

HOUSE BILL NO. 4877

June 28, 2023, Introduced by Reps. Martin, Kunse, Neyer and Bierlein 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 2021 PA 143.

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 state department, board, commission, officer, or institution** by
 13 the legislature, from any source. ~~whatever, except as provided in~~
 14 ~~the 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 an~~ amount appropriated by the legislature for
 19 ~~any other another~~ purpose.

20 (5) Subject to ~~subsection~~ **subsections (6) and (7)**, the state
 21 administrative board may inter-transfer ~~funds money~~ within the
 22 appropriation for a particular department, board, commission,
 23 officer, or institution. If the inter-transfer of ~~funds money~~ could
 24 otherwise be accomplished through the transfer process under
 25 section 393 of the management and budget act, 1984 PA 431, MCL
 26 18.1393, the state administrative board may carry out the inter-
 27 transfer only if both of the following requirements have been met:

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

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

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

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

9 (ii) Thirty calendar days after the first session day after the
10 request was made.

11 (6) The state administrative board may not transfer or inter-
12 transfer ~~any funds that are~~**money that is** appropriated to or
13 deposited in the strategic outreach and attraction reserve fund
14 created in section 4 of the Michigan trust fund act, 2000 PA 489,
15 MCL 12.254, or that ~~are~~**is** appropriated or transferred for the
16 critical industry program created in section 88s of the Michigan
17 strategic fund act, 1984 PA 270, MCL 125.2088s, or the Michigan
18 strategic site readiness program created in section 88t of the
19 Michigan strategic fund act, 1984 PA 270, MCL 125.2088t.

20 (7) **An inter-transfer of appropriations for a particular**
21 **department or institution under subsection (5) must not be made if**
22 **the inter-transfer will increase or decrease an item of**
23 **appropriation by more than 3% or \$125,000.00, whichever is greater.**
24 **However, an item of appropriation must not be increased or**
25 **decreased by more than \$200,000.00 in the aggregate. An inter-**
26 **transfer of appropriations for a particular department or**
27 **institution in excess of the restrictions in this subsection may be**
28 **made by the state administrative board only after approval by the**
29 **senate and house of representatives appropriations committees.**

1 (8) ~~(7)~~The state administrative board may in its discretion
2 ~~intervene~~**do any of the following:**

3 **(a) Intervene** in any matter ~~touching~~**related to the state**
4 **administrative board's** functions and activities under this section.
5 ~~and may, by~~

6 **(b) By** resolution or order, advise or direct the department,
7 board, commission, officer, or institution concerned as to the
8 manner in which ~~the~~**a** function or other activity ~~shall~~**must** be
9 performed. ~~, and may order~~

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

13 **(9) An** official ~~and~~**or** employee connected with ~~any~~**an**
14 administrative department, office, or institution of ~~the~~**this** state
15 ~~to~~**shall** follow ~~the~~**a** direction or order ~~so~~ given ~~, and to~~**by the**
16 **state administrative board under subsection (8). In carrying out**
17 **the purposes and intent of this act, the official or employee shall**
18 ~~perform such~~**any** services ~~in the carrying out of the purposes and~~
19 ~~intent of this act as may be required by the board. Failure so to~~
20 ~~do shall be deemed to constitute~~**to comply with this subsection is**
21 malfeasance in office and ~~shall be~~**is** sufficient cause for removal.

22 **(10) ~~(8)~~**As used in this section, "session day" means a day on
23 which both the senate and the house of representatives convene in
24 session.