

Act No. 197
Public Acts of 1990
Approved by the Governor
July 24, 1990
Filed with the Secretary of State
July 25, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Jacobetti and Owen

ENROLLED HOUSE BILL No. 5481

AN ACT to make appropriations for the department of military affairs for the fiscal year ending September 30, 1991; to provide for the expenditure of the appropriations; to provide for certain duties of the department of military affairs, other state agencies, and local units of government; and to provide for the preparation of certain reports.

The People of the State of Michigan enact:

Sec. 101. There is appropriated for the department of military affairs, for the fiscal year ending September 30, 1991, from the funds identified as follows:

DEPARTMENT OF MILITARY AFFAIRS

APPROPRIATIONS SUMMARY:

Full-time equated unclassified positions	8.0	
Full-time equated classified positions.....	381.5	
GROSS APPROPRIATION		\$ 29,042,500
Federal revenues:		
Total federal revenues		12,838,900
Special revenue funds:		
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues		408,400
State general fund/general purpose		\$ 15,795,200

HEADQUARTERS AND GARRISONS

Full-time equated classified positions.....	139.0	
Full-time equated unclassified positions	8.0	
Salaries and wages—139.0 FTE positions		\$ 3,930,500
Military personnel—7.0 FTE unclassified positions, including director.....		485,900
Civilian personnel—1.0 FTE unclassified position		50,000
Contractual services, supplies, and materials.....		3,510,400
Disbursing officers		67,700
Military appeals tribunal.....		2,900
Federal initiatives.....		200,000
GROSS APPROPRIATION		\$ 8,247,400
Appropriated from:		
Federal revenues:		

For Fiscal Year
Ending Sept. 30,
1991

DOD-ARMY, National guard bureau	\$	1,065,600
Special revenue funds:		
Garrison rentals		348,400
Mackinac Bridge Authority		20,000
State general fund/general purpose	\$	6,813,400

MILITARY TRAINING SITES AND SUPPORT FACILITIES

Full-time equated classified positions	242.5	
Salaries and wages—241.0 FTE positions	\$	6,467,100
Contractual services, supplies, and materials		2,682,300
Federal initiatives		200,000
Military training sites and support facilities test projects		40,000
Camp Grayling—1.5 FTE positions		158,000
GROSS APPROPRIATION	\$	9,547,400
Appropriated from:		
Federal revenues:		
DOD-ARMY, National guard bureau		8,482,900
Special revenue funds:		
Test project fees		40,000
State general fund/general purpose	\$	1,024,500

DEPARTMENTWIDE APPROPRIATIONS

Longevity and insurance	\$	1,615,700
Retirement		1,884,100
Travel		106,500
Equipment		172,900
Worker's compensation		187,900
Data processing service charges		11,400
Rent-privately owned property		253,600
Special maintenance-state		335,500
Special maintenance-federal		1,000,000
Equipment safety training		31,300
Military contingency fund		9,700
Military Retirement		1,420,000
Abandoned home demolition		1,400,000
GROSS APPROPRIATION	\$	8,428,600
Appropriated from:		
Federal revenues:		
DOD-ARMY, National guard bureau		3,290,400
State general fund/general purpose	\$	5,138,200

VETERANS SERVICE ORGANIZATIONS

American legion	\$	609,000
Disabled American veterans		553,000
Marine corps veterans		254,000
American veterans of world war II and Korea		351,000
Veterans of foreign wars		669,000
Michigan paralyzed veterans of America		125,100
Purple heart		119,100
Veterans of world war I		24,600
Polish legion of American veterans		31,300
Jewish veterans of America		31,300
State of Michigan council Vietnam veterans of Michigan		41,700
Catholic war veterans		10,000
GROSS APPROPRIATION	\$	2,819,100
Appropriated from:		
State general fund/general purpose	\$	2,819,100

Sec. 201. (1) In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this act is \$16,203,600.00 and state spending to be paid to units of local government is as follows:

Department of Military Affairs

Payments in lieu of taxes	\$	67,500
Total	\$	67,500

(2) When it appears to the principal executive officer of each department that state spending to local units of government will be less than the amount that was projected to be expended for any quarter, the principal executive officer shall immediately give notice of the approximate shortfall to the department of management and budget, the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 202. The appropriations made and the expenditures authorized under this act and the departments, agencies, commissions, boards, offices, and programs for which an appropriation is made under this act are subject to the management and budget act, Act No. 431 of the Public Acts of 1984, being sections 18.1101 to 18.1594 of the Michigan Compiled Laws.

Sec. 203. As used in this act:

- (a) "DOD" means the United States department of defense.
- (b) "FTE" means full-time equated.

Sec. 204. The department of military affairs is authorized to utilize a portion of the \$67,700.00 appropriated in section 101 for disbursing officers to provide incentive payments to national guard recruiters as long as this expenditure does not require a supplemental appropriation or transfer of appropriations to this account.

Sec. 205. From the \$3,510,400.00 appropriated in section 101 to the headquarters and garrisons unit for contractual services, supplies, and materials, money is provided to test all new employee applicants for controlled substances and funds shall not be spent to hire or employ new employee applicants unless they agree to submit to a controlled substance test. An applicant whose test results are positive shall not be considered for employment for at least 12 months after the date of the positive test result.

Sec. 206. The department of military affairs shall cooperate with each community to make the garrison training centers available for rental activities within the local community where reasonable. The department may charge a rental fee of not more than the actual cost to the department of military affairs of renting the garrison training center including overtime compensation, insurance coverage, and maintenance required.

Sec. 207. (1) The \$2,819,100.00 appropriated in section 101 for grants to veterans service organizations shall be used only for salaries, wages, related personnel costs, training, and equipment for accredited veteran service advocacy officers and necessary support and managerial staff. Training shall be provided for service advocacy officers and shall be conducted by accredited advocacy officers.

(2) To receive a grant from the funds appropriated in section 101, a veterans service organization shall meet the following eligibility requirements:

- (a) Be congressionally chartered by the United States congress.
- (b) Be an active participating member of the Michigan veterans organizations' rehabilitation and veterans service committee and abide its rules, guidelines, and programs.
- (c) Demonstrate the receipt of monetary or service support from its own organization.
- (d) Comply with the legislature's requirements of accounting audits, service work activity, accounting of recoveries, listing of volunteer hours, budget requests, and other requirements specified by law.
- (e) For a veterans service organization founded after September 30, 1989, be in operation and providing service to Michigan veterans for not less than 2 years prior to receiving an initial state grant. During this 2-year period of time, the organization shall file a listing of service work activity and an accounting of recoveries with the senate and house fiscal agencies and the senate and house subcommittees on military affairs on forms as described by the Michigan veterans organizations' rehabilitation and veterans service committee.

(3) A veterans service organization receiving a grant from the funds appropriated in section 101 shall file with the department of military affairs by January 1, 1991 a certified accounting of expenditures of the funds appropriated for the fiscal year ending September 30, 1990, a listing of all service work activity, an accounting of recoveries, a listing of volunteer hours, and a detailed budget request for the fiscal year ending September 30, 1992. A veterans service organization receiving a grant from the funds appropriated in section 101 shall use the forms recommended by the Michigan veterans organizations' rehabilitation and veterans service committee for filing reports required by this act. The department of military affairs shall forward information required under this section to the senate and house fiscal agencies and to the senate and

house appropriations subcommittees on military affairs with the budget request for the fiscal year ending September 30, 1992.

(4) The audit review board created in section 207(3) of Act No. 301 of the Public Acts of 1988 shall review and monitor the grant eligibility requirements in subsection (2) and the information required in subsection (3) for effectiveness and efficiency upon request of the senate and house appropriations subcommittees on military affairs.

(5) Automatic increases shall not be considered by the legislature for the fiscal year beginning October 1, 1991. It is the intent of the legislature that each veterans service organization's budget for the fiscal year 1991-92 shall be judged individually based upon program effectiveness and efficiency.

Sec. 208. Funds appropriated in section 101 for the military duty contingency fund shall be used to fund nonfederally supported missions of the national guard when called to state duty.

Sec. 209. The amounts appropriated for utilities and that portion of contractual services, supplies, and materials used to pay for utility service to state facilities in section 101 may be expended in a manner consistent with the provisions of section 253 of the management and budget act, Act No. 431 of the Public Acts of 1984, being section 18.1253 of the Michigan Compiled Laws.

Sec. 210. Funds appropriated in section 101 for Camp Grayling shall be allocated for the following purposes:

(a) Additional signage.....	\$ 40,000
(b) Map development	15,000
(c) Land closing ads and information publications.....	25,000
(d) Advisory council	15,000
(e) Community council.....	5,000
(f) Office of the ombudsman.....	58,000

Sec. 211. Of the funds appropriated in section 101 for Camp Grayling \$35,000.00 shall be expended for use by the department to hire an ombudsman for Camp Grayling, \$16,000.00 shall be expended for a secretary to the ombudsman, and \$7,000.00 shall be expended for a vehicle lease, office supplies, equipment, and telephone for the ombudsman. The ombudsman shall be hired on a contractual basis by the Camp Grayling commander, after consultation with the Camp Grayling advisory council, before January 1, 1991. The camp commander and the advisory council shall develop a job description for the ombudsman, which shall include, but is not limited to, the following duties and responsibilities:

(a) First, monitor, investigate, and report to the advisory council and the camp commander on civilian complaints, environmental violations, and compliance with federal and state statutory and regulatory requirements.

(b) Second, make recommendations to the camp commander and the advisory council and work with all interested parties to minimize potential conflicts and resolve problems.

(c) Third, assist in the development of informational publications and maps and perform such other duties and responsibilities as designated by the camp commander or the advisory council.

Sec. 212. Prior to the expenditure of appropriated funds in section 101 for the Camp Grayling advisory council, all counties affected by Camp Grayling shall be represented in membership in the advisory council.

Sec. 213. (1) The \$1,400,000.00 appropriated in section 101 for abandoned home demolition shall provide for a pilot project in 3 local units of government chosen by the department. The department shall allocate \$600,000.00 to each of 2 local units of government and \$200,000.00 to the third local unit of government.

(2) The department shall submit a report to the senate and house fiscal agencies and to the senate and house appropriations subcommittees on military affairs after the completion of the pilot projects evaluating the effectiveness of the projects.

(3) The appropriation in section 101 for abandoned home demolition shall only be used for demolition of structures which have been declared condemned pursuant to local condemnation procedures. As a condition of participation in this program, local units of government shall agree to bill landowners other than units of government in amounts which approximate the costs that would have been incurred if the local unit of government had arranged for the demolition.

(4) Amounts collected by a local unit of government pursuant to subsection (3) may be used for site beautification efforts after the completion of a demolition project or may be used for other demolition projects.

Sec. 214. The director shall provide the house and senate appropriations committees with a plan detailing programmatic and FTE reductions needed to fund the 4% civil service pay increase. The report shall be submitted no later than September 15, 1990.

Sec. 215. From the \$3,510,400.00 appropriated in section 101 to the headquarters and garrisons unit for contractual services, supplies, and materials, \$200,000.00 is provided for VETS, Incorporated for the purchase of outreach facilities. VETS, Incorporated shall prepare and submit a report to the senate and house fiscal agencies and the senate and house subcommittees on military affairs on the expenditures of these funds.

Sec. 216. (1) It is the intent of the legislature that the funds appropriated in section 101 will permit the department or agency to carry out each program for the entire fiscal year, unless a shorter period is provided in law.

(2) The department or agency shall not make or authorize an expenditure or incur an obligation that exceeds or results in spending that will exceed the amount appropriated in section 101.

(3) In consultation with the department of management and budget, the department or agency shall, for each appropriation, develop a spending plan allotting the amount appropriated over the full 12 months of the fiscal year ending September 30, 1991.

(4) The department or agency director shall advise the director of the department of management and budget if an appropriation in section 101 will not permit the department or agency to carry out the specific program by line item as mandated by the legislature for the entire fiscal year. The department or agency director shall consider both the amount appropriated for each line item and the sufficiency of projected sources of financing when deciding whether the appropriation will last the entire fiscal year. If the director of the department of management and budget concurs with the projections of the department or agency, the directors of the department of management and budget and the department or agency shall advise the chairpersons of the senate and house appropriations committees, and the chairpersons of the appropriate appropriations subcommittees that an amount appropriated in section 101 will not permit the department or agency to carry out the program mandated by the legislature for the entire fiscal year.

(5) If both of the appropriations committees disagree with the conclusion of the director of the department of management and budget and the department or agency director within 10 days, the house fiscal agency and senate fiscal agency shall immediately publish estimates of whether the amount appropriated, including all sources of financing assumed in the appropriation, will permit the department or agency to carry out the program mandated by the legislature for the entire fiscal year.

(6) If the legislature does not act within 30 days of the notice from the department of management and budget and the department or agency directors provided in subsection (4), to either:

(a) Reduce the mandated level of service;

(b) Authorize the program to end before the fiscal year is completed; or,

(c) Increase the amount of the appropriation by supplemental or transfer, then the department or agency shall reduce the rate of spending in order to carry out the legislature's intent that the specific program by line item be carried out for the full fiscal year.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.

