

SENATE 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:

PART 1

LINE-ITEM APPROPRIATIONS

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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For Fiscal Year
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1 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

2 Full-time equated unclassified positions.....7.0

3 Full-time equated classified positions.....1,081.0

4 GROSS APPROPRIATION..... \$
101,712,600

5 Total interdepartmental grants and intradepartmental

6 transfers..... \$
0

7 ADJUSTED GROSS APPROPRIATION..... \$
101,712,600

8 Total federal revenues.....
35,952,600

9 Total local revenues.....
0

10 Total private revenues.....
375,000

11 Total other state restricted revenues.....
22,988,200

12 State general fund/general purpose..... \$
42,396,800

13 Sec. 102. HEADQUARTERS AND ARMORIES

14 Full-time equated unclassified positions.....7.0

15 Full-time equated classified positions.....144.0

16 Headquarters and armories--105.0 FTE positions..... \$
10,392,200

17 Unclassified military personnel.....
616,900

18 Military appeals tribunal.....
900

19 Michigan emergency volunteers and civil air patrol...
25,000

20 State active duty.....
60,100

21 Challenge program--39.0 FTE positions.....
2,808,400

22 GROSS APPROPRIATION..... \$
13,903,500

23 Appropriated from:

24 Federal revenues:

25 DOD-DOA-NGB.....
4,017,700

26 Special revenue funds:

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1	Armory rentals.....	
	350,000	
2	Mackinac bridge authority.....	
	40,000	
3	State general fund/general purpose.....	\$
	9,495,800	
4	Sec. 103. MILITARY TRAINING SITES AND SUPPORT FACILITIES	
5	Full-time equated classified positions.....	229.0
6	Military training sites and support facilities--	229.0
7	FTE positions.....	\$
	15,741,000	
8	Military training sites and support facilities test	
9	projects.....	_____
	<u>100,000</u>	
10	GROSS APPROPRIATION.....	\$
	15,841,000	
11	Appropriated from:	
12	Federal revenues:	
13	DOD-DOA-NGB.....	
	11,920,200	
14	Special revenue funds:	
15	Test project fees.....	
	100,000	
16	State general fund/general purpose.....	\$
	3,820,800	
17	Sec. 104. DEPARTMENTWIDE APPROPRIATIONS	
18	Departmentwide accounts.....	\$
	2,147,400	
19	Special maintenance-state.....	
	936,200	
20	Special maintenance-federal.....	
	2,302,000	
21	Military retirement.....	
	2,231,900	
22	Counter narcotic operations.....	
	50,000	
23	Starbase grant.....	_____
	<u>402,000</u>	
24	GROSS APPROPRIATION.....	\$
	8,069,500	
25	Appropriated from:	
26	Federal revenues:	

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1	DOD-DOA-NGB.....	
	3,976,000	
2	DOJ-DEA.....	
	50,000	
3	State general fund/general purpose.....	\$
	4,043,500	
4	Sec. 105. VETERANS SERVICE ORGANIZATIONS	
5	American legion.....	\$
	886,000	
6	Disabled American veterans.....	
	732,400	
7	Marine corps veterans.....	
	336,300	
8	American veterans of World War II and Korea.....	
	464,800	
9	Veterans of foreign wars.....	
	886,000	
10	Michigan paralyzed veterans of America.....	
	165,700	
11	Purple heart.....	
	157,900	
12	Veterans of World War I.....	
	100	
13	Polish legion of American veterans.....	
	41,200	
14	Jewish veterans of America.....	
	41,200	
15	State of Michigan council Vietnam veterans of America	
	159,500	
16	Catholic war veterans.....	_____
	<u>13,300</u>	
17	GROSS APPROPRIATION.....	\$
	3,884,400	
18	Appropriated from:	
19	State general fund/general purpose.....	\$
	3,884,400	
20	Sec. 106. GRAND RAPIDS VETERANS' HOME	
21	Full-time equated classified positions.....	539.0
22	Grand Rapids veterans' home--539.0 FTE positions.....	\$
	41,539,300	
23	Board of managers.....	_____
	<u>300,000</u>	
24	GROSS APPROPRIATION.....	\$
	41,839,300	

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25 Appropriated from:

26 Federal revenues:

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1	DVA-VHA.....	
	11,688,200	
2	HHS-HCFA, Medicare, hospital insurance.....	
	663,100	
3	Special revenue funds:	
4	Private-veterans' home post and posthumous funds.....	
	300,000	
5	Income and assessments.....	
	13,537,600	
6	Lease revenue.....	
	35,000	
7	State general fund/general purpose.....	\$
	15,615,400	
8	Sec. 107. D.J. JACOBETTI VETERANS' HOME	
9	Full-time equated classified positions.....	153.0
10	D.J. Jacobetti veterans' home--153.0 FTE positions...	\$
	13,012,400	
11	Board of managers.....	_____
	<u>75,000</u>	
12	GROSS APPROPRIATION.....	\$
	13,087,400	
13	Appropriated from:	
14	Federal revenues:	
15	DVA-VHA.....	
	3,311,900	
16	HHS-HCFA, Medicare, hospital insurance.....	
	325,500	
17	Special revenue funds:	
18	Private-veterans' home post and posthumous funds.....	
	75,000	
19	Income and assessments.....	
	4,189,300	
20	State general fund/general purpose.....	\$
	5,185,700	
21	Sec. 108. MICHIGAN VETERANS' TRUST FUND	
22	Full-time equated classified positions.....	16.0
23	Veterans' affairs directorate administration--	3.0
24	FTE positions.....	\$
	351,200	
25	Administration--13.0 FTE positions.....	
	989,800	
26	Veterans' trust fund grants.....	_____
	<u>3,746,500</u>	

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1 GROSS APPROPRIATION..... \$
5,087,500

2 Appropriated from:

3 Special revenue funds:

4 Michigan veterans' trust fund.....
4,736,300

5 State general fund/general purpose..... \$
351,200

6

7

8 PART 2

9 PROVISIONS CONCERNING APPROPRIATIONS

10 **GENERAL SECTIONS**

11 Sec. 201. Pursuant to section 30 of article IX of the state
consti-
12 tution of 1963, total state spending from state resources under part
1
13 for fiscal year 2000-2001 is \$65,385,000.00 and state spending from
state
14 resources to be paid to local units of government for fiscal year
15 2000-2001 is \$120,000.00. The itemized statement below identifies
appro-
16 priations from which spending to units of local government will
occur:

17 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

18 MILITARY TRAINING SITES AND SUPPORT FACILITIES

19 Payments in lieu of taxes..... \$
70,000

20 MICHIGAN VETERANS' TRUST FUND

21 County counselor travel expenses..... \$ ____
50,000

22 TOTAL..... \$
120,000

23 Sec. 202. The appropriations authorized under this act are
subject

24 to the management and budget act, 1984 PA 431, MCL 18.1101 to
18.1594.

25 Sec. 203. As used in this act:

26 (a) "Department" means the department of military and veterans
27 affairs.

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1 (b) "Director" means the director of the department of
military and
2 veterans affairs.

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

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

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

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

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

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

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

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

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

14 Sec. 204. The department of civil service shall bill
departments

15 and agencies at the end of the first fiscal quarter for the 1%
charge

16 authorized by section 5 of article XI of the state constitution of
1963.

17 Payments shall be made for the total amount of the billing by the
end of

18 the second fiscal quarter.

19 Sec. 205. (1) Beginning October 1, a hiring freeze is imposed
on

20 the state classified civil service. State departments and agencies
are

21 prohibited from hiring any new full-time state classified civil
service

22 employees and prohibited from filling any vacant state classified
civil

23 service positions. This hiring freeze does not apply to internal
trans-

24 fers of classified employees from 1 position to another within a
depart-

25 ment or to positions that are funded with 80% or more federal or

26 restricted funds.

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- 1 (2) The state budget director shall grant exceptions to this
hiring
- 2 freeze when the state budget director believes that the hiring
freeze
- 3 will result in rendering a state department or agency unable to
deliver
- 4 basic services. The state budget director shall report by the
fifteenth
- 5 of each month to the chairpersons of the senate and house of
representa-
- 6 tives standing committees on appropriations the number of exceptions
to
- 7 the hiring freeze approved during the previous month and the
justifica-
- 8 tion for the exception.
- 9 Sec. 206. (1) In addition to the funds appropriated in part 1,
10 there is appropriated an amount not to exceed \$2,900,000.00 for
federal
- 11 contingency funds. These funds are not available for expenditure
until
- 12 they have been transferred to another line item in this act under
- 13 section 393(2) of the management and budget act, 1984 PA 431,
14 MCL 18.1393.
- 15 (2) In addition to the funds appropriated in part 1, there is
appro-
- 16 priated an amount not to exceed \$1,500,000.00 for state restricted
con-
- 17 tingency funds. These funds are not available for expenditure until
they
- 18 have been transferred to another line item in this act under
- 19 section 393(2) of the management and budget act, 1984 PA 431,
20 MCL 18.1393.
- 21 (3) In addition to the funds appropriated in part 1, there is
appro-
- 22 priated an amount not to exceed \$100,000.00 for local contingency
funds.
- 23 These funds are not available for expenditure until they have been
trans-
- 24 ferred to another line item in this act under section 393(2) of the
man-
- 25 agement and budget act, 1984 PA 431, MCL 18.1393.
- 26 (4) In addition to the funds appropriated in part 1, there is
27 appropriated an amount not to exceed \$100,000.00 for private
contingency

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- 1 funds. These funds are not available for expenditure until they
have
- 2 been transferred to another line item in this act under section
393(2) of
- 3 the management and budget act, 1984 PA 431, MCL 18.1393.
- 4 Sec. 207. At least 60 days before beginning any effort to
privati-
- 5 ze, the department shall submit a complete project plan to the
appropri-
- 6 ate senate and house of representatives appropriations subcommittees
and
- 7 the senate and house fiscal agencies. The plan shall include the
cri-
- 8 teria under which the privatization initiative will be evaluated.
The
- 9 evaluation shall be completed and submitted to the appropriate
senate and
- 10 house of representatives appropriations subcommittees and the senate
and
- 11 house fiscal agencies within 30 months.
- 12 Sec. 208. The department shall continue to pilot the use of
the
- 13 Internet to fulfill the reporting requirements of this act. This
may
- 14 include transmission of reports via electronic mail to the
recipients
- 15 identified for each reporting requirement or it may include
placement of
- 16 reports on the Internet or legislative Intranet site. The senate
and
- 17 house of representatives appropriations subcommittees and senate and
- 18 house fiscal agencies shall be notified in writing of the Internet
or
- 19 Intranet site of any such report. Quarterly, the department shall
pro-
- 20 vide a cumulative listing of the reports submitted during the most
recent
- 21 3-month period along with the Internet or Intranet site of each
report,
- 22 and a list of those reports expected to be transmitted in the
following
- 23 quarter.
- 24 Sec. 209. Funds appropriated in part 1 shall not be used for
the
- 25 purchase of foreign goods or services, or both, if competitively
priced

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26 and of comparable quality American goods or services, or both, are
27 available.

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- 1 Sec. 210. The director of each department receiving
appropriations
- 2 in part 1 shall take all reasonable steps to ensure businesses in
- 3 deprived and depressed communities compete for and perform contracts
to
- 4 provide services or supplies, or both. Each director shall strongly
- 5 encourage firms with which the department contracts to subcontract
with
- 6 certified businesses in depressed and deprived communities for
services,
- 7 supplies, or both.
- 8 Sec. 212. The department may provide advice and assistance to
non-
- 9 profit organizations in the state who seek the acquisition of
surplus
- 10 military equipment for display or museum purposes.
- 11 Sec. 214. The department shall create and retain reports for
all
- 12 money appropriated under part 1.
- 13 Sec. 216. (1) Of the funds appropriated in section 103 for
military
- 14 training sites and support facilities, there shall be established a
- 15 Michigan national guard education assistance program. Disbursements
to
- 16 the educational assistance program shall not exceed \$2,200,000.00
without
- 17 legislative approval. Under the program, a member of the national
guard
- 18 who is in active service and who enrolls as a full- or part-time
student
- 19 at a public or private state college or university may be eligible
to
- 20 receive up to an equivalent of 50% of the total cost of tuition not
to
- 21 exceed \$2,000.00, as education assistance, in any academic year.
- 22 (2) An eligible person means a member of the Michigan national
guard
- 23 who is in active service, as defined in section 105 of the Michigan
mili-
- 24 tary act, 1967 PA 150, MCL 32.505. An eligible person does not
include a
- 25 member of the Michigan national guard or air national guard who is
absent
- 26 without leave or who is under charges as described in the Michigan
code

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27 of military justice of 1980, 1980 PA 523, MCL 32.1001 to 32.1148.

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

5 (4) An eligible person shall apply to the department of
military and
6 veterans affairs, office of the adjutant general for education
assistance
7 and shall provide evidence of attendance and completion of the
course of
8 study with a grade of at least 2.0 on a 4.0 scale, or its
equivalent.
9 The adjutant general shall approve the application for reimbursement
if
10 the applicant meets the definition of an eligible person under
11 subsection (2) and other criteria as established by the adjutant
12 general.

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

16 (6) The education assistance program applies to an eligible
person
17 notwithstanding any other educational incentive or benefit received
by
18 the eligible person under any other educational assistance program
pro-
19 vided by any other state.

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

23 (8) The department of military and veterans affairs may use
funds
24 from the appropriated funds to administer the education assistance
25 program.

26 (9) Reimbursed members who do not complete their national guard
27 obligation shall pay the state for money received from the state for

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1 tuition. Members who fail to repay the state within the time limits
2 established by the adjutant general shall be indebted to the state.
The
3 department shall work in conjunction with the department of treasury
for
4 inclusion in the tax intercept program for amounts due the state.
5 (10) A portion of the funds for the Michigan national guard
educa-
6 tion assistance program may be used by the department for the
purpose of
7 promoting the program and for encouraging those persons the
department
8 wishes to have enlist or reenlist in the Michigan national guard.
9 Sec. 217. In conjunction with the department of
transportation, the
10 department of military and veterans affairs shall develop plans for
the
11 maintenance, scheduling, and use of all state-owned, noncombat
aircraft.
12 It is the intent of the legislature that these plans maximize the
13 cost-efficient use of the state transportation air fleet. The
depart-
14 ments shall prepare a joint report, coordinated by the department of
15 transportation, on the development of these plans.

16 HEADQUARTERS AND ARMORIES

17 Sec. 301. Money appropriated in this act for the military duty
con-
18 tingency fund shall be used to fund nonfederally supported missions
of
19 the national guard when called to state duty.
20 Sec. 302. The department may charge a reasonable rental fee
for
21 renting an armory. The fee shall include the cost of overtime
compensa-
22 tion, insurance coverage, and any maintenance required.
23 Sec. 303. Of the funds appropriated in section 102 for
Michigan
24 emergency volunteers and civil air patrol, \$20,000.00 shall be
25 appropriated for the civil air patrol and \$5,000.00 shall be
appropriated

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1 for the Michigan emergency volunteers. The appropriations for the
civil
2 air patrol shall be used for the purchase of search and rescue
3 equipment.

4 DEPARTMENTWIDE APPROPRIATIONS

5 Sec. 401. Money available from the Michigan national guard
armory
6 construction fund created in section 382a of the Michigan military
act,
7 1967 PA 150, MCL 32.782a, is appropriated for expenditure for the
pur-
8 poses specified in that section.

9 VETERANS SERVICE ORGANIZATIONS

10 Sec. 501. (1) Money appropriated in section 105 for grants to
vet-
11 erans service organizations shall be used only for salaries, wages,
12 related personnel costs, training, and equipment for accredited
veteran
13 service advocacy officers and necessary support and managerial
staff.
14 Training shall be provided for service advocacy officers and shall
be
15 conducted by accredited advocacy officers.
16 (2) To receive a grant from the money appropriated in section
105, a
17 veterans service organization shall meet the following eligibility
18 requirements:
19 (a) Be congressionally chartered by the United States Congress.
20 (b) Be an active participating member of the Michigan veterans
21 organizations' rehabilitation and veterans service committee and
abide by
22 its rules, guidelines, and programs.

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

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

7 (e) For a veterans service organization founded after September
30,
8 1989, be in operation and providing service to Michigan veterans for
not
9 less than 2 years before receiving an initial state grant. During
this
10 2-year period of time, the organization shall file a listing of
service
11 work activity and an accounting of recoveries with the department,
the
12 senate and house fiscal agencies, and the senate and house of
representa-
13 tives subcommittees on military affairs on forms as prescribed by
the
14 department.

15 (3) A veterans service organization receiving a grant from the
money
16 appropriated in section 105 shall file with the department a
certified
17 accounting of its expenditures within 120 days after the
organization's
18 fiscal year end. Each organization shall provide a detailed budget
19 request for the fiscal year ending September 30, 2002 to the
department
20 by November 15, 2000 within the format as prescribed by the
department to
21 be used in the development of the budget for the fiscal year ending
22 September 30, 2002. Each veterans service organization shall
provide 5
23 copies of a listing of all service activity, an accounting of
recoveries,
24 and a listing of volunteer hours for the fiscal year ending
September 30,
25 2000 to the department by January 31, 2001. The listing of
volunteer
26 hours shall include the hours, services, and donations provided to

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27 residents of the Grand Rapids veterans' home and the D. J. Jacobetti

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1 veterans' home. Each veterans service organization shall provide a
copy
2 of the most recent and completed internal revenue service form 990
to the
3 department at the end of the fiscal year ending September 30, 2000.
A
4 veterans service organization receiving a grant from the money
appropri-
5 ated in section 105 shall use the forms recommended by the Michigan
vet-
6 erans organizations' rehabilitation and veterans service committee
for
7 filing reports required by this act. The department shall forward
infor-
8 mation required under this section to the senate and house fiscal
agen-
9 cies and to the senate and house of representatives appropriations
sub-
10 committees on military affairs.
11 Sec. 502. Appropriations in section 105 for veterans service
organ-
12 izations shall include funding to provide services to veterans of
World
13 War I.

14 VETERANS' HOMES

15 Sec. 601. Appropriations in this act for the Grand Rapids
veterans'
16 home and the D. J. Jacobetti veterans' home shall not be used for
any
17 purpose other than for veterans and veterans' families.
18 Sec. 602. The Grand Rapids veterans' home and the D. J.
Jacobetti
19 veterans' home, together with the department and the department of
man-
20 agement and budget, shall produce and deliver to the senate and
house of
21 representatives appropriations subcommittees on state police and
military
22 affairs an annual written report. The report shall include an
accounting
23 of member populations and bed space available; a description and
account-
24 ing of services and activities provided to members; financial

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25 information; current state nursing home licensure status; the steps

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1 required for Medicaid certification, including a listing of any
2 personnel, equipment, supplies, or budgetary increases required; and
3 whether or not steps are being taken toward Medicaid certification.
The
4 annual report shall be submitted to the senate and house of
representa-
5 tives appropriations subcommittees on military affairs no later than
6 February 1, 2001.
7 Sec. 603. The money appropriated in this act for the boards of
man-
8 agers may be expended for facility improvements, the purchase and
repair
9 of equipment and furnishings, member services, and other purposes
that
10 benefit the Grand Rapids veterans' home and the D. J. Jacobetti
veterans'
11 home.
12 Sec. 604. The money appropriated in this act for the boards of
man-
13 agers of the Grand Rapids veterans' home and the D. J. Jacobetti
14 veterans' home shall be considered a work project account, and
unexpended
15 money remaining at the close of the fiscal year shall not lapse to
the
16 general fund but shall be carried forward to the subsequent fiscal
year.

17 VETERANS' TRUST FUND

18 Sec. 701. In compliance with the various veterans' benefit
programs
19 funded by this state, a veteran who is denied benefits as a result
of
20 lack of properly disseminated information or due to misinformation
rela-
21 tive to benefit eligibility shall be provided a review hearing by
the
22 Michigan veterans' trust fund board.
23 Sec. 702. The department may receive and expend revenue
deposited
24 to the Vietnam veterans memorial monument fund created under section
3 of
25 the Michigan Vietnam veterans memorial act, 1988 PA 234, MCL
35.1053.

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

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

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

25 Sec. 704. The Michigan veterans affairs directorate
administration
26 and the Michigan veterans trust fund administration shall take steps

HB 5280, As Passed Senate, May 24, 2000

to

05712'00 (S-1)

HB 5280, As Passed Senate, May 24, 2000

House Bill No. 5280

18

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

