

SENATE BILL NO. 521

September 26, 2023, Introduced by Senators ALBERT, HOITENGA, BELLINO, LINDSEY and THEIS and referred to the Committee on Economic and Community Development.

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

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

1 act, 1984 PA 431, MCL 18.1393.

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

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

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

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

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

1 in office and shall be sufficient cause for removal.

2 (7) ~~(8)~~—As used in this section, "session day" means a day on
3 which both the senate and the house of representatives convene in
4 session.

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

8 (a) Senate Bill No. 520.

9

10 (b) Senate Bill No. 522.