

HOUSE BILL NO. 5105

October 05, 2023, Introduced by Reps. Hoskins and Tyrone Carter and referred to the Committee on Economic Development and Small Business.

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

29 (a) The state budget director has first requested ~~the~~ approval

1 ~~of~~ ~~from~~ or ~~given notice to,~~ **notified**, as applicable, the senate and
 2 house of representatives appropriations committees regarding the
 3 ~~inter-transfer~~ **intertransfer** of funds under section 393 of the
 4 management and budget act, 1984 PA 431, MCL 18.1393.

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

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

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

12 (6) The state administrative board may not transfer or ~~inter-~~
 13 ~~transfer~~ **intertransfer** any funds that are appropriated to or
 14 deposited in the ~~strategic outreach and attraction reserve~~ **make it**
 15 **in Michigan** fund created in section 4 of the Michigan trust fund
 16 act, 2000 PA 489, MCL 12.254, or that are appropriated or
 17 transferred for the critical industry program created in section
 18 88s of the Michigan strategic fund act, 1984 PA 270, MCL 125.2088s,
 19 ~~or~~ the Michigan strategic site readiness program created in section
 20 88t of the Michigan strategic fund act, 1984 PA 270, MCL 125.2088t,
 21 **or the Michigan 360 program created in section 88u of the Michigan**
 22 **strategic fund act, 1984 PA 270, MCL 125.2088u.**

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

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

28 (b) **By** resolution or order, advise or direct the department,
 29 board, commission, officer, or institution concerned as to the

1 manner in which ~~the a~~ function or other activity ~~shall~~**must** be
 2 performed. ~~, and may order~~

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

6 **(8) An** official ~~and or~~ employee connected with ~~any an~~
 7 administrative department, office, or institution of ~~the this~~ state
 8 ~~to shall~~ follow ~~the a~~ direction or order ~~so given , and to by the~~
 9 **state administrative board under subsection (7). In carrying out**
 10 **the purposes and intent of this act, the official or employee shall**
 11 perform ~~such any~~ services in the carrying out of the purposes and
 12 intent of this act as may be required by the board. Failure ~~so to~~
 13 ~~do shall be deemed to constitute~~ **to comply with this subsection is**
 14 malfeasance in office and ~~shall be is~~ sufficient cause for removal.

15 **(9)** ~~(8)~~ As used in this section, "session day" means a day on
 16 which both the senate and the house of representatives convene in
 17 session.

18 Enacting section 1. This amendatory act does not take effect
 19 unless all of the following bills of the 102nd Legislature are
 20 enacted into law:

21 (a) Senate Bill No. ____ or House Bill No. 5104 (request no.
 22 04109'23 *).

23 (b) Senate Bill No. ____ or House Bill No. 5106 (request no.
 24 04389'23 *).