

HOUSE BILL No. 4153

January 30, 2007, Introduced by Reps. Rick Jones, Pearce, Hansen, Caswell, Rocca, Dean, Green, Gonzales, Sheltroun, LaJoy, Meekhof, Stahl, Mayes and Agema and referred to the Committee on Military and Veterans Affairs and Homeland Security.

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending sections 105, 113, and 283 (MCL 32.505, 32.513, and 32.683), section 105 as amended by 2002 PA 133.

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

1 state military establishment.

2 (b) "Michigan national guard" means the army national guard
3 and the air national guard.

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

5 (d) "Active state service", as applied to the national guard
6 and the defense force, means military service in support of civil
7 authorities, at the request of local authorities, including, but
8 not limited to, support in the enforcement of laws prohibiting the
9 importation, sale, delivery, possession, or use of a controlled
10 substance, if ordered by the governor or as otherwise provided in
11 this act. As used in this section, "controlled substance" means
12 that term as defined in section 7104 of the public health code,
13 1978 PA 368, MCL 333.7104.

14 (e) ~~"Special"~~ **"STATE SPECIAL** duty" means military service in
15 support of the full-time operation of the state military
16 establishment for a period of not less than 1 day if ordered by
17 competent authority.

18 (f) "Active service" means **ALL FORMS OF ACTIVE STATE** service,
19 **DUTY UNDER TITLE 32 OF THE UNITED STATES CODE, AND DUTY SERVED**
20 **UNDER THE AUTHORITY OR COMMAND OF THE GOVERNOR OR HIS OR HER**
21 **DESIGNEE**, including active state service and **STATE** special duty.
22 ~~required by law, regulation, or pursuant to order of the governor.~~
23 Active service includes continuing service of an active member of
24 the national guard and the defense force in fulfilling that active
25 member's commission, appointment, or enlistment.

26 (g) "Inactive status" means the status of those members of the
27 national guard who are listed on an inactive list authorized by a

1 federal statute or regulation.

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

5 (i) "Officer" means a commissioned officer and a warrant
6 officer, unless a distinction between commissioned officer and
7 warrant officer is clearly evident.

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

11 (k) "Armory" means a building, facility, or the lots and
12 grounds used by an army, navy, or air unit of the organized militia
13 as a home station.

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

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

21 Sec. 113. Officers and enlisted personnel of the state
22 military establishment shall receive for each day spent by them on
23 active state service **OR STATE SPECIAL DUTY** under orders of the
24 governor, who is authorized to determine when to place them on such
25 duty, the pay, ~~and~~ allowances, **AND HEALTH CARE COVERAGE** provided
26 for persons of the federal military forces of like grade or rank
27 and years of service. Enlisted personnel so serving shall receive

1 \$3.00 per day allowance in addition to the pay herein authorized **IN**
2 **THIS SECTION.** ~~There is hereby appropriated each year from the~~
3 ~~general fund, the~~ **THE** sums necessary to implement the provisions of
4 this type active state service including logistic costs **SHALL BE**
5 **APPROPRIATED BY THE LEGISLATURE EACH YEAR FROM THE GENERAL FUND.**

6 Sec. 283. While in active state service under orders of the
7 governor under the circumstances and conditions prescribed for the
8 national guard in this act, or in such status in the
9 administration, training, command and supply of the Michigan
10 defense force, the officers and enlisted men thereof shall receive
11 the same pay, ~~and~~ allowances, **AND HEALTH CARE COVERAGE** as are
12 prescribed for the national guard in like circumstances.