 ~~MCL 18.1393, the state administrative board may carry out the~~
26 ~~inter-transfer only if both of the following requirements have been~~
27 ~~met:~~

28 ~~(a) The state budget director has first requested the approval~~
29 ~~of or given notice to, as applicable, the senate and house of~~

1 ~~representatives appropriations committees regarding the inter-~~
 2 ~~transfer of funds under section 393 of the management and budget~~
 3 ~~act, 1984 PA 431, MCL 18.1393.~~

4 ~~(b) The request to inter-transfer funds made under subdivision~~
 5 ~~(a) has not been approved by both appropriations committees by~~
 6 ~~whichever of the following dates is the earliest:~~

7 ~~(i) Six session days after the request was made.~~

8 ~~(ii) Thirty calendar days after the first session day after the~~
 9 ~~request was made.~~ **will not increase or decrease an item of**
 10 **appropriation by more than 3% or \$125,000.00, whichever is greater,**
 11 **and will not increase or decrease an item of appropriation by more**
 12 **than \$200,000.00 in the aggregate. However, an inter-transfer of**
 13 **appropriations for a department or institution in excess of the**
 14 **restrictions in this subsection may be made by the state**
 15 **administrative board after approval by the house of representatives**
 16 **and senate appropriations committees.**

17 (6) The state administrative board may in its discretion
 18 ~~intervene~~ **do any of the following:**

19 **(a) Intervene** in any matter ~~touching~~ **related to the board's**
 20 **functions and activities under this section.** ~~and may, by~~

21 **(b) By** resolution or order, advise or direct the department,
 22 board, commission, officer, or institution concerned as to the
 23 manner in which the function or other activity ~~shall~~ **must** be
 24 performed. ~~, and may order~~

25 **(c) Order** an interchange or transfer of employees between
 26 departments, boards, commissions, and state institutions ~~when~~ **if**
 27 necessary. ~~It is hereby made the duty of each and every~~

28 **(7) An** official ~~and or~~ employee connected with ~~any~~ **an**
 29 administrative department, office, or institution of ~~the~~ **this** state

1 ~~to shall~~ follow ~~the a~~ direction or order ~~so given;~~ **of the state**
2 **administrative board under subsection (6)** and ~~to perform such any~~
3 services ~~in the~~ carrying out ~~of the~~ purposes and intent of this act
4 as ~~may be~~ required by the board. Failure ~~so to do~~ shall be deemed
5 ~~to constitute~~ **to comply with this subsection is** malfeasance in
6 office and ~~shall be~~ **is** sufficient cause for removal.

7 ~~(7) As used in this section, "session day" means a day on~~
8 ~~which both the senate and the house of representatives convene in~~
9 ~~session.~~