

# HOUSE BILL NO. 5613

December 07, 2021, Introduced by Rep. Mueller and referred to the Committee on Government Operations.

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 state, and of all state institutions.

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

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

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

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

25 (a) The state budget director has first requested the approval  
26 of or given notice to, as applicable, the senate and house of  
27 representatives appropriations committees regarding the inter-  
28 transfer of funds under section 393 of the management and budget  
29 act, 1984 PA 431, MCL 18.1393.

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

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

5 (ii) Thirty calendar days after the first session day after the  
6 request was made.

7 **(6) The state administrative board may not transfer any funds**  
8 **that are appropriated to or deposited in the strategic outreach and**  
9 **attraction reserve fund created in section 4 of the Michigan trust**  
10 **fund act, 2000 PA 489, MCL 12.254.**

11 **(7) ~~(6)~~**—The state administrative board may in its discretion  
12 intervene in any matter touching the functions and activities under  
13 this section and may, by resolution or order, advise or direct the  
14 department, board, commission, officer, or institution concerned as  
15 to the manner in which the function or other activity shall be  
16 performed, and may order an interchange or transfer of employees  
17 between departments, boards, commissions, and state institutions  
18 when necessary. It is hereby made the duty of each and every  
19 official and employee connected with any administrative department,  
20 office, or institution of the state to follow the direction or  
21 order so given; and to perform such services in the carrying out of  
22 the purposes and intent of this act as may be required by the  
23 board. Failure so to do shall be deemed to constitute malfeasance  
24 in office and shall be sufficient cause for removal.

25 **(8) ~~(7)~~**—As used in this section, "session day" means a day on  
26 which both the senate and the house of representatives convene in  
27 session.

28 Enacting section 1. This amendatory act does not take effect  
29 unless Senate Bill No. 769 or House Bill No. 5602 of the 101st

**1** Legislature is enacted into law.