SENATE SUBSTITUTE FOR

HOUSE BILL NO. 5176

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).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. **(1)** The state administrative board shall exercise

2 general supervisory control over the functions and activities of

3 all administrative departments, boards, commissioners, and officers

4 of the state, and of all state institutions. ~~: Provided, however,~~

5 **(2)** ~~The said~~ **Except as provided in subsection (5), the state**

1 **administrative** board shall not have power to transfer any

2 appropriation to the general fund at any time or use the same for

3 any purpose other than that designated by the legislature. ~~:~~

4 ~~Provided further, That said~~

5   **(3) The state administrative** board shall not have power to

6 allow to any state department, board, commission, officer, or

7 institution any funds, not appropriated therefor by the

8 legislature, from any source whatever, except as provided in the

9 emergency appropriation act of 1931. ~~; and said~~

10   **(4) Except as provided in subsection (5), the state**

11 administrative board shall not have the power to transfer to any

12 state department, board, commission, officer, or institution any

13 sum from the amount appropriated by the legislature for any other

14 purpose. ~~, except to~~

15   **(5) The state administrative board may** inter-transfer funds

16 within the appropriation for ~~the~~ **a** particular department, board,

17 commission, officer, or institution. ~~Said~~ **If the inter-transfer of**

18 **funds could otherwise be accomplished through the transfer process**

19 **under section 393 of the management and budget act, 1984 PA 431,**

20 **MCL 18.1393, the state administrative board may carry out the**

21 **inter-transfer only if both of the following requirements have been**

22 **met:**

23   **(a) The state budget director has first requested the approval**

24 **of or given notice to, as applicable, the senate and house of**

25 **representatives appropriations committees regarding the inter-**

26 **transfer of funds under section 393 of the management and budget**

27 **act, 1984 PA 431, MCL 18.1393.**

28   **(b) The request to inter-transfer funds made under subdivision**

29 **(a) has not been approved by both appropriations committees by**

1 **whichever of the following dates is the earliest:**

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

3   **(*ii*) Thirty calendar days after the first session day after the**

4 **request was made.**

5   **(6) The state administrative** board may in its discretion

6 intervene in any matter touching ~~such~~ **the** functions and activities

7 **under this section** and may, by resolution or order, advise or

8 direct the department, board, commission, officer, or institution

9 concerned as to the manner in which the function or other activity

10 shall be performed, and may order an interchange or transfer of

11 employees between departments, boards, commissions, and state

12 institutions when necessary. It is hereby made the duty of each and

13 every official and employee connected with any administrative

14 department, office, or institution of the state to follow the

15 direction or order so given; and to perform such services in the

16 carrying out of the purposes and intent of this act as may be

17 required by the board. Failure so to do shall be deemed to

18 constitute malfeasance in office and shall be sufficient cause for

19 removal.

20   **(7) As used in this section, "session day" means a day on**

21 **which both the senate and the house of representatives convene in**

22 **session.**