

LINE ITEM AND BOILERPLATE SUMMARY

INSURANCE AND FINANCIAL SERVICES

Fiscal Year 2020-21
Public Act 166 of 2020
House Bill 5396 as Enacted



Marcus Coffin, Fiscal Analyst

November 2020

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GOVERNING COMMITTEE**

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November 2020

TO: Members of the Michigan House of Representatives

The House Fiscal Agency has prepared a **Line Item Summary** for each of the FY 2020-21 appropriation acts. Each **Summary** contains line-by-line appropriation and revenue source detail, and a brief explanation of each boilerplate section in the appropriation bill.

In this report, line item vetoes are presented in the following manner: appropriation amounts shown in ~~strikeout~~ are those that appear in the enrolled bill; amounts shown directly below strikeout amounts reflect the effect of the veto.

Line Item Summaries are available on the HFA website (www.house.mi.gov/hfa), or from Kathryn Bateson, Administrative Assistant (373-8080 or kbateson@house.mi.gov).

A handwritten signature in black ink that reads "Mary Ann Cleary".

Mary Ann Cleary, Director

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GLOSSARY

STATE BUDGET TERMS

Line Item

Specific funding amount in an appropriation bill which establishes spending authorization for a particular program or function.

Boilerplate

Specific language sections in an appropriation bill which direct, limit, or restrict line-item expenditures, express legislative intent, and/or require reports.

Lapse

Appropriated amounts that are unspent or unobligated at the end of a fiscal year; appropriations are automatically terminated at the end of a fiscal year unless otherwise provided by law.

Work Project

Account authorized through statutory process which allows appropriated spending authorization from one fiscal year to be utilized for expenditures in a succeeding fiscal year or years for a specific project or purpose.

APPROPRIATIONS AND FUND SOURCES

Appropriations

Authority to expend funds for a particular purpose. An appropriation is not a mandate to spend.

Gross: Total of all applicable appropriations in an appropriation bill.

Adjusted Gross: Net amount of gross appropriations after subtracting interdepartmental grants (IDGs) and intradepartmental transfers (IDTs).

Interdepartmental Grant (IDG) Revenue

Funds received by one state department from another state department—usually for service(s) provided.

Intradepartmental Transfer (IDT) Revenue

Funds transferred from one appropriation unit to another within the same departmental budget.

Federal Revenue

Federal grant or match revenue; generally dedicated to specific programs or purposes.

Local Revenue

Revenue received from local units of government for state services.

Private Revenue

Revenue from non-government entities: rents, royalties or interest payments, payments from hospitals or individuals, or gifts and bequests.

State Restricted Revenue

State revenue restricted by the State Constitution, state statute, or outside restriction that is available only for specified purposes; includes most fee revenue; at year-end, unused restricted revenue generally remains in the restricted fund.

General Fund/General Purpose (GF/GP) Revenue

Unrestricted general fund revenue available to fund basic state programs and other purposes determined by the Legislature; unused GF/GP revenue lapses to the General Fund at the end of a fiscal year.

MAJOR STATE FUNDS

General Fund

The state's primary operating fund; receives state revenue not dedicated to another state fund.

School Aid Fund (SAF)

A restricted fund that serves as the primary state funding source for K-12 schools and Intermediate School Districts. Constitutionally, SAF revenue may also be used for postsecondary education.

Budget Stabilization Fund

The Countercyclical Economic and Budget Stabilization Fund (also known as the "rainy day fund"); the Management and Budget Act provides guidelines for making deposits into and withdrawals from the fund.

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

The Department of Insurance and Financial Services (DIFS) is responsible for regulating and promoting the insurance and financial services industries operating in this state. The department also provides consumer protection by managing consumer information and inquiries and investigating consumer complaints. DIFS implements, administers, and enforces state statutes pertaining to state-chartered banks and credit unions; mortgage brokers, lenders, and servicers; consumer finance entities; insurance companies, agents, and products; and health maintenance organizations.

Full-time equated unclassified positions	6.0	Full-time equated (FTE) positions not in the state classified service.
Full-time equated classified positions	372.5	Full-time equated (FTE) positions in the state classified service. <i>Note: based on 2,088 hours for 1.0 FTE position.</i>
GROSS APPROPRIATION	\$73,315,700	Total of all applicable line item appropriations.
Total interdepartmental grant/intradepartmental transfer revenue	728,600	Revenue received from other departments or transferred within the department.
ADJUSTED GROSS APPROPRIATION	\$72,587,100	Gross appropriation less (or minus) interdepartmental grant (IDG) or intradepartmental transfer (IDT) revenue.
Total federal revenue	1,017,100	Revenue received from federal departments and agencies.
Total local revenue	0	Revenue received from local units of government.
Total private revenue	0	Revenue received from private individuals and entities.
Total state restricted revenue	71,570,000	State revenue dedicated to a specific fund (other than the General Fund) or restricted for a specific purpose.
STATE GENERAL FUND/ GENERAL PURPOSE	\$0	Unrestricted state revenue from taxes and other sources.

SECTION 102: DEPARTMENTAL ADMINISTRATION AND SUPPORT

This appropriation unit provides funding for unclassified positions, executive direction, administrative hearings, financial and administrative services, policy research and development, property management, and workers' compensation.

Full-time equated unclassified positions	6.0	Full-time equated (FTE) positions not in the state classified service.
Full-time equated classified positions	23.5	Full-time equated (FTE) positions in the state classified service.
Unclassified salaries – 6.0 FTE positions	\$820,600	Salaries for unclassified positions, including the DIFS director, chief of staff, and chief advisor to the director and legislative director. Funding Source(s): Restricted 820,600 <i>Related Boilerplate Section(s): None</i>
Administrative hearings	182,500	Supports costs for administrative hearings conducted by the Michigan Office of Administrative Hearings and Rules (MOAHR) pertaining to relevant rules and statutes. Funding Source(s): Restricted 182,500 <i>Related Boilerplate Section(s): None</i>
Department services – 20.0 FTE positions	3,892,400	Supports staff and operations of the DIFS director, deputy directors, human resources manager, director of receivership, and the Office of Financial and Administrative Services, which manages budget development, purchasing, contracts and grants, fiscal oversight, business applications support, and other administrative functions. Funding Source(s): Restricted 3,892,400 <i>Related Boilerplate Section(s): 204, 205, 207, 208, 211, 212, 213, 215, 216, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307</i>
Executive director programs – 3.5 FTE positions	986,900	Supports staff and operations of DIFS' deputy directors and the department's external affairs efforts. Funding Source(s): Restricted 986,900 <i>Related Boilerplate Section(s): None</i>
Property management	1,284,900	Supports lease obligations for state-owned facilities managed by the Department of Technology, Management, and Budget (DTMB), and privately owned facilities occupied by DIFS. Funding Source(s): Restricted 1,284,900 <i>Related Boilerplate Section(s): None</i>
Worker's compensation	800	Supports worker's compensation insurance estimated claims and reserve requirements, administered by DTMB. Funding Source(s): Restricted 800 <i>Related Boilerplate Section(s): None</i>
GROSS APPROPRIATION	\$7,168,100	Total of all applicable line item appropriations.
Bank fees	534,500	Supervisory, examination, and other fees collected from state-chartered banks, savings banks, trust-only banks, and business and industrial development companies (BIDCOs).

Captive insurance regulatory and supervision fund	3,000	Statutory filing and examination fees collected from captive insurance companies.
Consumer finance fees	211,400	Licensure, examination, and investigation fees and fines collected from individuals and entities (e.g., lenders, creditors, and servicers) licensed in the consumer finance industry.
Credit union fees	893,700	Fees and fines collected from state-chartered credit unions.
Deferred presentment service transaction fees	281,500	Licensure fees and fines collected from individuals and entities providing deferred presentment service transactions and from licensees' customers.
Insurance bureau fund	2,528,100	Actual costs of examinations and investigations, or a regulatory fee derived from statutory formula, and various statutory fees collected from insurance licensees.
Insurance continuing education fees	66,600	Filing and authorization fees collected from providers of insurance producer programs of study.
Insurance licensing and regulation fees	1,962,400	Filing, licensure, and examination fees and fines collected from licensed individuals and entities in the insurance industry.
MBLSLA Fund	685,600	Licensure, registration, examination, and investigation fees collected from licensed individuals and entities engaged in brokering, lending, or servicing original or secondary mortgages.
Multiple employer welfare arrangement	1,300	Filing fees and 0.25% annual assessment collected from individuals and entities establishing or maintaining a multiple employer welfare arrangement.
STATE GENERAL FUND/ GENERAL PURPOSE	\$0	Unrestricted state revenue from taxes and other sources.

SECTION 103: INSURANCE AND FINANCIAL SERVICES REGULATION

This appropriation unit supports the state's regulatory oversight of the insurance and financial services industries, including state-chartered banks and credit unions; mortgage brokers, lenders, and servicers; various consumer finance entities; insurance companies, agents, and products; and health maintenance organizations. The unit also supports DIFS' legal counsel and consumer services and protection functions.

Full-time equated classified positions	349.0	Full-time equated (FTE) positions in the state classified service.
Consumer services and protection – 85.0 FTE positions	\$11,546,800	<p>Supports consumer protection and legal representation functions, including:</p> <p><u>Fraud Investigation Unit</u>: Investigates criminal and fraudulent activity related to any matter under DIFS' authority and jurisdiction.</p> <p><u>Office of Communications</u>: Manages department communications and education/outreach efforts for health insurance, auto insurance, and financial services (focusing on financial literacy); develops department webpages.</p> <p><u>Office of Consumer Services</u>: Manages consumer information, inquiries, and complaints; investigates complaints against regulated entities and individuals; oversees the communication center, which is the initial point of contact for incoming calls and visitors.</p> <p><u>Office of General Counsel</u>: Provides legal advice and representation to DIFS regarding enforcement actions, administrative hearings, orders, rules, statutes, regulations, bulletins, and declaratory rulings; serves as FOIA coordinator; acts as liaison to the attorney general.</p> <p><u>Office of Innovation and Research</u>: Assesses, researches, and interprets innovation trends; coordinates and streamlines decision-making processes and links entities to DIFS resources capable of providing technical assistance; provides support to the DIFS legislative director through legislative tracking, research, analysis, committee testimony, and legislative outreach.</p> <p><u>Office of Research, Rules and Appeals</u>: Manages research, rules, and special projects; processes appeals under the Patient's Right to Independent Review Act, 2000 PA 251, and utilization reviews required under No-Fault reform legislation, 2019 PA 21 and 2019 PA 22.</p> <p style="text-align: right;">Funding Source(s): Restricted 11,546,800</p> <p style="text-align: center;"><i>Related Boilerplate Section(s): 220, 222, 304, 305, 306</i></p>
Financial institutions evaluation – 135.0 FTE positions	25,458,500	<p>Supports regulation and evaluation of financial institutions, including:</p> <p><u>Office of Banking</u>: Regulates, examines, and supervises state-chartered banks, savings banks, trust-only banks, trust departments, and BIDCOs.</p> <p><u>Office of Credit Unions</u>: Regulates, examines, and supervises state-chartered credit unions and processes corporate applications filed by state-chartered credit unions.</p> <p><u>Office of Consumer Finance</u>: Regulates, licenses, and examines entities and individuals doing business under various consumer finance statutes, including mortgage brokers, lenders, and servicers; mortgage loan originators; money transmitters; deferred presentment providers; direct loan companies; motor vehicle installment sellers and sales finance companies; and other consumer finance entities.</p> <p style="text-align: right;">Funding Source(s): IDG/IDT 728,600 Restricted 24,729,900</p> <p style="text-align: center;"><i>Related Boilerplate Section(s): 220, 307</i></p>

Insurance evaluation – 129.0 FTE positions	26,826,400	<p>Supports regulation and evaluation of the insurance industry, including: <u>Office of Insurance Evaluation</u>: Regulates and monitors the financial condition of risk-bearing insurance entities via processing of licensure applications, on-site financial examinations, ongoing financial monitoring, and working with insurance companies reporting negative trends to take appropriate corrective measures; responsible for licensing, monitoring, and examining captive insurers. <u>Office of Insurance Licensing and Market Conduct</u>: Licenses individual and agency insurance producers (insurance agents), solicitors, counselors, adjusters, foreign risk retention groups, premium finance companies, purchasing groups, reinsurance intermediaries, and third-party administrators; examines the market conduct of insurers and audits insurance agents and agencies. <u>Office of Insurance Rates and Forms</u>: Enforces statutes and regulations pertaining to insurance rates and forms submitted to DIFS by insurance companies and other licensed entities.</p>
		<p>Funding Source(s): Federal 1,017,100 Restricted 25,809,300</p>

Related Boilerplate Section(s): 220, 301, 304

GROSS APPROPRIATION	\$63,831,700	Total of all applicable line item appropriations.
IDG from LARA, debt management	728,600	<p><u>Source</u>: Filing, registration, investigation, and other fees from individuals and entities (e.g., broker-dealers, agents, investment advisers, adviser representatives, and long-term care facilities) regulated in the securities or long-term care industries. <u>Use</u>: DIFS' implementation and enforcement of the Debt Management Act of 1975 (fees collected under that act are credited directly to the general fund).</p>
Federal revenues	1,017,100	<p><u>Source</u>: U.S. Dept. of Health and Human Services. <u>Use</u>: Implementation of health insurance reforms pursuant to the federal Patient Protection and Affordable Care Act of 2010.</p>
Bank fees	5,940,200	Supervisory, examination, and other fees collected from state-chartered banks, savings banks, trust-only banks, and BIDCOs.
Captive insurance regulatory and supervision fund	703,300	Statutory filing and examination fees collected from captive insurance companies.
Consumer finance fees	2,920,200	Licensure, examination, and investigation fees and fines collected from individuals and entities (e.g., lenders, creditors, and servicers) licensed in the consumer finance industry.
Credit union fees	9,181,700	Fees and fines collected from state-chartered credit unions.
Deferred presentment service transaction fees	2,454,400	Licensure fees and fines collected from individuals and entities providing deferred presentment service transactions and from licensees' customers.
Insurance bureau fund	24,829,800	Actual costs of examinations and investigations, or a regulatory fee derived from statutory formula, and various statutory fees collected from insurance licensees.
Insurance continuing education fees	868,700	Filing and authorization fees collected from providers of insurance producer programs of study.
Insurance licensing and regulation fees	8,097,900	Filing, licensure, and examination fees and fines collected from licensed individuals and entities in the insurance industry.
MBLSLA Fund	6,601,400	Licensure, registration, examination, and investigation fees collected from licensed individuals and entities engaged in brokering, lending, or servicing original or secondary mortgages.

Multiple employer welfare arrangement	488,400	Filing fees and 0.25% annual assessment collected from individuals and entities establishing or maintaining a multiple employer welfare arrangement.
STATE GENERAL FUND/ GENERAL PURPOSE	\$0	Unrestricted state revenue from taxes and other sources.

BOILERPLATE SECTION INFORMATION

A specific listing of boilerplate sections deemed unenforceable was not provided. Rather, the governor's signing letter generally stated that sections violating the following provisions of the Michigan Constitution are unenforceable:

- Article 3, Section 2: Separation of Powers of Government
- Article 4, Section 22 and Article 4, Section 33: An attempt to authorize legislation other than by bill
- Article 4, Section 24: No law shall embrace more than one object, which shall be expressed in its title
- Article 4, Section 25: Amendment by reference
- Article 4, Section 53: Duties of the Auditor General
- Article 5, Section 28: Duties of the State Transportation Commission

Where a specific section was provided as an example in the signing letter, it is noted in the boilerplate section description below. This document will be updated upon the receipt of a more comprehensive list of unenforceable boilerplate sections.

GENERAL SECTIONS

Sec. 201. State Spending and Payments to Local Units of Government

Provides total state spending from state sources and payments to be made to local units of government.

Sec. 202. Applicability of Management and Budget Act

Subjects appropriations to Management and Budget Act, 1984 PA 431.

Sec. 203. Terms and Acronyms

Defines various terms and acronyms contained in the act.

Sec. 204. Internet Reporting Requirements

Requires DIFS to use internet to fulfill reporting requirements; authorizes transmission of reports via e-mail.

Sec. 205. Purchase of Foreign Goods

Prohibits purchase of foreign goods or services if competitively priced and comparable quality American goods or services are available; gives preference to goods and services from Michigan businesses and Michigan businesses owned and operated by veterans.

Sec. 206. Communication with the Legislature

Prohibits DIFS from taking disciplinary action against employees for communicating with legislators or their staff, unless the communication is prohibited by law.

Sec. 207. Out-of-State Travel

Stipulates conditions when DIFS may send employees on out-of-state travel; limits expenditure of state funds on out-of-state professional development conferences; requires detailed report on all out-of-state travel.

Sec. 208. Hiring of External Legal Counsel

Prohibits using appropriations to hire a person to provide legal services that are the responsibility of the attorney general; prohibition does not apply to legal services for bonding activities or services authorized by attorney general.

Sec. 209. General Fund Lapse Report

Requires State Budget Office to report on estimated general fund lapses by major program or program areas at close of prior fiscal year.

Sec. 210. Contingency Funding

Appropriates up to \$200,000 in federal and \$1.0 million in state restricted contingency funds; authorizes expenditure of funds after legislative transfer to specific line items.

Sec. 211. Transparency Website

Requires DIFS, in cooperation with DTMB, to maintain a searchable website accessible by public at no cost that includes information on expenditures, vendor payments, number of active employees, job specifications, and wage rates.

Sec. 212. Restricted Funds Report

Requires DIFS to work with SBO to report on estimated restricted fund revenues, expenditures, and fund balances for FYs 2019-20 and 2020-21.

BOILERPLATE SECTION INFORMATION

Sec. 213. Department Scorecard Website

Requires DIFS to maintain, on a publicly accessible website, a scorecard that identifies, tracks, and regularly updates key metrics used to monitor and improve department performance.

Sec. 214. Legacy Costs

Identifies estimated funding to be expended on legacy costs in FY 2020-21 is \$10.3 million (\$4.9 million on pension related legacy costs and \$5.4 million on health care legacy costs).

Sec. 215. Deprived and Depressed Communities

Requires DIFS director to make an effort to contract with businesses in deprived and depressed communities.

Sec. 216. FTE Vacancies and Remote Work Report

Requires DIFS to submit a quarterly report on FTE staffing and a semiannual report on remote work and associated metrics.

Sec. 217. Work Project Usage

Stipulates that appropriations are not to be expended, if possible, until all existing work project authorization for the same purpose is exhausted.

Sec. 218. State Administrative Board Transfers

Stipulates that the legislature may intertransfer funds via concurrent resolution if the State Administrative Board transfers funds.

Sec. 219. Retention of Reports

Requires DIFS to receive and retain copies of all reports funded by the department's budget, while complying with federal and state guidelines for records retention.

Sec. 220. Report on Policy Changes for Public Act Implementation

Requires DIFS to report on policy changes made to implement public acts that took effect during the prior calendar year.

Sec. 221. Increased Payment Options

Authorizes DIFS to receive payment for licenses, permits, and fees via credit card or other electronic payment means.

Sec. 222. Television and Radio Production Expenditure Report

Requires DIFS to report any expenditure of funds to a third-party vendor for television or radio productions; delineates information to be included.

Sec. 223. Insurance Bureau Fund Use

Authorizes Insurance Bureau Fund appropriations for use to support legislative participation in insurance activities coordinated by insurance and legislative associations, in accordance with Insurance Code of 1956.

INSURANCE AND FINANCIAL SERVICES REGULATION

Sec. 301. Health Insurance Rate Filings Report

Requires DIFS to submit report based on health insurer annual rate filings; delineates information to be included.

Sec. 302. Conservatorship and Insurance Liquidation Funds

Requires funds collected by DIFS in connection with a conservatorship pursuant to section 32 of 1987 PA 173 and from corporations being liquidated pursuant to 1956 PA 218 to be appropriated for expenses necessary to provide required services and not to lapse to General Fund; limits appropriations under this section and Sec. 303 to \$300,000.

Sec. 303. Fees for Customized Listings

Permits DIFS to provide customized lists of non-confidential information to interested parties and to charge reasonable fees; states that funds lapse to appropriate restricted fund accounts and limits amount appropriated under this section and Sec. 302 to \$300,000.

Sec. 304. Out-of-Network Billing Complaints Report

Requires DIFS to submit report on out-of-network billing complaints; delineates information to be included.

Sec. 305. Anti-Fraud Unit Report

Requires DIFS to provide a midyear update to the Anti-Fraud Unit report required under section 6303 of 1956 PA 218.

BOILERPLATE SECTION INFORMATION

Sec. 306. Consumer Services Complaints Report

Requires DIFS to submit report regarding amount of consumer complaints received, process for handling complaints, and complaint outcomes.

Sec. 307. Financial Institutions Marijuana Evaluation Guidance

Requires DIFS to update examination manuals and letters of guidance to reflect how institutions will be evaluated that provide financial services to businesses involved in the marijuana industry.



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AREAS OF RESPONSIBILITY

Agriculture and Rural Development.....	William E. Hamilton
Attorney General	Michael Clossen
Auditor General	Benjamin Gielczyk
Bill Analysis	Rick Yuille
	Edith Best; Jenny McInerney; Emily Smith; Sue Stutzky
Capital Outlay	Perry Zielak
Civil Rights.....	Michael Clossen
Community Colleges.....	Perry Zielak
Corrections	Robin R. Risko
Economic and Revenue Forecasting	Jim Stansell
Education (Department)	Samuel Christensen
Environment, Great Lakes, and Energy	Austin Scott
Executive Office	Benjamin Gielczyk
Fiscal Oversight, Audit, and Litigation	Mary Ann Cleary
Health and Human Services:	
Child Welfare, Child Support, Community Services	Viola Bay Wild
Medicaid, Physical and Behavioral Health	Kevin Koorstra
Public Assistance, Field Operations, Medicaid-backup	Kent Dell
Public Health and Aging.....	Susan Frey
Higher Education.....	Perry Zielak
Insurance and Financial Services	Marcus Coffin
Judiciary.....	Robin R. Risko
Labor and Economic Opportunity	Benjamin Gielczyk
Legislature	Benjamin Gielczyk
Licensing and Regulatory Affairs.....	Marcus Coffin
Local Finance	Benjamin Gielczyk
Lottery	Benjamin Gielczyk
Michigan Strategic Fund	Benjamin Gielczyk
Military and Veterans Affairs.....	Michael Clossen
Natural Resources.....	Austin Scott
Natural Resources Trust Fund.....	Austin Scott
Retirement.....	Benjamin Gielczyk
Revenue Forecasting	Jim Stansell
Revenue Sharing	Jim Stansell; Benjamin Gielczyk
School Aid.....	Samuel Christensen; Jacqueline Mullen
State (Department)	Michael Clossen
State Police	Marcus Coffin
Supplemental Coordinator	Robin R. Risko
Tax Analysis	Jim Stansell; Benjamin Gielczyk
Technology, Management, and Budget.....	Michael Clossen
Transfer Coordinator	Viola Bay Wild
Transportation	William E. Hamilton
Treasury	Benjamin Gielczyk
Unemployment Insurance	Marcus Coffin



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