

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 175**

A bill to amend 1967 PA 150, entitled
"Michigan military act,"
by amending sections 105, 151, 155, 159, 171, 179, 300, 302, 306,
316, 328, 354, 368, 372, 374, 376, 378, 380, 382, 382a, 384, 388,
and 410 (MCL 32.505, 32.551, 32.555, 32.559, 32.571, 32.579,
32.700, 32.702, 32.706, 32.716, 32.728, 32.754, 32.768, 32.772,
32.774, 32.776, 32.778, 32.780, 32.782, 32.782a, 32.784, 32.788,
and 32.810), sections 105 and 179 as amended by 2002 PA 133,
section 159 as amended by 1998 PA 212, section 302 as amended by
2002 PA 654, section 306 as amended by 2010 PA 255, section 328 as
amended by 1988 PA 493, sections 368 and 382 as amended and section
382a as added by 1992 PA 307, and section 410 as amended by 1980 PA
145; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 105. The definitions used in the command, administration,
2 supply, training, discipline, deployment, and employment of the
3 armed forces of the United States, unless clearly inapplicable or
4 contradictory, are adopted with respect to the state military
5 establishment except as otherwise provided in this act. As used in
6 this act:

7 (a) "Military" means a reference to all components of the
8 state military establishment.

9 (b) "Michigan national guard" means the army national guard
10 and the air national guard.

11 (c) "Commander-in-chief" means the governor of this state.

12 (d) "Active state service", as applied to the national guard
13 and the defense force, means military service in support of civil
14 authorities, at the request of **STATE OR** local authorities,
15 including, but not limited to, support in the enforcement of laws
16 prohibiting the importation, sale, delivery, possession, or use of
17 a controlled substance, if ordered by the governor or as otherwise
18 provided in this act. ~~As used in this section, "controlled~~
19 ~~substance" means that term as defined in section 7104 of the public~~
20 ~~health code, 1978 PA 368, MCL 333.7104.~~

21 (e) "Special duty" means military service in support of the
22 full-time operation of the state military establishment for a
23 period of not less than 1 day if ordered by competent authority.

24 (f) "Active service" means service, including active state
25 service and special duty required by law, regulation, or pursuant
26 to order of the governor. Active service includes continuing

1 service of an active member of the national guard and the defense
2 force in fulfilling that active member's commission, appointment,
3 or enlistment.

4 (g) "Inactive status" means the status of those members of the
5 national guard who are listed on an inactive list authorized by a
6 federal statute or regulation.

7 (h) "In the service of the United States" and "not in the
8 service of the United States" mean the same as those terms are used
9 and construed under federal laws and regulations.

10 (i) "Officer" means a commissioned officer and a warrant
11 officer, unless a distinction between commissioned officer and
12 warrant officer is clearly evident.

13 (j) "Martial law" or "martial rule" means the exercise of
14 partial or complete military control over domestic territory in
15 time of emergency because of public necessity.

16 (k) "Armory" means a building, facility, or the lots and
17 grounds used by an army, navy, or air unit of the **NATIONAL GUARD OR**
18 organized militia as a home station **OR FOR MILITARY TRAINING.**

19 (l) "Military establishment" means the organized militia of
20 this state, including the employees and equipment assigned or
21 necessary to carry out the provisions of this act.

22 (m) "Vital resource" means a public or private building,
23 facility, property, or location that the governor considers
24 necessary to protect the public health, safety, and welfare of the
25 citizens of this state.

26 **(N) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN**
27 **SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104.**

1 Sec. 151. The governor is the commander-in-chief of the
2 organized militia. He may order to active state service any members
3 of the organized militia in case of riot, tumult, breach of the
4 peace, resistance of process, or for service in aid of civil
5 authority, whether state or federal, or in time of **ACTUAL OR**
6 **IMMINENT** public danger, disaster, crisis, catastrophe or other
7 public emergency within this state **OR TO RESPOND TO ACTS OR THREATS**
8 **OF TERRORISM OR TO SAFEGUARD MILITARY OR OTHER VITAL RESOURCES OF**
9 **THIS STATE OR OF THE UNITED STATES.** If the governor and his legal
10 successor are absent, disabled, or cannot be communicated with, the
11 adjutant general, if he believes the danger great and imminent, may
12 order out, in the name of the governor, such troops of the
13 organized militia as he believes necessary to meet the emergency.

14 Sec. 155. The governor may order into the defense force any
15 members of the unorganized militia in case of riot, tumult, breach
16 of the peace, resistance of process, or for service in aid of civil
17 authority, whether state or federal, or in time of **ACTUAL OR**
18 **IMMINENT** public danger, disaster, crisis, catastrophe or other
19 public emergency within this state.

20 Sec. 159. (1) The governor may enter into an agreement with
21 the governors of 1 or more other states authorizing the military
22 forces of this state, in time of invasion, rebellion, public
23 disaster, or catastrophe, or to assist a state or local law
24 enforcement agency, at the request of that state or local law
25 enforcement agency, in enforcing a law prohibiting the importation,
26 sale, delivery, possession, or use of a controlled substance as
27 ~~that term is defined in section 7104 of the public health code,~~

1 ~~1978 PA 368, MCL 333.7104, or as defined in THIS ACT OR~~ a similar
 2 law of the other state, **OR AS NECESSARY TO COMPLY WITH RECIPROCAL**
 3 **AGREEMENTS FOR EMERGENCY ASSISTANCE TO OTHER STATES UNDER THE**
 4 **INTERSTATE EMERGENCY MANAGEMENT ASSISTANCE COMPACT, 2001 PA 248,**
 5 **MCL 3.1001 TO 3.1004, OR WITH OTHER SIMILAR AGREEMENTS,** to be
 6 employed within the area of the other states for mutual assistance
 7 in the public interest.

8 (2) A member of the national guard from another state
 9 performing support duty to a federal, state, or local law
 10 enforcement agency in this state has the same immunity from
 11 liability and prosecution as does a member of the Michigan national
 12 guard in performing support duty to a federal, state, or local law
 13 enforcement agency.

14 (3) The Michigan national guard is a law enforcement agency
 15 under this act ~~solely~~ for the purpose of receiving or using
 16 property or money forfeited under section 981(e)(2) of title 18 of
 17 the United States Code, 18 ~~U.S.C.~~ **USC** 981, section 616 of part V of
 18 title IV of the tariff act of 1930, ~~chapter 497, 98 Stat. 2987, 19~~
 19 ~~U.S.C.~~ **19 USC** 1616a, and section 511(e)(1)(A) of part E of the
 20 controlled substances act, title II of the comprehensive drug abuse
 21 prevention and control act of 1970, ~~Public Law 91-513, 21 U.S.C.~~ **21**
 22 **USC** 881.

23 Sec. 171. The governor may **DIRECT THE ADJUTANT GENERAL TO**
 24 organize, disband, arrange, transfer, convert, alter, consolidate,
 25 or attach units of the military establishment. The transfer of
 26 personnel to and within units shall be carried out by order of the
 27 ~~governor.~~ **ADJUTANT GENERAL.**

1 Sec. 179. (1) No civilian person, except the governor, may
2 command personnel of the state military establishment.

3 (2) If any portion of the organized militia is called into
4 active service, **SPECIAL DUTY**, active state service, or the service
5 of the United States to execute the laws, engage in **EMERGENCY OR**
6 disaster relief **OR OTHER SUPPORT OPERATIONS PURSUANT TO THE**
7 **EMERGENCY MANAGEMENT ACT, 1976 PA 390, MCL 30.401 TO 30.421, OR**
8 suppress or prevent actual or threatened riot or insurrection,
9 repel invasion, respond to acts or threats of terrorism, ~~or~~
10 safeguard military or other vital resources of this state or of the
11 United States, or to assist in the enforcement of a law prohibiting
12 the importation, sale, delivery, possession, or use of a controlled
13 substance, ~~as that term is defined in section 7104 of the public~~
14 ~~health code, 1978 PA 368, MCL 333.7104,~~ a commanding officer shall
15 use his or her own judgment in apprehending or dispersing a sniper,
16 a rioter, a mob, or an unlawful assembly. In situations described
17 in this subsection, the commanding officer may apprehend a person
18 on a state military base, armory base, air base, or a vital
19 resource of this state or of the United States if the commanding
20 officer has reasonable cause to believe the person has committed a
21 felony or a misdemeanor punishable by imprisonment for more than 92
22 days on that state military base, armory base, air base, or a vital
23 resource of this state or of the United States. In situations
24 described in this subsection, the commanding officer or an
25 individual under his or her command may apprehend a person on a
26 state military base, armory base, air base, or a vital resource of
27 this state or of the United States if the person commits a crime in

1 the presence of the commanding officer or an individual under his
2 or her command on that state military base, armory base, air base,
3 or a vital resource of this state or of the United States. That
4 commanding officer shall determine the amount and kind of force to
5 be used in preserving the peace and carrying out the orders of the
6 governor. Except as provided in subsection (3), that commanding
7 officer's honest and reasonable judgment under the circumstances
8 then existing, in the exercise of his or her duty, is full
9 protection, civilly and criminally, for an act done in the line of
10 duty, and a member of the organized militia in active service,
11 **SPECIAL DUTY**, active state service, or the service of the United
12 States is not liable civilly or criminally for an act committed by
13 him or her in the performance of his or her duty.

14 (3) A member of the organized militia in active service,
15 **SPECIAL DUTY**, active state service, or the service of the United
16 States has the immunity of a peace officer in this state if 1 or
17 more of the following apply:

18 (a) The member is acting in aid of civil authorities and
19 acting in the line of duty.

20 (b) The member is assisting in the enforcement of a law
21 prohibiting the importation, sale, delivery, possession, or use of
22 a controlled substance ~~as that term is defined in section 7104 of~~
23 ~~the public health code, 1978 PA 368, MCL 333.7104,~~ and acting in
24 the line of duty.

25 (c) The member has been ordered by the governor to respond to
26 acts or threats of terrorism or to safeguard military or other
27 vital resources of this state or of the United States and is acting

1 in the line of duty.

2 (4) The attorney general of this state shall defend a civil
3 action or criminal prosecution brought in a state or federal court,
4 against a member of the organized militia or his or her estate,
5 arising from an act or omission alleged to have been committed
6 while in active service, **SPECIAL DUTY**, active state service, or the
7 service of the United States.

8 Sec. 300. The office of the adjutant general, with the rank of
9 major general in the national guard, is created. He **OR SHE** shall be
10 the commanding general of the military establishment. Under the
11 direction of the governor, he **OR SHE** is charged with the
12 responsibility for the command, administration, logistics,
13 training, and fiscal direction of the military establishment. He **OR**
14 **SHE** may perform any act authorized by this chapter or the
15 regulations issued pursuant to this ~~chapter~~**ACT** through or with the
16 aid of such officers, officials, or directors of the military
17 department as he **OR SHE** may designate. The adjutant general shall
18 direct the planning for the organization and employment of the
19 forces of the organized militia in carrying out their state
20 military mission and establish unified command of state forces
21 whenever they shall be jointly engaged.

22 Sec. 302. **(1)** The governor shall appoint the adjutant general
23 from among qualified federally recognized officers of the national
24 guard. The adjutant general shall have served as an officer of
25 field or general grade in the state military establishment for not
26 less than 5 years before appointment **AND SHALL HAVE FEDERAL**
27 **RECOGNITION IN THE RANK OF COLONEL OR HIGHER AND SHALL BE CAPABLE**

1 OF BEING FEDERALLY RECOGNIZED TO THE RANK OF BRIGADIER GENERAL
 2 BEFORE APPOINTMENT. The adjutant general shall serve at the
 3 pleasure of the governor, and unless sooner relieved, shall serve
 4 until the age of 64. ~~DESIGNATED FOR RETIREMENT FOR AN ACTIVE ARMY~~
 5 ~~OR AIR FORCE OFFICER OF LIKE GRADE.~~ The adjutant general shall
 6 receive pay and allowances equal to those of an active army or air
 7 force officer of like grade and service. Not later than 10 days
 8 after the appointment, the adjutant general shall file his or her
 9 constitutional oath of office with the secretary of state.

10 (2) ONLY 1 ADJUTANT GENERAL APPOINTED BY THE GOVERNOR UNDER
 11 THIS SECTION IN ANY 4-YEAR PERIOD IS ELIGIBLE FOR RETIREMENT UNDER
 12 SECTION 306(2).

13 Sec. 306. (1) Beginning January 1, 2011, **EXCEPT AS OTHERWISE**
 14 **PROVIDED IN THIS SECTION,** the adjutant general and the assistant
 15 adjutants general who began employment on or after January 1, 2011
 16 when relieved under honorable circumstances shall receive
 17 retirement benefits as a qualified participant under the state
 18 employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69.
 19 Retirement benefits will start on the date of retirement or
 20 honorable relief from duty. Retirement under this ~~section~~
 21 **SUBSECTION** requires not less than 20 years active service with the
 22 national guard and/or state defense force.

23 (2) **BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
 24 **ADDED THIS SUBSECTION AND SUBJECT TO THE LIMITATION PROVIDED IN**
 25 **SUBSECTION (5), THE ADJUTANT GENERAL AND THE ASSISTANT ADJUTANTS**
 26 **GENERAL WHEN RETIRED OR RELIEVED UNDER HONORABLE CIRCUMSTANCES**
 27 **SHALL BE PLACED ON THE RETIRED LIST OF THE NATIONAL GUARD. THE**

1 ADJUTANT GENERAL AND THE ASSISTANT ADJUTANTS GENERAL SHALL RECEIVE
2 RETIREMENT PAY EQUAL TO THE RETIREMENT PAY THAT AN OFFICER OF LIKE
3 GRADE AND TOTAL YEARS OF SERVICE WOULD RECEIVE AS INDICATED IN
4 APPROPRIATE FEDERAL REGULATIONS WHEN THEY ARE RETIRED OR HONORABLY
5 RELIEVED. SUBJECT TO SUBSECTION (3), RETIREMENT BENEFITS WILL START
6 ON THE DATE OF RETIREMENT OR HONORABLE RELIEF FROM DUTY.

7 (3) RETIREMENT UNDER SUBSECTION (2) REQUIRES ALL OF THE
8 FOLLOWING:

9 (A) NOT LESS THAN 20 YEARS ACTIVE SERVICE WITH THE NATIONAL
10 GUARD OR STATE DEFENSE FORCE, OR BOTH.

11 (B) NOT LESS THAN 4 CONSECUTIVE YEARS OF SPECIAL DUTY AS AN
12 ADJUTANT GENERAL OR ASSISTANT ADJUTANT GENERAL. HOWEVER, THE
13 REQUIREMENT FOR SERVING 4 CONSECUTIVE YEARS OF SERVICE AS AN
14 ADJUTANT GENERAL OR ASSISTANT ADJUTANT GENERAL FOR RETIREMENT PAY
15 IS WAIVED IF THE SERVICE MEMBER IS RELIEVED DUE TO A NEW GOVERNOR
16 ASSUMING OFFICE.

17 (C) THE SERVICE MEMBER IS 55 YEARS OF AGE OR OLDER.

18 (4) ANY RETIREMENT PAY RECEIVED FROM THE FEDERAL GOVERNMENT
19 FOR MILITARY SERVICE SHALL BE DEDUCTED WHEN COMPUTING THE AMOUNT TO
20 BE RECEIVED FROM THIS STATE FOR AN ADJUTANT GENERAL OR ASSISTANT
21 ADJUTANT GENERAL WHO RETIRES UNDER SUBSECTION (2). THE DEDUCTION
22 SHALL START ON THE FIRST DAY OF THE MONTH THE OFFICER BECOMES
23 ELIGIBLE FOR FEDERAL RETIREMENT. ONCE ESTABLISHED, THE AMOUNT OF
24 THE DEDUCTION SHALL NOT BE CHANGED. THE RETIREMENT BENEFIT WILL BE
25 PAID ACCORDING TO THE FEDERAL REGULATIONS COMMENSURATE WITH ACTIVE
26 DUTY YEARS AND TRADITIONAL NATIONAL GUARD SERVICE TIME. THE FULL-
27 TIME ADJUTANT GENERAL'S AND ASSISTANT ADJUTANTS GENERAL'S SERVICE

1 WILL BE CREDITED AT THE EQUIVALENT OF FULL-TIME ACTIVE DUTY
2 SERVICE, AND PART-TIME TRADITIONAL SERVICES WILL BE CREDITED TO THE
3 FEDERAL MILITARY POINTS SYSTEM, IN A MANNER AS DETERMINED BY THE
4 RETIREMENT SYSTEM.

5 (5) ONLY 1 ADJUTANT GENERAL APPOINTED BY THE GOVERNOR UNDER
6 SECTION 302 IN ANY 4-YEAR PERIOD IS ELIGIBLE FOR RETIREMENT UNDER
7 SUBSECTION (2). ONLY 2 ASSISTANT ADJUTANTS GENERAL IN ANY 4-YEAR
8 PERIOD ARE ELIGIBLE FOR RETIREMENT UNDER SUBSECTION (2). HOWEVER,
9 IF THE ADJUTANT GENERAL OR AN ASSISTANT ADJUTANT GENERAL IS
10 MOBILIZED PURSUANT TO A FEDERAL MOBILIZATION AND THE GOVERNOR
11 APPOINTS A REPLACEMENT ADJUTANT GENERAL UNDER SECTION 302 OR THE
12 ADJUTANT GENERAL APPOINTS A REPLACEMENT ASSISTANT ADJUTANT GENERAL,
13 THE REPLACEMENT ADJUTANT GENERAL OR REPLACEMENT ASSISTANT ADJUTANT
14 GENERAL IS ELIGIBLE FOR RETIREMENT UNDER SUBSECTION (2). IF ANY
15 CHANGE OR ERROR IN THE RECORDS RESULTS IN ANY MEMBER, RETIRANT, OR
16 BENEFICIARY RECEIVING FROM THE RETIREMENT SYSTEM MORE OR LESS THAN
17 HE OR SHE WOULD HAVE BEEN ENTITLED TO RECEIVE IF THE RECORDS HAD
18 BEEN CORRECT, THE RETIREMENT SYSTEM SHALL CORRECT THAT ERROR AND,
19 AS FAR AS PRACTICABLE, SHALL ADJUST THE PAYMENT IN SUCH A MANNER
20 THAT THE ACTUARIAL EQUIVALENT OF THE BENEFIT TO WHICH THAT MEMBER,
21 RETIRANT, OR BENEFICIARY WAS CORRECTLY ENTITLED SHALL BE PAID.

22 Sec. 316. The adjutant general shall plan, negotiate, and
23 contract with the federal government for the maintenance,
24 remodeling, additions to, and construction of armories and other
25 military, **VETERANS, OR RELATED STATE** facilities within ~~the~~ THIS
26 state. He OR SHE may receive and expend grants from federal sources
27 for these purposes and may enter into agreements with agencies of

1 the federal government for purposes of extending available
2 insurance programs to members and employees of the state military
3 establishment.

4 Sec. 328. (1) The adjutant general shall request civilian
5 positions and personnel of the military establishment, as he or she
6 considers necessary, to be included in the classified state civil
7 **OR STATE SENIOR** service. He or she also has the authority to call
8 officers and enlisted personnel, as he or she may designate, to
9 special duty in the military department. Officers and enlisted
10 personnel called to special duty shall receive pay and allowances
11 equal to that of active army or air force personnel of like grade
12 and service.

13 (2) When special duty personnel receive military pay from the
14 federal government for services performed during the hours of an
15 actual workday, as designated by the adjutant general under section
16 114, they shall be charged with a day of leave or a day of leave
17 without pay.

18 Sec. 354. ~~An armory board of control may be created~~ **THE**
19 **ADJUTANT GENERAL MAY DESIGNATE AN ARMORY MANAGER** for each armory of
20 the state military establishment, with the duty of operating and
21 maintaining the armory pursuant to law and regulations promulgated
22 by the adjutant general. ~~The board of control~~ **ARMORY MANAGER** may
23 rent or otherwise authorize the use of the armory to outside
24 parties for temporary purposes subject to regulations of the
25 adjutant general.

26 Sec. 368. ~~The state military board~~ **ADJUTANT GENERAL** may
27 receive from the federal and local governments, corporations,

1 individuals, or other sources, gifts of property and money to aid
 2 in providing, erecting, or improving armories or other facilities,
 3 or training areas and other surrounding lands throughout ~~the~~**THIS**
 4 state for the use of the state military establishment. All gifts of
 5 money received under this section shall be deposited by the state
 6 treasurer in the Michigan national guard armory construction fund
 7 created in section 382a ~~—~~and shall be used as provided in that
 8 section. When a deed to land has been presented to ~~the board~~ and
 9 accepted by ~~it~~**THE ADJUTANT GENERAL** for an armory site and the
 10 ~~board~~**ADJUTANT GENERAL** deems it necessary to change the location of
 11 the site, the ~~board~~**ADJUTANT GENERAL** may accept a new deed or
 12 relinquish the rights of ~~the~~**THIS** state in the lands covered by the
 13 prior deed without prejudice to the right of priority of the local
 14 government to the erection of an armory on the land. The ~~state~~
 15 ~~military board~~**ADJUTANT GENERAL** has authority to do any act and
 16 execute any deeds to carry out the provisions of this act.

17 Sec. 372. The ~~state military board~~**ADJUTANT GENERAL** may take
 18 title to real property to be used for military purposes in the name
 19 of ~~the~~**THIS** state.

20 Sec. 374. The ~~state military board~~**ADJUTANT GENERAL** may
 21 condemn property for armory building sites and military training
 22 areas in accordance with the ~~statutes~~**LAWS** of ~~the~~**THIS** state. ~~of~~
 23 ~~Michigan.~~

24 Sec. 376. The ~~state military board~~**ADJUTANT GENERAL** may grant
 25 easements under and over any state-owned real property under the
 26 jurisdiction and control of the state military establishment. An
 27 easement shall not be granted for the benefit of a public utility

1 unless the board determines that it is in the public interest and
2 will not adversely affect the use of the property for military
3 purposes.

4 Sec. 378. When a site is deeded to ~~the~~**THIS** state for the
5 erection of an armory, and thereafter any person or local
6 government or combination of local governments wish to deed to ~~the~~
7 **THIS** state another site, and the ~~state military board~~**ADJUTANT**
8 **GENERAL** after inspection believes that the new site is superior to
9 the old site, the ~~state military board~~**ADJUTANT GENERAL** may accept
10 the new site after an examination of the title has been made by the
11 attorney general, and deed the old site to the grantor deeding the
12 new site to the state.

13 Sec. 380. State-owned or leased armories and accessory
14 buildings, military warehouses, arsenals and storage facilities for
15 military equipment, and lands and appurtenances required for the
16 construction of armories or buildings, are not subject to zoning or
17 building ordinances of any local government. The ~~state military~~
18 ~~board~~**ADJUTANT GENERAL** shall take cognizance of local zoning
19 ordinances and restrictions in the selection and acceptance of
20 lands for armory or other military buildings and shall conform as
21 nearly as possible to master plans of the local governments where
22 it may be done without impairing the convenience and usefulness of
23 the armories and buildings.

24 Sec. 382. (1) The ~~state military board~~**ADJUTANT GENERAL** may
25 dispose of Michigan national guard armories, facilities, or lands
26 under the jurisdiction of the state military establishment if, in
27 the ~~state military board's~~ judgment **OF THE ADJUTANT GENERAL**, the

1 armory, facility, or land is obsolete, inadequate, unusable, or no
2 longer ~~is~~ required for Michigan national guard purposes. The
3 disposal shall be by sale for fair market value or by exchange at
4 fair market value for other lands owned by private persons or
5 entities, local units of government, or the federal government.

6 (2) Disposal of armories, facilities, or land under this
7 section shall be in accordance with policies established by the
8 ~~state military board~~ **ADJUTANT GENERAL** and in accordance with
9 procedures established by the department of **TECHNOLOGY**, management,
10 and budget. Each disposal action also shall be subject to approval
11 by the state administrative board.

12 (3) Not later than July 31, 1993, and July 31 of each year
13 thereafter, the department of military **AND VETERANS** affairs shall
14 report to the standing committees of the senate and house of
15 representatives that are responsible for legislation concerning
16 military affairs, and to the senate and house appropriations
17 committees, as to the actions taken by the department under this
18 section during the preceding reporting period.

19 Sec. 382a. (1) The Michigan national guard armory construction
20 fund is created as a separate fund in the state treasury. All money
21 received as gifts under section 368 or from sales, transfers, or
22 exchanges under section 382 shall be deposited by the state
23 treasurer in the Michigan national guard construction fund. Money
24 in the fund shall not revert to the general fund at the close of
25 the fiscal year but shall remain in the fund.

26 (2) Money in the Michigan national guard construction fund
27 shall be expended by the state treasurer at the exclusive direction

1 of the ~~state military board~~ **ADJUTANT GENERAL** for the purpose of
2 acquiring facilities and training lands and constructing new
3 facilities. Each expenditure from the fund shall be subject to
4 appropriation by the legislature. The unexpended portion of the
5 fund shall be invested by the state treasurer and the earnings on
6 the fund shall be credited to the fund at the state treasurer's
7 common cash investment income rate.

8 Sec. 384. The ~~state military board~~ **ADJUTANT GENERAL** shall hold
9 title to the camp Grayling military reservation under the terms of
10 the deed from the Hanson estate and in accordance with the
11 provisions of ~~Act No. 172 of the Public Acts of 1913, as amended,~~
12 ~~being sections 32.221 to 32.226 of the Compiled Laws of 1948.~~ **1913**
13 **PA 172, MCL 32.221 TO 32.226.**

14 Sec. 388. The department of ~~conservation~~ **NATURAL RESOURCES**
15 shall transfer to the ~~state military board~~ **ADJUTANT GENERAL** such
16 lands under its control as competent authority shall direct. These
17 lands shall form a part of the camp Grayling military reservation
18 and shall be supervised and controlled by the adjutant general,
19 except that hunting shall not be prohibited on the lands. The ~~state~~
20 ~~military board~~ **ADJUTANT GENERAL** may with approval of the
21 legislature exchange or sell any lands transferred to it under this
22 act in order to obtain any other lands, oil and mineral rights
23 excepted, whether owned by private interests or by the United
24 States government, within the external boundaries of the camp
25 Grayling military reservation as enlarged by this act, and may make
26 all necessary conveyances to effect the exchanges and sales.

27 Sec. 410. (1) For purposes of this section, "eligible

1 surviving spouse" means the person to whom the deceased officer or
2 enlisted person was married preceding the death of the officer or
3 enlisted person, or to whom the deceased retired officer or retired
4 enlisted person was married at the time of retirement.

5 ~~(2) An officer or enlisted person retired from special duty~~
6 ~~with the military establishment because of having reached maximum~~
7 ~~age or because of federal law or regulation shall receive~~
8 ~~retirement pay equal to that authorized to personnel of like grade,~~
9 ~~rank, and longevity who are retired from the active federal armed~~
10 ~~forces by appropriate federal regulation. Retirement under this~~
11 ~~section requires not less than 20 years active service with the~~
12 ~~national guard or state defense force, or both. Any retirement pay~~
13 ~~received from the federal government for military service shall be~~
14 ~~deducted when computing the amount received from the state. The~~
15 ~~deduction shall start on the first day of the month the person~~
16 ~~becomes eligible for federal retirement. Once established, the~~
17 ~~amount of the deduction shall not be changed; however, it shall not~~
18 ~~deprive the retired person from receiving a total of state and~~
19 ~~federal pay equal to that authorized to personnel of like grade,~~
20 ~~rank, and total longevity who are retired from the active federal~~
21 ~~armed forces. These retirement benefits from the state shall be~~
22 ~~effective on the date of retirement.~~ **AN ADJUTANT GENERAL OR**

23 **ASSISTANT ADJUTANT GENERAL WHO RETIRES OR IS RELIEVED DUE TO A NEW**
24 **GOVERNOR ASSUMING OFFICE WILL RECEIVE PAY AND BENEFITS AS DEFINED**
25 **BY SECTION 306.**

26 ~~(3) If an officer or enlisted person~~ **ADJUTANT GENERAL OR**
27 **ASSISTANT ADJUTANT GENERAL** who continues on special duty on or

1 after the date the officer ~~or enlisted person~~ acquires 15 years of
 2 ~~special duty~~ **ACTIVE SERVICE** dies before retirement as provided in
 3 section 306 and subsection (2) and leaves an eligible surviving
 4 spouse, the eligible surviving spouse shall be paid a survivor's
 5 benefit equal to 67% of the retired pay to which the officer ~~or~~
 6 ~~enlisted person~~ would have been authorized had the officer ~~or~~
 7 ~~enlisted person~~ retired the day preceding death.

8 (4) If an ~~officer or enlisted person~~ **ADJUTANT GENERAL OR**
 9 **ASSISTANT ADJUTANT GENERAL** who retires is receiving retirement pay
 10 as provided in section 306 and subsection (2) ~~—~~ dies and leaves an
 11 eligible surviving spouse, ~~50% of the retirement pay of the officer~~
 12 ~~or enlisted person shall be continued to the eligible surviving~~
 13 ~~spouse.~~ **THE ELIGIBLE SURVIVING SPOUSE SHALL BEGIN RECEIVING 50% OF**
 14 **THE RETIREMENT PAY OF THE OFFICER.**

15 (5) OFFICERS, OTHER THAN THE ADJUTANT GENERAL AND ASSISTANT
 16 ADJUTANTS GENERAL, WHO ARE APPOINTED TO STATE SPECIAL DUTY PRIOR TO
 17 JULY 1, 2013 BECAUSE OF HAVING REACHED THE MAXIMUM AGE OR BECAUSE
 18 OF FEDERAL LAW OR REGULATION AND RETIRE SHALL RECEIVE RETIREMENT
 19 PAY AS PROVIDED IN SECTION 306. RETIREMENT UNDER THIS SECTION
 20 REQUIRES NOT LESS THAN 20 YEARS' ACTIVE SERVICE WITH THE NATIONAL
 21 GUARD OR STATE DEFENSE FORCE, OR BOTH. ANY RETIREMENT PAY RECEIVED
 22 FROM THE FEDERAL GOVERNMENT FOR MILITARY SERVICE SHALL BE DEDUCTED
 23 WHEN COMPUTING THE AMOUNT RECEIVED FROM THIS STATE. THE DEDUCTION
 24 SHALL START ON THE FIRST DAY OF THE MONTH THE PERSON BECOMES
 25 ELIGIBLE FOR FEDERAL RETIREMENT. ONCE ESTABLISHED, THE AMOUNT OF
 26 THE DEDUCTION SHALL NOT BE CHANGED.

27 Enacting section 1. Sections 133, 360, 362, 364, 366, and 390

1 of the Michigan military act, 1967 PA 150, MCL 32.533, 32.760,
2 32.762, 32.764, 32.766, and 32.790, are repealed.