

**SUBSTITUTE FOR  
HOUSE BILL NO. 5280**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1

PART 1

2

LINE-ITEM APPROPRIATIONS

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Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of military and veterans affairs for the fiscal year ending September 30, 2001, from the funds indicated in this part. The following is a summary of the appropriations in this part:

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# HB5280, As Passed House, March 14, 2000

Sub. H.B. 5280 (H-1) as amended March 14, 2000  
2

For Fiscal Year Ending  
September 30, 2001

## 1 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

### 2 APPROPRIATION SUMMARY:

3	Full-time equated unclassified positions.....	7.0	
4	Full-time equated classified positions.....	1,081.0	
5	GROSS APPROPRIATION.....	\$	[100,689,300]
6	Interdepartmental grant revenues:		
7	Total interdepartmental grants and intradepartmental		
8	transfers.....		0
9	ADJUSTED GROSS APPROPRIATION.....	\$	[100,689,300]
10	Federal revenues:		
11	Total federal revenues.....		35,952,600
12	Special revenue funds:		
13	Total local revenues.....		0
14	Total private revenues.....		375,000
15	Total state restricted revenues.....		22,988,200
16	State general fund/general purpose.....	\$	[41,373,500]
17	<b>Sec. 102. HEADQUARTERS AND ARMORIES</b>		
18	Full-time equated unclassified positions.....	7.0	
19	Full-time equated classified positions.....	144.0	
20	Headquarters and armories--105.0 FTE positions.....	\$	10,392,200
21	Unclassified military personnel.....		616,900
22	Military appeals tribunal.....		900
23	Michigan emergency volunteers [and civil air patrol]..		[25,000]
24	State active duty.....		60,100
25	Challenge program--39.0 FTE positions.....		<u>2,808,400</u>
26	GROSS APPROPRIATION.....	\$	[13,903,500]

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1	Appropriated from:	
2	Federal revenues:	
3	DOD-DOA-NGB.....	4,017,700
4	Special revenue funds:	
5	Armory rentals.....	350,000
6	Mackinac Bridge authority.....	40,000
7	State general fund/general purpose..... \$	[9,495,800]
8	<b>Sec. 103. MILITARY TRAINING SITES AND SUPPORT FACILITIES</b>	
9	Full-time equated classified positions.....229.0	
10	Military training sites and support facilities--229.0	
11	FTE positions..... \$	15,541,000
12	Military training sites and support facilities test	
13	projects.....	<u>100,000</u>
14	GROSS APPROPRIATION..... \$	15,641,000
15	Appropriated from:	
16	Federal revenues:	
17	DOD-DOA-NGB.....	11,920,200
18	Special revenue funds:	
19	Test project fees.....	100,000
20	State general fund/general purpose..... \$	3,620,800
21	<b>Sec. 104. DEPARTMENTWIDE APPROPRIATIONS</b>	
22	Departmentwide accounts..... \$	2,147,400
23	Special maintenance-state.....	436,200
24	Special maintenance-federal.....	2,302,000
25	Military retirement.....	2,231,900
26	Counter narcotic operations.....	50,000

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1	Starbase grant.....	<u>402,000</u>
2	GROSS APPROPRIATION..... \$	7,569,500
3	Appropriated from:	
4	Federal revenues:	
5	DOD-DOA-NGB.....	3,976,000
6	DOJ-DEA.....	50,000
7	Special revenue funds:	
8	State general fund/general purpose..... \$	3,543,500
9	<b>Sec. 105. VETERANS SERVICE ORGANIZATIONS</b>	
10	American legion..... \$	869,200
11	Disabled American veterans.....	718,500
12	Marine corps league.....	330,000
13	American veterans of World War II and Korea.....	456,000
14	Veterans of foreign wars.....	869,200
15	Michigan paralyzed veterans of America.....	162,600
16	Purple heart.....	155,000
17	Veterans of World War I.....	100
18	Polish legion of American veterans.....	40,500
19	Jewish veterans of America.....	40,500
20	State of Michigan council-Vietnam veterans of America	156,500
21	Catholic war veterans.....	<u>13,000</u>
22	GROSS APPROPRIATION..... \$	3,811,100
23	Appropriated from:	
24	State general fund/general purpose..... \$	3,811,100
25	<b>Sec. 106. GRAND RAPIDS VETERANS' HOME</b>	
26	Full-time equated classified positions.....539.0	

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1	Grand Rapids veterans' home--539.0 FTE positions.....	\$	41,539,300
2	Board of managers.....		<u>300,000</u>
3	GROSS APPROPRIATION.....	\$	41,839,300
4	Appropriated from:		
5	Federal revenues:		
6	DVA-VHA.....		11,688,200
7	HHS-HCFA, Medicare, hospital insurance.....		663,100
8	Special revenue funds:		
9	Private-veterans' home post and posthumous funds.....		300,000
10	Income and assessments.....		13,537,600
11	Lease revenue.....		35,000
12	State general fund/general purpose.....	\$	15,615,400
13	<b>Sec. 107. D.J. JACOBETTI VETERANS' HOME</b>		
14	Full-time equated classified positions.....153.0		
15	D.J. Jacobetti veterans' home--153.0 FTE positions...	\$	12,762,400
16	Board of managers.....		<u>75,000</u>
17	GROSS APPROPRIATION.....	\$	12,837,400
18	Appropriated from:		
19	Federal revenues:		
20	DVA-VHA.....		3,311,900
21	HHS-HCFA, Medicare, hospital insurance.....		325,500
22	Special revenue funds:		
23	Private-veterans' home post and posthumous funds.....		75,000
24	Income and assessments.....		4,189,300
25	State general fund/general purpose.....	\$	4,935,700
26	<b>Sec. 108. MICHIGAN VETERANS' TRUST FUND</b>		

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1	Full-time equated classified positions.....	16.0	
2	Veterans' affairs directorate administration--	3.0 FTE	
3	positions.....		\$ 358,100
4	Administration--	13.0 FTE positions.....	982,900
5	Veterans' trust fund grants.....		<u>3,746,500</u>
6	GROSS APPROPRIATION.....		\$ 5,087,500
7	Appropriated from:		
8	Special revenue funds:		
9	Michigan veterans' trust fund.....		4,736,300
10	State general fund/general purpose.....		\$ 351,200

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13      PART 2

14      PROVISIONS CONCERNING APPROPRIATIONS

## 15 GENERAL SECTIONS

16      Sec. 201. (1) Pursuant to section 30 of article IX of the state  
17 constitution of 1963, total state spending from state sources under part  
18 1 for fiscal year 2000-2001 is estimated at [\$64,361,700.00] and state  
19 appropriations to be paid to local units of government are as follows:

20 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

21 MILITARY TRAINING SITES AND SUPPORT FACILITIES

22	Payments in lieu of taxes.....		\$ 70,000
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23 MICHIGAN VETERANS' TRUST FUND

24	County counselor travel expenses.....		\$ <u>50,000</u>
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25	TOTAL.....		\$ 120,000
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26      (2) If it appears to the principal executive officer of a department  
27 or branch that state spending to local units of government will be less

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1 than the amount that was projected to be expended under subsection (1),  
2 the principal executive officer shall immediately give notice of the  
3 approximate shortfall to the state budget director, the senate and house  
4 of representatives appropriations committees, and the senate and house  
5 fiscal agencies.

6       Sec. 202. The expenditures and funding sources authorized under  
7 this act and the departments, agencies, commissions, boards, offices, and  
8 programs for which an appropriation is made under this act are subject to  
9 the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

10       Sec. 203. (1) In addition to the funds appropriated in part 1,  
11 there is appropriated an amount not to exceed \$2,900,000.00 for federal  
12 contingency funds. These funds are not available for expenditure until  
13 they have been transferred to another line item in this act pursuant to  
14 section 393(2) of the management and budget act, 1984 PA 431,  
15 MCL 18.1393.

16       (2) In addition to the funds appropriated in part 1, there is appro-  
17 priated an amount not to exceed \$1,500,000.00 for state restricted con-  
18 tingency funds. These funds are not available for expenditure until they  
19 have been transferred to another line item in this act pursuant to  
20 section 393(2) of the management and budget act, 1984 PA 431,  
21 MCL 18.1393.

22       (3) In addition to the funds appropriated in part 1, there is appro-  
23 priated an amount not to exceed \$100,000.00 for local contingency funds.  
24 These funds are not available for expenditure until they have been trans-  
25 ferred to another line item in this act pursuant to section 393(2) of the  
26 management and budget act, 1984 PA 431, MCL 18.1393.

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1       (4) In addition to the funds appropriated in part 1, there is  
2 appropriated an amount not to exceed \$100,000.00 for private contingency  
3 funds. These funds are not available for expenditure until they have  
4 been transferred to another line item in this act pursuant to section  
5 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

6       Sec. 204. The department of civil service shall bill departments  
7 and agencies at the end of the first fiscal quarter for the 1% charge  
8 authorized by section 5 of article XI of the state constitution of 1963.  
9 Payments shall be made for the total amount of the billing by the end of  
10 the second fiscal quarter.

11       Sec. 205. As used in this act:

12       (a) "Department" means the department of military and veterans  
13 affairs.

14       (b) "Director" means the director of the department of military and  
15 veterans affairs.

16       (c) "DOD" means the United States department of defense.

17       (d) "DOD-DOA-NGB" means the DOD department of the army, national  
18 guard bureau.

19       (e) "DOJ" means the United States department of justice.

20       (f) "DOJ-DEA" means the DOJ drug enforcement agency.

21       (g) "DVA" means the United States department of veterans' affairs.

22       (h) "DVA-VHA" means the DVA veterans' health administration.

23       (i) "FTE" means full-time equated.

24       (j) "HHS" means the United States department of health and human  
25 services.

26       (k) "HHS-HCFA" means the HHS health care financing administration.



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1       Sec. 206. (1) Beginning October 1, 2000, a hiring freeze is imposed  
2 on the state classified civil service. State departments and agencies  
3 are prohibited from hiring any new full-time state classified civil serv-  
4 ice employees and are prohibited from filling any vacant state classified  
5 civil service positions. The hiring freeze imposed under this subsection  
6 does not apply to internal transfers from 1 position to another within a  
7 department or to positions that are funded 80% or more from federal or  
8 restricted funds.

9       (2) The state budget director shall grant an exception to the hiring  
10 freeze if the state budget director believes that not granting the excep-  
11 tion to the hiring freeze will render a state department or agency unable  
12 to deliver basic services. The state budget director shall report by the  
13 thirtieth of each month to the chairpersons of the senate and house of  
14 representatives standing committees on appropriations the number of  
15 exceptions to the hiring freeze approved during the previous month and  
16 the reasons for the exceptions.

17       Sec. 207. Money appropriated in part 1 shall not be used for the  
18 purchase of foreign goods or services if competitively priced American  
19 goods or services of comparable quality are available.

20       Sec. 208. The department may provide advice and assistance to non-  
21 profit organizations in the state who seek the acquisition of surplus  
22 military equipment for display or museum purposes.

23       Sec. 209. (1) The director shall take all reasonable steps to  
24 ensure businesses in depressed and deprived communities compete for and  
25 perform contracts to provide services or supplies, or both, for the  
26 department.

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1       (2) The director shall strongly encourage firms with which the  
2 department contracts to subcontract with certified businesses in  
3 depressed and deprived communities for services or supplies, or both.

4       Sec. 213. Sixty days before beginning any effort to privatize, the  
5 department shall submit a complete project plan to the appropriate house  
6 of representatives and senate appropriations subcommittees and the house  
7 and senate fiscal agencies. The plan shall include the criteria under  
8 which the privatization initiative will be evaluated. The evaluation  
9 shall be completed and submitted to the appropriate house of representa-  
10 tives and senate appropriations subcommittees and the house and senate  
11 fiscal agencies within 30 months.

12       Sec. 214. The department shall create and retain reports for all  
13 money appropriated under part 1.

14       Sec. 215. The department shall continue to pilot the use of the  
15 Internet to fulfill the reporting requirements in this bill. This may  
16 include transmission of reports via electronic mail to the recipients  
17 identified for each reporting requirement or it may include placement of  
18 reports on the Internet or on the Intranet. The appropriations subcom-  
19 mittee shall be notified in writing of the Internet/Intranet site of any  
20 such report.

21       Sec. 216. (1) Of the funds appropriated in section 103 for military  
22 training sites and support facilities, there shall be established a  
23 Michigan national guard education assistance program. Disbursements to  
24 the educational assistance program shall not exceed \$2,000,000.00 without  
25 legislative approval. Under the program, a member of the national guard  
26 who is in active service and who enrolls as a full- or part-time student  
27 at a public or private state college or university may be eligible to

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1 receive up to an equivalent of 50% of the total cost of tuition not to  
2 exceed \$2,000.00, as education assistance, in any academic year.

3 (2) An eligible person means a member of the Michigan national guard  
4 who is in active service, as defined in section 105 of the Michigan mili-  
5 tary act, 1967 PA 150, MCL 32.505. An eligible person does not include a  
6 member of the Michigan national guard or air national guard who is absent  
7 without leave or who is under charges as described in the Michigan code  
8 of military justice of 1980, 1980 PA 523, MCL 32.1001 to 32.1148.

9 (3) The department of military and veterans affairs, office of the  
10 adjutant general shall administer the education assistance program and  
11 prescribe forms and procedures to effectively carry out the education  
12 assistance program.

13 (4) An eligible person shall apply to the department of military and  
14 veterans affairs, office of the adjutant general for education assistance  
15 and shall provide evidence of attendance and completion of the course of  
16 study with a grade of at least 2.0 on a 4.0 scale, or its equivalent.  
17 The adjutant general shall approve the application for reimbursement if  
18 the applicant meets the definition of an eligible person under  
19 subsection (2) and other criteria as established by the adjutant  
20 general.

21 (5) The education assistance program applies to any course of  
22 instruction that is included in an associate, undergraduate, or postgrad-  
23 uate degree program offered by a college or university of this state.

24 (6) The education assistance program applies to an eligible person  
25 notwithstanding any other educational incentive or benefit received by  
26 the eligible person under any other educational assistance program  
27 provided by any other state.

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1       (7) An eligible person who successfully completes the course of  
2 study with a grade of at least 2.0 on a 4.0 scale, or its equivalent,  
3 shall be eligible for reimbursement.

4       (8) The department of military and veterans affairs may use funds  
5 from the appropriated funds to administer the education assistance  
6 program.

7       (9) Reimbursed members who do not complete their national guard  
8 obligation shall pay the state for money received from the state for  
9 tuition. Members who fail to repay the state within the time limits  
10 established by the adjutant general shall be indebted to the state. The  
11 department shall work in conjunction with the department of treasury for  
12 inclusion in the tax intercept program for amounts due the state.

13       (10) The amount appropriated in section 103 for the national guard  
14 educational assistance program shall not be expended unless 1953 PA 140,  
15 MCL 32.261 to 32.262, is repealed.

16       Sec. 217. In conjunction with the department of transportation, the  
17 department of military and veterans affairs shall develop plans for the  
18 maintenance, scheduling, and use of all state-owned, noncombat aircraft.  
19 It is the intent of the legislature that these plans maximize the  
20 cost-efficient use of the state transportation air fleet. The depart-  
21 ments shall prepare a joint report, coordinated by the department of  
22 transportation, on the development of these plans.

**1 HEADQUARTERS AND ARMORIES**

2       Sec. 301. Money appropriated in this act for the military duty con-  
3 tingency fund shall be used to fund nonfederally supported missions of  
4 the national guard when called to state duty.

5       Sec. 302. The department may charge a reasonable rental fee for  
6 renting an armory. The fee shall include the cost of overtime compensa-  
7 tion, insurance coverage, and any maintenance required.

[Sec. 303. Of the funds appropriated in section 102 for Michigan  
emergency volunteers and civil air patrol, \$20,000.00 shall be  
appropriated for the civil air patrol and \$5,000.00 shall be appropriated  
for the Michigan emergency volunteers. The appropriations for the civil  
air patrol shall be used for the purchase of search and rescue equipment.]

**8 DEPARTMENTWIDE APPROPRIATIONS**

9       Sec. 401. Money available from the Michigan national guard armory  
10 construction fund created in section 382a of the Michigan military act,  
11 1967 PA 150, MCL 32.782a, is appropriated for expenditure for the pur-  
12 poses specified in that section.

**13 VETERANS SERVICE ORGANIZATIONS**

14       Sec. 501. (1) Money appropriated in section 105 for grants to vet-  
15 erans service organizations shall be used only for salaries, wages,  
16 related personnel costs, training, and equipment for accredited veteran  
17 service advocacy officers and necessary support and managerial staff.  
18 Training shall be provided for service advocacy officers and shall be  
19 conducted by accredited advocacy officers.

20       (2) To receive a grant from the money appropriated in section 105, a  
21 veterans service organization shall meet the following eligibility  
22 requirements:

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1 (a) Be congressionally chartered by the United States Congress.

2 (b) Be an active participating member of the Michigan veterans  
3 organizations' rehabilitation and veterans service committee and abide by  
4 its rules, guidelines, and programs.

5 (c) Demonstrate the receipt of monetary or service support from its  
6 own organization.

7 (d) Comply with the department's and the legislature's requirements  
8 of accounting audits, service work activity, accounting of recoveries,  
9 listing of volunteer hours, budget requests, and other requirements spec-  
10 ified in subsection (3).

11 (e) For a veterans service organization founded after September 30,  
12 1989, be in operation and providing service to Michigan veterans for not  
13 less than 2 years before receiving an initial state grant. During this  
14 2-year period of time, the organization shall file a listing of service  
15 work activity and an accounting of recoveries with the department, the  
16 senate and house fiscal agencies, and the senate and house of representa-  
17 tives subcommittees on military affairs on forms as prescribed by the  
18 department.

19 (3) A veterans service organization receiving a grant from the money  
20 appropriated in section 105 shall file with the department a certified  
21 accounting of its expenditures within 120 days after the organization's  
22 fiscal year end. Each organization shall provide a detailed budget  
23 request for the fiscal year ending September 30, 2002 to the department  
24 by November 15, 2000 within the format as prescribed by the department to  
25 be used in the development of the budget for the fiscal year ending  
26 September 30, 2002. Each veterans service organization shall provide 5  
27 copies of a listing of all service activity, an accounting of recoveries,

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1 and a listing of volunteer hours for the fiscal year ending September 30,  
2 2000 to the department by January 31, 2001. The listing of volunteer  
3 hours shall include the hours, services, and donations provided to resi-  
4 dents of the Grand Rapids veterans' home and the D. J. Jacobetti  
5 veterans' home. Each veterans service organization shall provide a copy  
6 of the most recent and completed internal revenue service form 990 to the  
7 department at the end of the fiscal year ending September 30, 2000. A  
8 veterans service organization receiving a grant from the money appropri-  
9 ated in section 105 shall use the forms recommended by the Michigan vet-  
10 erans organizations' rehabilitation and veterans service committee for  
11 filing reports required by this act. The department shall forward infor-  
12 mation required under this section to the senate and house fiscal agen-  
13 cies and to the senate and house of representatives appropriations sub-  
14 committees on military affairs.

15       Sec. 502. Appropriations in section 105 for veterans service organ-  
16 izations shall include funding to provide services to veterans of World  
17 War I.

### 18 VETERANS' HOMES

19       Sec. 601. Appropriations in this act for the Grand Rapids veterans'  
20 home and the D. J. Jacobetti veterans' home shall not be used for any  
21 purpose other than for veterans and veterans' families.

22       Sec. 602. The Grand Rapids veterans' home and the D. J. Jacobetti  
23 veterans' home, together with the department and the department of man-  
24 agement and budget, shall produce and deliver to the senate and house of  
25 representatives appropriations subcommittees on state police and military

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1 affairs an annual written report. The report shall include an accounting  
2 of member populations and bed space available; a description and account-  
3 ing of services and activities provided to members; financial informa-  
4 tion; current state nursing home licensure status; the steps required for  
5 Medicaid certification, including a listing of any personnel, equipment,  
6 supplies, or budgetary increases required; and whether or not steps are  
7 being taken toward Medicaid certification. The annual report shall be  
8 submitted to the senate and house of representatives appropriations sub-  
9 committees on military affairs no later than February 1, 2001.

10       Sec. 603. The money appropriated in this act for the boards of man-  
11 agers may be expended for facility improvements, the purchase and repair  
12 of equipment and furnishings, member services, and other purposes that  
13 benefit the Grand Rapids veterans' home and the D. J. Jacobetti veterans'  
14 home.

15       Sec. 604. The money appropriated in this act for the boards of man-  
16 agers of the Grand Rapids veterans' home and the D. J. Jacobetti  
17 veterans' home shall be considered a work project account, and unexpended  
18 money remaining at the close of the fiscal year shall not lapse to the  
19 general fund but shall be carried forward to the subsequent fiscal year.

### 20 VETERANS' TRUST FUND

21       Sec. 701. In compliance with the various veterans' benefit programs  
22 funded by this state, a veteran who is denied benefits as a result of  
23 lack of properly disseminated information or due to misinformation rela-  
24 tive to benefit eligibility shall be provided a review hearing by the  
25 Michigan veterans' trust fund board.

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1       Sec. 702. The department may receive and expend revenue deposited  
2 to the Vietnam veterans memorial monument fund created under section 3 of  
3 the Michigan Vietnam veterans memorial act, 1988 PA 234, MCL 35.1053.

4       Sec. 703. (1) By April 1, 2001, the department shall submit to the  
5 senate and house of representatives appropriations subcommittees on mili-  
6 tary affairs a detailed annual report of the Michigan veterans' trust  
7 fund for fiscal year 1999-2000. The report shall include information on  
8 grants provided from the emergency grant program and the veterans survi-  
9 vor tuition program, including details concerning the methodology of  
10 allocations, the selection of emergency grant program authorized agents,  
11 and a detailed breakdown of trust fund expenditures for that year. The  
12 report shall also provide an update on the department's efforts to reduce  
13 program administrative costs.

14       (2) The annual report required under subsection (1) shall provide  
15 detailed information on the number of emergency grant applications denied  
16 during fiscal year 1999-2000, including an accounting of the reasons for  
17 denial. This information also shall include the number of persons denied  
18 an emergency grant because of individual ineligibility, because of insuf-  
19 ficient funds, and because the applicant's request did not meet minimum  
20 program criteria.

21       (3) The annual report required under subsection (1) shall contain  
22 information on the veterans survivors tuition program, including the  
23 number of participants, where the participants attended school, payments  
24 made to each school, the average grade point and number of college cred-  
25 its earned by each participant, the number of participants suspended by  
26 the program, and the number of participants who earned a degree during  
27 fiscal year 1999-2000.

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1       Sec. 704. The Michigan veterans affairs directorate administration  
2 and the Michigan veterans trust fund administration shall take steps to  
3 assist the county veterans counselors of the state to obtain training  
4 necessary for the execution of their duties.

5       Sec. 705. The Michigan veterans' memorial park commission may  
6 receive and expend gifts, contributions, and bequests from any person,  
7 public or private corporation, organization, foundation, governmental  
8 entity, or any other source for the purpose of establishing a veterans'  
9 memorial park as described in Executive Order No. 1992-4. Money contrib-  
10 uted to the Michigan veterans' memorial park commission shall be depos-  
11 ited in the state treasury through the department and shall be available  
12 for expenditure. Project costs authorized by this act shall not exceed  
13 the gifts, contributions, and bequests received. Money under this sec-  
14 tion and any specific work orders or projects adopted by the Michigan  
15 veterans' memorial park commission in accordance with section 451(2) of  
16 the management and budget act, 1984 PA 431, MCL 18.1451, do not lapse at  
17 the end of this fiscal year but are available for expenditure until  
18 September 30, 2002. Expenditures shall be in accordance with methods and  
19 procedures approved by the Michigan veterans' memorial park commission,  
20 the department, and appropriate state agencies.