

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.