

MICHIGAN MILITARY ACT Act 150 of 1967

AN ACT to provide for the militia of this state and its organization, command, personnel, administration, training, supply, discipline, deployment, employment, and retirement; and to repeal acts and parts of acts.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1998, Act 212, Imd. Eff. July 1, 1998.

The People of the State of Michigan enact:

CHAPTER 1 GENERAL PROVISIONS

32.501 Michigan military act; short title.

Sec. 101. This act shall be known and may be cited as the "Michigan military act".

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.503 Michigan military act; intent, construction.

Sec. 103. It is the intent of this act and other acts of this state affecting the Michigan national guard, the Michigan defense force and the unorganized militia to conform to applicable acts and regulations of the United States. The laws of this state shall be construed to effect this intent, and anything to the contrary shall be held to be null and void as long as the subject matter shall have been acted upon by the United States. Upon any subject not acted upon with reference to these matters by the United States, any law or regulation of this state shall be in full force and effect.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.505 Definitions.

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

- (a) "Military" means a reference to all components of the state military establishment.
- (b) "Michigan national guard" means the army national guard and the air national guard.
- (c) "Commander-in-chief" means the governor of this state.
- (d) "Active state service", as applied to the national guard and the defense force, means military service in support of civil authorities, at the request of state or local authorities, including, but not limited to, support in the enforcement of laws prohibiting the importation, sale, delivery, possession, or use of a controlled substance, if ordered by the governor or as otherwise provided in this act.
- (e) "Special duty" means military service in support of the full-time operation of the state military establishment for a period of not less than 1 day if ordered by competent authority.
- (f) "Active service" means service, including active state service and special duty required by law, regulation, or pursuant to order of the governor. Active service includes continuing service of an active member of the national guard and the defense force in fulfilling that active member's commission, appointment, or enlistment.
- (g) "Inactive status" means the status of those members of the national guard who are listed on an inactive list authorized by a federal statute or regulation.
- (h) "In the service of the United States" and "not in the service of the United States" mean the same as those terms are used and construed under federal laws and regulations.
- (i) "Officer" means a commissioned officer and a warrant officer, unless a distinction between commissioned officer and warrant officer is clearly evident.
- (j) "Martial law" or "martial rule" means the exercise of partial or complete military control over domestic territory in time of emergency because of public necessity.
- (k) "Armory" means a building, facility, or the lots and grounds used by an army, navy, or air unit of the national guard or organized militia as a home station or for military training.
- (l) "Military establishment" means the organized militia of this state, including the employees and equipment assigned or necessary to carry out the provisions of this act.
- (m) "Vital resource" means a public or private building, facility, property, or location that the governor considers necessary to protect the public health, safety, and welfare of the citizens of this state.
- (n) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA

368, MCL 333.7104.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1998, Act 212, Imd. Eff. July 1, 1998;—Am. 2002, Act 133, Eff. May 1, 2002;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.507 Rules and regulations for administration of act; promulgation by adjutant general.

Sec. 107. The adjutant general shall promulgate rules and regulations, to be approved by the governor, necessary for administration of this act in accordance with the provisions of Act. No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

Administrative rules: R 32.1 et seq. and R 32.151 of the Michigan Administrative Code.

32.509 State military establishment; composition; organized and unorganized militia.

Sec. 109. The organized militia of this state taken collectively shall be known as the state military establishment and constitutes the armed forces of this state. The organized militia consists of the army national guard, the air national guard, and the defense force when actually in existence as provided in this act. The unorganized militia consists of all other able-bodied citizens of this state and all other able-bodied citizens who are residents of this state who have or shall have declared their intention to become citizens of the United States, who shall be age 17 or over and not more than age 60, and shall be subject to state military duty as provided in this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.511 State code of military justice; application; jury and posse comitatus duties.

Sec. 111. The state code of military justice applies to all members of the organized militia when not in active federal service. Officers and enlisted personnel of the organized militia during service in the organized militia are exempt from jury duty and service on a posse comitatus.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.513 Officers and enlisted personnel; pay and allowances; appropriations.

Sec. 113. Officers and enlisted personnel of the state military establishment shall receive for each day spent by them on active state service under orders of the governor, who is authorized to determine when to place them on such duty, the pay and allowances provided for persons of the federal military forces of like grade or rank and years of service. Enlisted personnel so serving shall receive \$3.00 per day allowance in addition to the pay herein authorized. There is hereby appropriated each year from the general fund, the sums necessary to implement the provisions of this type active state service including logistic costs.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.514 Administrative workday and workweek during active state service or special duty; actual workday and workweek.

Sec. 114. During periods of active state service or special duty, the administrative workday shall consist of 24 hours and the administrative workweek shall consist of 7 days for officers and enlisted personnel of the state military establishment. The adjutant general shall prescribe the length of the actual workday and the days of the actual workweek within the administrative workday and workweek.

History: Add. 1975, Act 194, Imd. Eff. Aug. 11, 1975.

32.515 Subsistence.

Sec. 115. Subsistence shall be furnished by the state when troops of the state military establishment are mobilized for state duty requiring the furnishing of subsistence.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.516 Expired. 1978, Act 567, Eff. Jan. 1, 1982.

Compiler's note: The expired section pertained to waiver of tuition and fees.

32.517 Privilege from arrest and imprisonment; exemption from levy of execution, seizure, or attachment; adjournment of pending lawsuits; forfeitures; seizure or sale of chattels; utility service.

Sec. 117. Officers and enlisted personnel on active service in excess of 7 days and when so ordered by the governor in support of civilian authority or in time of war or emergencies of this state or of the United States, in all cases, except for treason, felony, or breach of the peace are privileged from arrest and imprisonment

during the time of active service and for a period of 6 months after the service ceases. Their separate property during the same period is exempt from levy of execution, seizure, or attachment for debts contracted prior to or during the service. Suits in the courts of this state including, but not limited to, all intermediate hearings in the suits, pending against any such person when he or she enters active service, or commenced at any time during the service, stand adjourned until after the termination of the service. Forfeiture of an executory contract, whether title retaining or otherwise, shall not be enforced against any such person, and seizure or sale of chattels shall not be made against such person, during service nor for 90 days after the termination of the service. The person or his or her immediate household shall not be deprived of or denied heat, water, electricity, or gas service by any public utility serving his or her home during the first 90 days of military service by reason of unpaid bills for the commodities.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2006, Act 597, Imd. Eff. Jan. 3, 2007.

32.519 National guard compensation board; members, appointment and duties.

Sec. 119. The governor may appoint a board of 3 national guard officers, 1 of whom shall be a medical officer to inquire into and make recommendations concerning the payment of compensation, claims, medical attention, hospital treatment, funeral expenses and other expenses not otherwise provided for in this section for a member of the state military establishment who is injured, disabled or killed during the performance of active state service or special duty. If satisfied that any injury or disability was received or death caused while in line of duty and in the performance of official duties, the board shall recommend compensation to the injured or disabled member or shall recommend payment of medical, hospital and other incidental necessary expenses or compensation to the dependents of the deceased member. Recommendations of the board shall be forwarded to the state administrative board for final determination and payment.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.521 Line of duty; definition.

Sec. 121. "Line of duty" as used in this act means an act performed by a member of the state military establishment in obedience to or in conformity with a law, rule, regulation, order, command or custom of the military service or an act performed which is not in violation of a law, rule, regulation, order, command or custom of the military service, or that will not bring discredit to the military service. A member of the state military establishment, while on active state service or while attending to military duty required or expected of him or while exercising any personal privilege not prohibited him, by virtue of his status as a member of the military forces, is deemed to be in a line of duty status with respect to an act so done or privilege so exercised, or any happening to him, unless it be shown that such act or happening was on his part in disobedience to some law, rule, regulation, lawful command or order applicable to him, or was the result of his own misconduct. The fact that the member is on leave, pass or furlough status does not preclude an act of, or happening to, the member from being as in line of duty.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.523 Line of duty; construction, presumptions.

Sec. 123. In construing the term "line of duty" the recorded opinions of the judge advocate general of the United States armed forces in like cases or circumstances or involving like principles, insofar as not contrary to this act, shall govern and be applied to line of duty cases arising under this act. Actions of members of the state military establishment while on duty are presumed to be in line of duty unless clearly shown to have been otherwise, under the provisions of this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.525 Duty; construction.

Sec. 125. "Duty" also includes the time necessary for a member of the state military establishment to go from his usual residence or place of business or employment to respond to a call to duty, and the time necessary to return from the place of duty to his usual residence or place of business or employment, after the duty has been performed.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.527 Leave accrual during active state service or special duty; leave without pay.

Sec. 127. (1) Officers and enlisted personnel of the state military establishment while on active state service or special duty, under the provisions of this act or on orders of the governor, shall accrue leave as provided members of the United States armed forces.

(2) Leave without pay may be authorized by the adjutant general as provided in section 328.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1975, Act 194, Imd. Eff. Aug. 11, 1975.

32.529 Officers and enlisted personnel; continuation until expiration of term.

Sec. 129. Officers and enlisted personnel in the state military establishment when this act takes effect shall continue in office and remain in the service until the expiration of their terms of office or enlistment, unless otherwise provided by this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.531 Officers' bonds; force and effect.

Sec. 131. The bond of an officer who has heretofore given a bond by virtue of any law concerning the militia shall remain in full force and effect according to its terms.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.533 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's note: The repealed section pertained to tenure of senior line officer serving in grade of major general.

CHAPTER 2

POWERS AND DUTIES OF THE GOVERNOR

32.551 Governor as commander-in-chief of Michigan National Guard; order to active state service; order by adjutant general; conditions; order by governor under other circumstances.

Sec. 151. (1) The governor is the commander-in-chief of the Michigan National Guard. He or she may order to active state service any members of the Michigan National Guard in case of riot, tumult, breach of the peace, or resistance of process, or for service in aid of civil authority, whether state or federal, or in time of actual or imminent public danger, disaster, crisis, catastrophe, or other public emergency within this state or to respond to acts or threats of terrorism or to safeguard military or other vital resources of this state or of the United States. If the governor and his or her legal successor are absent or disabled or cannot be communicated with, the adjutant general, if he or she believes the danger great and imminent, may order out, in the name of the governor, such troops of the Michigan National Guard as he or she believes necessary to meet the emergency.

(2) In circumstances other than those described in subsection (1), the governor may order any member of the Michigan National Guard to active state service for duties in support of the full-time operation of the Michigan National Guard. However, a member of the Michigan National Guard who is called to active service under this subsection does not have any police powers or arrest authority.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013;—Am. 2016, Act 311, Eff. Jan. 4, 2017.

32.555 Unorganized militia; power of the governor.

Sec. 155. The governor may order into the defense force any members of the unorganized militia in case of riot, tumult, breach of the peace, resistance of process, or for service in aid of civil authority, whether state or federal, or in time of actual or imminent public danger, disaster, crisis, catastrophe or other public emergency within this state.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.559 Mutual military assistance agreement with other states or reciprocal agreements for emergency assistance to other states.

Sec. 159. (1) The governor may enter into an agreement with the governors of 1 or more other states authorizing the military forces of this state, in time of invasion, rebellion, public disaster, or catastrophe, or to assist a state or local law enforcement agency, at the request of that state or local law enforcement agency, in enforcing a law prohibiting the importation, sale, delivery, possession, or use of a controlled substance as defined in this act or a similar law of the other state, or as necessary to comply with reciprocal agreements for emergency assistance to other states under the interstate emergency management assistance compact, 2001 PA 248, MCL 3.1001 to 3.1004, or with other similar agreements, to be employed within the area of the other states for mutual assistance in the public interest.

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

(3) The Michigan national guard is a law enforcement agency under this act for the purpose of receiving or

using property or money forfeited under section 981(e)(2) of title 18 of the United States Code, 18 USC 981, section 616 of part V of title IV of the tariff act of 1930, 19 USC 1616a, and section 511(e)(1)(A) of part E of the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, 21 USC 881.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1998, Act 212, Imd. Eff. July 1, 1998;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.563 State military forces; pursuit of insurrectionist, saboteur, or enemy into another state; captives, surrender and extradition.

Sec. 163. If the United States is at war or if any other emergency is declared by the president or the congress of the United States or by the governor or legislature, any organization, unit or detachment of the military forces of this state, by direction of the governor and upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this state into another state, until they are apprehended or captured by such organization, unit or detachment, or until the military or police forces of such other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the persons pursued, if the other state has given authority by law for such pursuit by the forces of this state. Except as otherwise provided by law, a person who is apprehended or captured in another state by forces of this state shall be surrendered without unnecessary delay to the military or police forces of the state in which he is taken or to the United States. The surrender does not constitute a waiver by this state of its right to extradite or prosecute the person for a crime committed in this state.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.567 Military forces of another state; pursuit of insurrectionist, saboteur, or enemy into this state; surrender of captives; construction of section.

Sec. 167. A military force of another state which is in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces may continue such pursuit into this state, until the military or police forces of this state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the persons pursued. The pursuing forces may arrest or capture such persons within this state while in fresh pursuit. Any person who is captured or arrested by the military forces of another state, while in this state, shall be surrendered without unnecessary delay to the military or police forces of this state to be dealt with according to law. This section shall not be construed to make unlawful an arrest in this state otherwise lawful, nor to repeal or prevent the application of any provision of law on the fresh pursuit of criminals.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.571 Reorganization of military establishment; transfer of personnel.

Sec. 171. The governor may direct the adjutant general to organize, disband, arrange, transfer, convert, alter, consolidate, or attach units of the military establishment. The transfer of personnel to and within units shall be carried out by order of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.575 Declaration of martial law.

Sec. 175. When any part of the organized militia is employed pursuant to section 151, the governor, if in his judgment maintenance of law and order will thereby be promoted, may by proclamation declare the county or city in which the troops are serving or any specified portion thereof, to be under martial law or martial rule.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.579 Command of state military personnel; militia on active service; duties, liabilities, and immunities; defense of civil action or criminal prosecution.

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

(2) If any portion of the organized militia is called into active service, special duty, active state service, or the service of the United States to execute the laws, engage in emergency or disaster relief or other support operations pursuant to the emergency management act, 1976 PA 390, MCL 30.401 to 30.421, or suppress or prevent actual or threatened riot or insurrection, repel invasion, respond to acts or threats of terrorism, safeguard military or other vital resources of this state or of the United States, or to assist in the enforcement of a law prohibiting the importation, sale, delivery, possession, or use of a controlled substance, a

commanding officer shall use his or her own judgment in apprehending or dispersing a sniper, a rioter, a mob, or an unlawful assembly. In situations described in this subsection, the commanding officer may apprehend a person on a state military base, armory base, air base, or a vital resource of this state or of the United States if the commanding officer has reasonable cause to believe the person has committed a felony or a misdemeanor punishable by imprisonment for more than 92 days on that state military base, armory base, air base, or a vital resource of this state or of the United States. In situations described in this subsection, the commanding officer or an individual under his or her command may apprehend a person on a state military base, armory base, air base, or a vital resource of this state or of the United States if the person commits a crime in the presence of the commanding officer or an individual under his or her command on that state military base, armory base, air base, or a vital resource of this state or of the United States. That commanding officer shall determine the amount and kind of force to be used in preserving the peace and carrying out the orders of the governor. Except as provided in subsection (3), that commanding officer's honest and reasonable judgment under the circumstances then existing, in the exercise of his or her duty, is full protection, civilly and criminally, for an act done in the line of duty, and a member of the organized militia in active service, special duty, active state service, or the service of the United States is not liable civilly or criminally for an act committed by him or her in the performance of his or her duty.

(3) A member of the organized militia in active service, special duty, active state service, or the service of the United States has the immunity of a peace officer in this state if 1 or more of the following apply:

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

(b) The member is assisting in the enforcement of a law prohibiting the importation, sale, delivery, possession, or use of a controlled substance and acting in the line of duty.

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

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

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1968, Act 241, Imd. Eff. June 26, 1968;—Am. 1998, Act 212, Imd. Eff. July 1, 1998;—Am. 2002, Act 133, Eff. May 1, 2002;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.581 Officers and warrant officers; appointment, promotion.

Sec. 181. The authority to appoint and promote officers and warrant officers of the organized militia is vested in the governor.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.582 Governor; awards for services rendered to military establishment.

Sec. 182. The governor as commander in chief, may prescribe the award of medals and other suitable means of public recognition for distinguished service, longevity, acts of valor or meritorious achievement. The awards may be made to members of the organized militia of this state or to other individuals, not members of the organized militia, who have rendered appropriate service to the military establishment. The adjutant general shall develop and publish rules to carry out this provision.

History: Add. 1970, Act 164, Imd. Eff. Aug. 2, 1970.

CHAPTER 3 THE NATIONAL GUARD

32.601 National guard; composition.

Sec. 201. The national guard consists of the organizations and units which are, under the laws and regulations of the United States, prescribed as the portion of the national guard of the United States apportioned and assigned to this state in accordance with a troop basis approved by the governor, and such other officers, warrant officers and enlisted personnel as may be required.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.605 Commanding officers; duties and responsibilities.

Sec. 205. The commanding officer of each organization of the national guard is responsible for training, combat readiness and efficiency of the organization he commands.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.613 Officers; appointment, qualifications; merger of national guard and reserve

component.

Sec. 213. The governor shall appoint general officers of the national guard from qualified federally recognized officers of the national guard, who have served at least 5 years as commissioned officers in the national guard, and shall be qualified for federal recognition as general officers. In the event of a merger of the national guard and another reserve component, the commissioned service in the reserve component shall be considered comparable to national guard federally recognized commissioned service in meeting the requirements of this section.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.617 Officers; oath required, time.

Sec. 217. An officer of the national guard shall take and subscribe to the following oath of office: "I do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the constitution of the state of Michigan, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the president of the United States and of the governor of the state of Michigan; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of in the national guard of the United States and of the state of Michigan, upon which I am about to enter." The officer shall take this oath within 10 days after his appointment and unless he does so is deemed to have declined his office and his appointment may be vacated.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.621 Enlistment periods.

Sec. 221. Original enlistments in the national guard and all subsequent enlistments shall be for the period prescribed by laws or regulations for the national guard of the United States.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.625 Oath of person enlisting in national guard.

Sec. 225. A person enlisting in the national guard shall take an oath to defend the constitution of the United States and the constitution of the state in such form as may be prescribed by regulations.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.629 Administration of oaths and affirmations.

Sec. 229. An officer of an active or reserve component of the armed forces of the United States may administer oaths and affirmations in the appointment or enlistment of officers and enlisted personnel of the Michigan national guard.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1990, Act 299, Imd. Eff. Dec. 14, 1990.

32.633 Enlistments and commissions; continuation after termination of national emergency; discharges.

Sec. 233. On termination of an emergency in which officers and enlisted personnel of the national guard have been called or ordered into federal service by the president of the United States, in accordance with the laws of the United States, the officers and enlisted men shall continue to serve in the national guard until the dates upon which their commissions or enlistments entered into prior to the call or induction into the federal service would have expired if uninterrupted, unless discharged in accordance with federal or state directives.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.636 Department-administered post-traumatic stress disorder questionnaire and traumatic brain injury questionnaire.

Sec. 236. (1) An officer or enlisted person serving in the national guard while under state jurisdiction shall take a department-administered post-traumatic stress disorder questionnaire and a traumatic brain injury questionnaire before being deployed in operation Iraqi freedom, operation enduring freedom, or any other overseas service pursuant to any future declaration of war by the United States Congress or the beginning of an emergency condition recognized by the issuance of a presidential proclamation or a presidential executive order. The officer or enlisted person is exempt from this requirement if he or she has completed similar questionnaires approved by the United States department of veterans affairs or the United States department of defense while under the control of the federal government.

(2) An officer or enlisted person serving in the national guard within 90 days of his or her return to state jurisdiction from operation Iraqi freedom, operation enduring freedom, or any other overseas service pursuant to any future declaration of war by the United States Congress or the beginning of an emergency condition

recognized by the issuance of a presidential proclamation or a presidential executive order shall take a department-administered post-traumatic stress disorder questionnaire and a traumatic brain injury questionnaire.

(3) An officer or enlisted person serving in the national guard and who has returned to state jurisdiction from operation Iraqi freedom or operation enduring freedom shall take a department-administered post-traumatic stress disorder questionnaire and a traumatic brain injury questionnaire. The officer or enlisted person is exempt from this requirement if he or she has completed similar questionnaires approved by the United States department of veterans affairs or the United States department of defense while under the control of the federal government.

(4) The officer or enlisted person is exempt from department-administered post-traumatic stress disorder and traumatic brain injury requirements if he or she has completed similar questionnaires approved by the United States department of veterans affairs or the United States department of defense while under the control of the federal government.

(5) An officer or enlisted person who has been discharged from the national guard, an active duty servicemember residing in Michigan, or a federal reservist residing in Michigan who has been deployed in operation Iraqi freedom or operation enduring freedom may take a department-administered post-traumatic stress disorder questionnaire and a traumatic brain injury questionnaire free of charge.

(6) The questionnaires shall be developed by the department with the assistance of any statewide associations specializing in traumatic brain injuries, the Ann Arbor veteran administration medical center, and the Michigan department of community health and shall be approved by the United States department of veterans affairs or the United States department of defense.

(7) All post-traumatic stress disorder and traumatic brain injury questionnaires shall be stored as electronic documents by the department.

(8) As used in this section, "department" means the department of military and veterans affairs.

History: Add. 2008, Act 139, Imd. Eff. May 28, 2008.

32.637 Certificates of discharge; discharge before expiration of term; presentment to home counties for recording.

Sec. 237. (1) Enlisted personnel discharged from service in the national guard shall receive certificates of discharge in writing as prescribed by the laws or regulations of the United States or this state for the national guard. In time of peace, a discharge may be given prior to the expiration of the term of enlistment under prescribed regulations, subject to the restrictions of federal law or regulations.

(2) The department of military and veterans affairs shall present to the home counties of enlisted personnel for recording pursuant to 1867 PA 83, MCL 35.31 to 35.35, all discharge certificates for enlisted personnel discharged from service in the national guard.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2008, Act 163, Imd. Eff. June 19, 2008.

CHAPTER 4 STATE DEFENSE FORCE

32.651 Michigan volunteer defense force; conditions for activating; limitation on organization; list of former officers, warrant officers, and enlisted personnel; funding; reference to Michigan defense force; affirmative action guidelines; weapons; reports.

Sec. 251. (1) The governor, as commander-in-chief, may activate within the military establishment such number of units to be known as the Michigan volunteer defense force, as the governor considers necessary for adequate emergency assistance to the state. When activated by proper authority, the Michigan volunteer defense force shall perform missions as determined by the department of military and veterans affairs in cooperation with the department of state police and the state emergency preparedness plan. During times other than a national emergency, organization of the Michigan volunteer defense force shall not exceed 15% of the Michigan national guard authorized strength.

(2) A list of former officers, warrant officers, and enlisted personnel of the Michigan national guard shall be maintained with their consent in the office of the adjutant general to aid in forming the Michigan volunteer defense force.

(3) The adjutant general may accept funding for the Michigan volunteer defense force from sources other than the state or federal government but shall expend those funds only pursuant to an appropriations act. The adjutant general shall deposit the funds in a special account within the department of military and veterans affairs.

(4) As used in this act, a reference to the Michigan defense force means the Michigan volunteer defense

force.

(5) The department shall establish affirmative action guidelines for membership goals in the Michigan volunteer defense force. The department shall take all steps necessary to carry out and implement those guidelines.

(6) Members of the Michigan volunteer defense force shall not be equipped with any type of weapon except under the following conditions:

(a) The president has called or ordered all or part of the national guard into federal service in time of a national emergency and the mission of the Michigan volunteer defense force to whom weapons are issued consists primarily of the protection of public property.

(b) During training to be conducted by the national guard or state police in the proper use of such weapons.

(7) Not later than 1 year after the effective date of the amendatory act that added this subsection and each year thereafter, the department of military and veterans affairs shall report to the standing committees of the senate and house of representatives that are responsible for legislation concerning military affairs, and the senate and house appropriations committees as to the proposed and actual status of development of the Michigan volunteer defense force. The reports shall include all of the following:

(a) Regulations or proposed regulations to define and limit the type and duration of missions that may be undertaken by the Michigan volunteer defense force.

(b) Proposals for meeting the training and equipment needs of the Michigan volunteer defense force in fulfilling the missions that may be undertaken, and a 3-year projection of the costs of that training and equipment.

(c) A description of the requirements or proposed requirements, including physical ability, for membership in the Michigan volunteer defense force.

(d) Procedures that are used or are proposed to be used to screen membership in the Michigan volunteer defense force as to character and fitness, including standards that will ensure that no person with a serious criminal record is a member.

(e) The plan detailing methods and procedures for the coordination of the operations of the Michigan volunteer defense force with the state police, local law enforcement agencies, and state and federal disaster relief authorities.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1988, Act 246, Imd. Eff. July 11, 1988;—Am. 2008, Act 305, Imd. Eff. Dec. 18, 2008.

32.655 State defense force and unorganized militia; determination of emergency.

Sec. 255. In case of war, or a national emergency, when the national guard may be in the military service of the United States, the defense force shall be ready and able to protect the state in case of insurrection, invasion, disaster or other emergency, actual or imminent. In such case the governor, as commander-in-chief, may use the defense force augmented if necessary by all or a part of the unorganized militia not responsive to the orders of the president for the time being. The determination of the governor that an emergency exists or is imminent is conclusive.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.659 Service or enlistment; duration.

Sec. 259. An officer shall agree to service the state for the duration of the emergency. An enlistee shall enlist in writing for the duration of the emergency or such time as regulations may direct.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.663 Oaths required of officers and enlisted personnel.

Sec. 263. Officers and enlisted personnel of the defense force shall take the oath prescribed by regulations.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.667 Oaths and affirmations; administration by commissioned officer.

Sec. 267. Commissioned officers of the defense force may administer oaths and affirmations in the discharge of any of the duties pertaining to their offices and in connection with the appointment of officers and the enlistment of men in the defense force.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.671 Officers and enlisted personnel; appointment, duties and authority; records.

Sec. 271. Officers and enlisted personnel of the defense force shall be appointed in the same manner, and with like duties, responsibilities and authority as prescribed by law and regulations governing the national guard, or as may be prescribed in special regulations promulgated for the national guard or the defense force.

Orders evidencing the appointment, promotion or severance from the service of officers and enlisted men of the military establishment shall be issued through and recorded in the office of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.675 Officers and enlisted personnel; qualifications for appointment and promotion; application of act.

Sec. 275. The qualifications of persons for appointment and promotion as officers and warrant officers of, and for enlistment in, the defense force shall be as prescribed by the governor, and without reference to qualifications prescribed for the national guard. Except as otherwise provided in this act, the provisions of this act and of regulations made in accordance with this act applying to the Michigan national guard with relation to aid of civil authorities and other emergency service; bonding of officers; military discipline; accounting and responsibility of officers for public funds and property; forms, returns and reports; surveys of property, issuance, care and security of military property; and all recognized military procedure, customs of the service and administration, shall also apply to and govern the defense force in like situations.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.679 Training and discipline regulations.

Sec. 279. Regulations for the training and discipline of the defense force shall be prescribed by order of the governor.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.683 Pay and allowances.

Sec. 283. While in active state service under orders of the governor under the circumstances and conditions prescribed for the national guard in this act, or in such status in the administration, training, command and supply of the Michigan defense force, the officers and enlisted men thereof shall receive the same pay and allowances as are prescribed for the national guard in like circumstances.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.687 Michigan state troops; references.

Sec. 287. Reference to "Michigan state troops" in any law is construed as referring to the defense force.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

CHAPTER 5

ADMINISTRATION OF THE DEPARTMENT OF MILITARY AFFAIRS

32.700 Adjutant general; rank, powers, and duties.

Sec. 300. The office of the adjutant general, with the rank of major general in the national guard, is created. He or she shall be the commanding general of the military establishment. Under the direction of the governor, he or she is charged with the responsibility for the command, administration, logistics, training, and fiscal direction of the military establishment. He or she may perform any act authorized by this chapter or the regulations issued pursuant to this act through or with the aid of such officers, officials, or directors of the military department as he or she may designate. The adjutant general shall direct the planning for the organization and employment of the forces of the organized militia in carrying out their state military mission and establish unified command of state forces whenever they shall be jointly engaged.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.702 Adjutant general; appointment; qualifications; tenure; pay and allowances; oath of office; retirement.

Sec. 302. (1) The governor shall appoint the adjutant general from among qualified federally recognized officers of the national guard. The adjutant general shall have served as an officer of field or general grade in the state military establishment for not less than 5 years before appointment and shall have federal recognition in the rank of colonel or higher and shall be capable of being federally recognized to the rank of brigadier general before appointment. The adjutant general shall serve at the pleasure of the governor, and unless sooner relieved, shall serve until the age designated for retirement for an active army or air force officer of like grade. The adjutant general shall receive pay and allowances equal to those of an active army or air force officer of like grade and service. Not later than 10 days after the appointment, the adjutant general shall file his or her constitutional oath of office with the secretary of state.

(2) Only 1 adjutant general appointed by the governor under this section in any 4-year period is eligible for retirement under section 306(2).

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2002, Act 654, Imd. Eff. Dec. 23, 2002;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.704 Assistant adjutants general; army, air; appointment, qualifications, duties, pay and allowances, tenure.

Sec. 304. The adjutant general shall select from among the qualified federally recognized officers of the army national guard a principal assistant to be known as “assistant adjutant general for army” to supervise the training, administration and supply of the army national guard, and a principal assistant from the air national guard to be known as “assistant adjutant general for air” to supervise the training, administration and supply of the air national guard and each shall have the rank of brigadier general and receive pay and allowances equal to that of an active army or air force officer of like grade and service. Officers so appointed shall serve at the pleasure of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.705 Repealed. 1988, Act 493, Imd. Eff. Dec. 29, 1988.

Compiler's note: The repealed section pertained to pay and allowances of general grade officers.

32.706 Adjutant general and assistant adjutants general; retirement benefits.

Sec. 306. (1) Beginning January 1, 2011, except as otherwise provided in this section, the adjutant general and the assistant adjutants general who began employment on or after January 1, 2011 when relieved under honorable circumstances must receive retirement benefits as a qualified participant under the state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69. Retirement benefits will start on the date of retirement or honorable relief from duty.

(2) Beginning July 2, 2013, and subject to the limitation provided in subsection (5), the adjutant general and the assistant adjutants general when retired or relieved under honorable circumstances must be placed on the retired list of the National Guard. The adjutant general and the assistant adjutants general must receive retirement pay, equal to 45% of his or her final base pay as provided in the United States Department of Defense Military Pay Charts for an officer of like grade and total years of service. Subject to subsection (3), retirement benefits will start on the date of retirement or honorable relief from duty.

(3) Retirement under subsection (2) requires all of the following:

(a) Until the effective date of the amendatory act that added subsection (6), not less than 20 years active service with the National Guard or state defense force, or both, and beginning with the effective date of the amendatory act that added subsection (6), not less than 20 years active service with the National Guard.

(b) Not less than 4 consecutive years of special duty as an adjutant general or assistant adjutant general. However, the requirement for serving 4 consecutive years of service as an adjutant general or assistant adjutant general for retirement pay is waived if the service member is relieved because of a new governor assuming office.

(c) The service member is 55 years of age or older.

(4) For a retirant who retires under subsection (2) before the effective date of the amendatory act that added subsection (6), any retirement pay received from the federal government for military service must be deducted when computing the amount to be received from this state for an adjutant general or assistant adjutant general who retires under subsection (2). The deduction must start on the first day of the month the officer becomes eligible for federal retirement. Once established, the amount of the deduction must not be changed.

(5) Only 1 adjutant general appointed by the governor under section 302 in any 4-year period is eligible for retirement under subsection (2). Only 2 assistant adjutants general in any 4-year period are eligible for retirement under subsection (2). However, if the adjutant general or an assistant adjutant general is mobilized pursuant to a federal mobilization and the governor appoints a replacement adjutant general under section 302 or the adjutant general appoints a replacement assistant adjutant general, the replacement adjutant general or replacement assistant adjutant general is eligible for retirement under subsection (2). If any change or error in the records results in any member, retirant, or beneficiary receiving from the retirement system more or less than he or she would have been entitled to receive if the records had been correct, the retirement system shall correct that error and, as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which that member, retirant, or beneficiary was correctly entitled will be paid.

(6) The retirement pay for a retirant who first begins receiving retirement pay under subsection (2) on or after the effective date of the amendatory act that added this subsection is not subject to an annual cost of living increase.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2010, Act 255, Imd. Eff. Dec. 14, 2010;—Am. 2013, Act 99, Imd. Eff. July

32.708 Adjutant general and assistant adjutants general; bonds, amounts, premiums, filing.

Sec. 308. The adjutant general shall give bond in the sum of \$25,000.00 to the state conditioned upon the faithful performance of his duties. The assistant adjutants general shall give like bond in the sum of \$10,000.00. If a surety bond is given, the premiums shall be paid out of funds appropriated for the premiums. The bonds shall be filed with the state treasurer.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.710 Adjutant general; powers and duties; location of office; seal; copies of orders, records, and papers as evidence.

Sec. 310. The adjutant general is the military advisor to the governor and the director of the department of military and veterans affairs. The adjutant general's office is in Lansing. The adjutant general may publish orders and other directives in the name of the governor and this state to implement and administer the duties and responsibilities outlined in this act. The adjutant general's duties include the development and implementation of plans for the defense of state military personnel, lands, installations, and vital resources; maintenance of the personnel records of all active, inactive, retired, or deceased personnel of the state military establishment; and liaison in the transaction of official business for this state with the United States and with other states and territories, including those duties devolving upon the adjutant general pursuant to the national defense act and other pertinent federal laws and regulations. The adjutant general shall maintain records of claims for state gratuities for military service rendered by citizens of this state and, when authorized by the legislature, shall receive, examine, process, and recommend the payment of gratuities pursuant to law. The adjutant general may use the coat of arms of this state with the words added "State of Michigan, Department of Military and Veterans Affairs" as the seal of office. All copies of orders, records, and papers certified and authenticated under the seal are equivalent in evidence to the originals.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1990, Act 301, Imd. Eff. Dec. 14, 1990;—Am. 2002, Act 133, Eff. May 1, 2002.

32.712 Quartermaster general; transfer of duties to adjutant general.

Sec. 312. All duties and responsibilities of the quartermaster general of the state under any law are transferred to the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.716 Federal grants; military facilities; insurance programs.

Sec. 316. The adjutant general shall plan, negotiate, and contract with the federal government for the maintenance, remodeling, additions to, and construction of armories and other military, veterans, or related state facilities within this state. He or she may receive and expend grants from federal sources for these purposes and may enter into agreements with agencies of the federal government for purposes of extending available insurance programs to members and employees of the state military establishment.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.718 Inspector general; appointment.

Sec. 318. The adjutant general shall appoint an inspector general of the military establishment.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.720 Staff judge advocate; appointment, qualifications, duties; military justice, claims.

Sec. 320. The adjutant general shall appoint as staff judge advocate an officer of the national guard, who shall be an attorney-at-law licensed to practice in this state. He shall perform the duties required of him in the administration of military justice or to perform other legal duties of an official nature. The adjutant general shall provide, within his office, for the administration of military justice as provided in the state code of military justice and shall administratively supervise the claims in behalf of personnel of the state military establishment and the public generally, as against the United States, or this state, under the federal tort claims act and other state and federal acts.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.726 Accounting of federal and state military funds and property; bonding of disbursing and distributing officers.

Sec. 326. The adjutant general in accordance with federal regulations shall direct the obligating, accounting, reporting, financial planning and administrative control of federally appropriated military funds

allotted to this state and state funds allotted to the state military establishment. He shall direct the inventory and account of all military reservations, stores, magazines, arsenals, warehouses, armories, munitions of war and other military property. He may procure bonds from all disbursing and distributing officers and other officers in charge of military property.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.728 Inclusion of civilian positions and personnel of military establishment in classified state civil or state senior service; calling officers and enlisted personnel to special duty; pay and allowances of special duty personnel; charging leave against federal military pay.

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

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

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1975, Act 194, Imd. Eff. Aug. 11, 1975;—Am. 1988, Act 493, Imd. Eff. Dec. 29, 1988;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.730 Selective service; planning, training.

Sec. 330. The adjutant general is authorized and empowered, in time of peace and when a national system of selective service is not in operation, to plan for the selective service in case of future need, and in time of peace, may train personnel of the national guard, contemplated for assignment to selective service duties in the proper discharge of such duties.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.732 Reports of survey for lost, damaged or destroyed federal property.

Sec. 332. The adjutant general shall be responsible for the processing of reports of survey, for lost, damaged or destroyed federal property loaned to this state for the use of the military establishment.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.734 Certificates of prior service.

Sec. 334. The adjutant general shall prepare and deliver to any person a certificate, over his seal and signature, showing the person's prior service in the state military establishment.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.736 Armories, air bases and naval installations; use of intoxicating liquor, local approval.

Sec. 336. The armories, air bases and naval installations erected, constructed and owned by the state, leased by the state or provided by the federal government by either lease, license or use permit, shall be for the use and benefit of the organized militia quartered therein. Organizations of the Spanish-American war veterans, veterans of foreign wars, the American legion and other war veterans' organizations, upon their written request to the adjutant general may be granted the use of state armories, subject to the rules governing the organized militia quartered therein and regulations of the military establishment. The use of such armories free of charge for all veterans' district or state conventions is authorized. The use by the organized militia or other military organizations of intoxicating liquors in the armories, air bases and naval installations of the military establishment is authorized. The adjutant general shall publish directives to insure proper control of such use and any officer or enlisted man guilty of violating these directives shall be punished as a court martial shall direct. With the approval of the legislative body of the political subdivision in which an armory, air base or naval installation is located, outside parties of a nonmilitary or state governmental nature may use or serve intoxicating liquors in conformity with rules and regulations of the liquor control commission, if not in violation of any other local ordinance, state or federal law or regulation.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

Administrative rules: R 32.1 et seq. of the Michigan Administrative Code.

32.737 Use of property for production of film; authorization; prohibited use; cooperation with Michigan film office; definitions.

Sec. 337. (1) The adjutant general may authorize a person engaged in the production of a film in this state

to use without charge property owned by or under the control of the department of military and veterans affairs for the purpose of producing a film under terms and conditions established by the adjutant general. The economic and other benefits to this state of film production located in this state shall be deemed to be the value received by this state in exchange for the use of property under this section.

(2) The adjutant general shall not authorize the use of property owned by or under the control of the department of military and veterans affairs for the production of a film that includes obscene matter or an obscene performance or for a production for which records are required to be maintained with respect to any performer under 18 USC 2257.

(3) The department of military and veterans affairs shall cooperate with the Michigan film office in providing the office with information about potential film locations owned by or under the control of the department of military and veterans affairs and the use of property owned by or under the control of the department of military and veterans affairs.

(4) As used in this section:

(a) "Film" means single media or multimedia entertainment content for distribution or exhibition to the general public by any means and media in any digital media format, film, or videotape, including, but not limited to, a motion picture, a documentary, a television series, a television miniseries, a television special, interstitial television programming, long-form television, interactive television, music videos, interactive games, video games, commercials, internet programming, an internet video, a sound recording, a video, digital animation, or an interactive website.

(b) "Michigan film office" means the office created under chapter 2A of the Michigan strategic fund act, 1984 PA 270, MCL 125.2029 to 125.2029g.

(c) "Obscene matter or an obscene performance" means matter described in 1984 PA 343, MCL 752.361 to 752.374.

History: Add. 2008, Act 81, Imd. Eff. Apr. 8, 2008.

32.738 Possession of concealed weapon; compliance with state laws.

Sec. 338. (1) An individual who is licensed to carry a concealed pistol, or who is exempt from licensure, under 1927 PA 372, MCL 28.421 to 28.435, may possess a concealed weapon either on his or her person or properly secured while on the premises of an armory or any other building or property under the authority and control of the adjutant general.

(2) An individual described in subsection (1) shall comply with the requirements of 1927 PA 372, MCL 28.421 to 28.435, and any other state law pertaining to concealed weapons and firearms.

(3) The adjutant general shall not promulgate rules unduly burdening on the ability of military personnel to possess a concealed weapon as described in subsection (1).

History: Add. 2018, Act 686, Eff. Mar. 29, 2019.

32.740 Adjutant general; preparation of federal and state reports and returns.

Sec. 340. The adjutant general shall make returns and prepare reports required by federal laws and regulations and shall submit a biennial report of the state military establishment to the governor and the legislature.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

CHAPTER 6

ARMORIES AND RESERVATIONS

32.750 Armories; acquisition, management, use.

Sec. 350. Armories shall be provided for the use of the state military establishment as training centers and for the storage and safekeeping of military supplies and equipment. Armories shall be acquired, managed and used as provided in this chapter.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.752 Armories and military facilities; operation and control by adjutant general; application for funds.

Sec. 352. The operation and control of armories and other military facilities shall be in accordance with policies established by the adjutant general. He shall apply to the legislature and the federal government for funds for the purpose of operating and maintaining armories and other military facilities. He shall apply to the legislature, local units of government or the federal government for funds to acquire, construct, lease and equip armories and other military facilities.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.754 Armory manager; duties; rental of armories to outside parties.

Sec. 354. The adjutant general may designate an armory manager for each armory of the state military establishment, with the duty of operating and maintaining the armory pursuant to law and regulations promulgated by the adjutant general. The armory manager may rent or otherwise authorize the use of the armory to outside parties for temporary purposes subject to regulations of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

Administrative rules: R 32.1 et seq. of the Michigan Administrative Code.

32.756 Armories and military facilities; subject to state sanitation, health, fire protection and prevention, and special regulations.

Sec. 356. State-owned or leased armories and other military buildings and appurtenances are subject to state laws and regulations with respect to sanitation, health, fire protection and prevention and such special regulations as the legislature or the governor may enact or adopt.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.760 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's note: The repealed section pertained to appointment, duties, and terms of state military board members.

32.762 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's note: The repealed section pertained to meetings, elections, and conduct of business of state military board.

32.764 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's note: The repealed section pertained to meetings, elections, and conduct of business of state military board.

32.766 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's note: The repealed section pertained to actions taken by military board.

32.768 Gifts of property and money; purpose; deposit and use of money; acceptance and execution of deeds.

Sec. 368. The adjutant general may receive from the federal and local governments, corporations, individuals, or other sources, gifts of property and money to aid in providing, erecting, or improving armories or other facilities, or training areas and other surrounding lands throughout this state for the use of the state military establishment. All gifts of money received under this section shall be deposited by the state treasurer in the Michigan national guard armory construction fund created in section 382a and shall be used as provided in that section. When a deed to land has been presented to and accepted by the adjutant general for an armory site and the adjutant general deems it necessary to change the location of the site, the adjutant general may accept a new deed or relinquish the rights of this state in the lands covered by the prior deed without prejudice to the right of priority of the local government to the erection of an armory on the land. The adjutant general has authority to do any act and execute any deeds to carry out the provisions of this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1992, Act 307, Eff. Mar. 31, 1993;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.772 Title to real property.

Sec. 372. The adjutant general may take title to real property to be used for military purposes in the name of this state.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.772a Property used for military purposes.

Sec. 372a. If the governor declares military property or any part of military property to be a vital resource of the state, the adjutant general may limit access to and from property used for military purposes if necessary for the protection of military personnel, installations, property, or vital resources or if necessary to protect the public health, safety, and welfare of the citizens of this state.

History: Add. 2002, Act 133, Eff. May 1, 2002.

32.774 Condemnation of property for military purposes.

Sec. 374. The adjutant general may condemn property for armory building sites and military training areas in accordance with the laws of this state.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.776 Granting of easements; public utilities; restrictions.

Sec. 376. The adjutant general may grant easements under and over any state-owned real property under the jurisdiction and control of the state military establishment. An easement shall not be granted for the benefit of a public utility unless the board determines that it is in the public interest and will not adversely affect the use of the property for military purposes.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.778 Deed of property for erection of armory.

Sec. 378. When a site is deeded to this state for the erection of an armory, and thereafter any person or local government or combination of local governments wish to deed to this state another site, and the adjutant general after inspection believes that the new site is superior to the old site, the adjutant general may accept the new site after an examination of the title has been made by the attorney general, and deed the old site to the grantor deeding the new site to the state.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.780 Local zoning ordinances; applicability; conformance to local government master plan.

Sec. 380. State-owned or leased armories and accessory buildings, military warehouses, arsenals and storage facilities for military equipment, and lands and appurtenances required for the construction of armories or buildings, are not subject to zoning or building ordinances of any local government. The adjutant general shall take cognizance of local zoning ordinances and restrictions in the selection and acceptance of lands for armory or other military buildings and shall conform as nearly as possible to master plans of the local governments where it may be done without impairing the convenience and usefulness of the armories and buildings.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.782 Armories, military facilities, and lands; disposal; approval by state administrative board; report to legislative committees.

Sec. 382. (1) The adjutant general may dispose of Michigan national guard armories, facilities, or lands under the jurisdiction of the state military establishment if, in the judgment of the adjutant general, the armory, facility, or land is obsolete, inadequate, unusable, or no longer required for Michigan national guard purposes. The disposal shall be by sale for fair market value or by exchange at fair market value for other lands owned by private persons or entities, local units of government, or the federal government.

(2) Disposal of armories, facilities, or land under this section shall be in accordance with policies established by the adjutant general and in accordance with procedures established by the department of technology, management, and budget. Each disposal action also shall be subject to approval by the state administrative board.

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

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1992, Act 307, Eff. Mar. 31, 1993;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.782a Michigan national guard armory construction fund; creation; depositing money into fund; reversion; expenditure; purpose; investing unexpended portion and crediting earnings.

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

(2) Money in the Michigan national guard construction fund shall be expended by the state treasurer at the exclusive direction of the adjutant general for the purpose of acquiring facilities and training lands and constructing new facilities. Each expenditure from the fund shall be subject to appropriation by the legislature. The unexpended portion of the fund shall be invested by the state treasurer and the earnings on the fund shall be credited to the fund at the state treasurer's common cash investment income rate.

History: Add. 1992, Act 307, Eff. Mar. 31, 1993;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.784 Camp Grayling military reservation; title.

Sec. 384. The adjutant general shall hold title to the camp Grayling military reservation under the terms of the deed from the Hanson estate and in accordance with the provisions of 1913 PA 172, MCL 32.221 to 32.226.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.788 Camp Grayling; transfer; control, exchange, or sale of lands; approval of legislature.

Sec. 388. The department of natural resources shall transfer to the adjutant general such lands under its control as competent authority shall direct. These lands shall form a part of the camp Grayling military reservation and shall be supervised and controlled by the adjutant general, except that hunting shall not be prohibited on the lands. The adjutant general may with approval of the legislature exchange or sell any lands transferred to it under this act in order to obtain any other lands, oil and mineral rights excepted, whether owned by private interests or by the United States government, within the external boundaries of the camp Grayling military reservation as enlarged by this act, and may make all necessary conveyances to effect the exchanges and sales.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.790 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's note: The repealed section pertained to report to adjutant general and governor.

CHAPTER 7 RETIREMENT

32.801 Retirement; national guard and defense force personnel.

Sec. 401. Except in time of war or national emergency declared by the congress of the United States, officers, warrant officers and enlisted personnel shall be retired at the highest rank they have held, from active service with the national guard prior to/or upon reaching age 62, and their names shall be placed on the state military retired list. Officers, warrant officers and enlisted personnel of the defense force serving this state during an emergency or war are eligible for retirement and enrollment on the state military retired list under the same conditions as apply to officers, warrant officers and enlisted personnel of the national guard.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.803 Officers; transfers to the inactive national guard; discharge upon resignation.

Sec. 403. An officer not being under charges may be transferred to the inactive national guard, as provided by federal law and regulation, on his own application, or upon acceptance of his resignation he may be discharged.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.805 Retired national guard officers; enrollment on military retirement list.

Sec. 405. An officer who has served in the national guard, upon honorable retirement from active service whether on his own application or otherwise, may be carried on the state military retired list maintained in the office of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.806 Retired personnel; return to active service, removal from military retirement list.

Sec. 406. If due to a change of physical condition or a change in federal law, rule or regulation, a retired person again becomes eligible for service in the Michigan national guard or defense forces, and for federal recognition in the case of officers, and becomes active in the Michigan national guard or defense force, his name shall be removed from the retired list without prejudice to him.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.807 Retired personnel; pay or emoluments; recall to active duty; restoration to retirement status.

Sec. 407. Except as otherwise provided in this act, no person on the state military retired list is entitled to receive any pay or emolument from the state for military duty during the time he remains on the retired list. Nothing in this act shall be construed to prohibit the governor from recalling to active service an officer theretofore or hereafter retired or from temporarily removing the officer from the retired list for the purpose of

recalling or recommissioning such officer for active service. The officer so recalled to active service or recommissioned shall be restored to his prior retirement status in the same or higher attained rank when he is relieved and applies for such retirement.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.809 Retired officers; eligibility for court detail or other specific temporary special duty; compensation; restoration to retirement status.

Sec. 409. Any retired officer is eligible for detail to any court constituted under orders of the governor and for any other specific temporary special duty for periods not to exceed 30 days without his consent when so ordered by the governor with pay and allowances of his rank when retired. His retired pay is suspended during the period he is serving on such special duty. The officer so recalled shall be restored to his prior retirement rank and status when relieved from such special duty.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.810 "Eligible surviving spouse" defined; retirement pay; survivor's benefit for eligible surviving spouse; retirement pay received from federal government for military service.

Sec. 410. (1) For purposes of this section, "eligible surviving spouse" means the person to whom the deceased officer or enlisted person was married preceding the death of the officer or enlisted person, or to whom the deceased retired officer or retired enlisted person was married at the time of retirement.

(2) An adjutant general or assistant adjutant general who retires or is relieved due to a new governor assuming office will receive pay and benefits as defined by section 306.

(3) If an adjutant general or assistant adjutant general who continues on special duty on or after the date the officer acquires 15 years of active service dies before retirement as provided in section 306 and subsection (2) and leaves an eligible surviving spouse, the eligible surviving spouse shall be paid a survivor's benefit equal to 67% of the retired pay to which the officer would have been authorized had the officer retired the day preceding death.

(4) If an adjutant general or assistant adjutant general who retires is receiving retirement pay as provided in section 306 and subsection (2) dies and leaves an eligible surviving spouse, the eligible surviving spouse shall begin receiving 50% of the retirement pay of the officer.

(5) Officers, other than the adjutant general and assistant adjutants general, who are appointed to state special duty prior to July 1, 2013 because of having reached the maximum age or because of federal law or regulation and retire shall receive retirement pay as provided in section 306. Retirement under this section requires not less than 20 years' active service with the national guard or state defense force, or both. Any retirement pay received from the federal government for military service shall be deducted when computing the amount received from this state. The deduction shall start on the first day of the month the person becomes eligible for federal retirement. Once established, the amount of the deduction shall not be changed.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1980, Act 145, Imd. Eff. June 5, 1980;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.811 Retirement on completion of not less than 20 years of active service; eligibility; annual amount; amount to be received by spouse upon death of person.

Sec. 411. (1) A person who has completed not less than 20 years of active service with the national guard or defense force, or both, may retire and receive retirement pay under 1 or more of the following circumstances:

(a) Attainment of 62 years of age.

(b) Ineligibility, because of federal law or regulation, for further federal recognition in the person's current grade because of age or length of service, and termination of the person's commission or enlistment in the national guard of the United States.

(c) Withdrawal of the person's federal recognition and termination of the person's commission or enlistment in the national guard of the United States because of physical disqualification from further service.

(d) Separation from the national guard or defense force under an honorable circumstance.

(2) A person who retires under subsection (1)(a) shall receive pay of \$600.00 per year. A person who retires under subsection (1)(b), (c), or (d) shall receive pay of \$600.00 per year upon reaching 55 years of age.

(3) Upon the death of a person who has completed not less than 20 years of active service with the national guard or defense force, or both, and who before his or her death met 1 of the circumstances described in subsection (1)(b), (c), or (d), or was still in active service, a surviving spouse shall receive \$500.00 per year until death.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1980, Act 280, Imd. Eff. Oct. 9, 1980;—Am. 1996, Act 497, Imd. Eff. Jan. 9,

1997;—Am. 2000, Act 472, Imd. Eff. Jan. 11, 2001.

32.815 Retirement pay; limitations on eligibility.

Sec. 415. Any person receiving retirement pay under the provisions of sections 306, 410 or 431 shall not be eligible for retirement pay under provisions of section 411.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.817 Active service; definition.

Sec. 417. For the purposes of establishing eligibility for retirement pay, “active service” shall consist of any of the following:

(a) Active service in the Michigan national guard or Michigan defense force as an officer or enlisted man or both.

(b) Federal service in response to a call or order of the president in time of declared national emergency when such service is not voluntary.

(c) Voluntary active duty in the service of the United States by members of the state military establishment, not in response to a call or order of the president in time of declared national emergency, shall be considered as active service only when such duty is in support of a national guard mission. Any fractional part of a year amounting to 6 months or more is counted as a complete year. Active service is terminated by an honorable separation from the Michigan national guard or defense force.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.821 Repealed. 2000, Act 427, Imd. Eff. Jan. 9, 2001.

Compiler's note: The repealed section pertained to special retirement board.

32.825 Retirement of full-time employees of military establishment; exceptions; state employees' retirement system.

Sec. 425. Full-time employees of the military establishment, except the adjutant general, the assistant adjutants general and persons holding other unclassified military positions, shall receive retirement as provided for in the Michigan state employees' retirement system.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.831 Previously retired personnel; retirement pay; deductions; service credits, accrual.

Sec. 431. The retired status of officers, warrant officers and enlisted personnel previously retired under the provisions of Act No. 84 of the Public Acts of 1909, as amended, being sections 32.1 to 32.85 of the Compiled Laws of 1948, shall be continued under the provisions of this act, but the rate of such retirement pay shall not be increased or decreased because of the provisions of this act. The deductions made from retirement pay by evidence of federal retirement as provided in section 49c of Act No. 84 of the Public Acts of 1909, as presently or subsequently established shall remain the same and shall not change the retirement pay received from the state. Personnel of the military establishment who, on the effective date of this act, have been members of the national guard or defense force or both for a period of not less than 15 years, shall receive service credits earned and shall continue to accrue credits for retirement purposes under the provisions of Act No. 84 of the Public Acts of 1909, as amended, which requires 10 years of actual duty service. Retirement compensation of warrant officers and enlisted men shall be computed in the same manner as retirement compensation of officers notwithstanding the provisions of section 49 of Act No. 84 of the Public Acts of 1909, being section 32.49 of the Compiled Laws of 1948. Those persons who have not had 15 years service with the national guard or defense force on the effective date of this act shall not continue to accrue service credits toward retirement under previous legislation unless they are full-time employees of the state military establishment as provided in this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.833 Transfer of officer, warrant officer or enlisted person to state civil service; election as to transfer of retirement credits; computation of retirement; forfeiture of other retirement.

Sec. 433. (1) An officer, warrant officer or enlisted person who enters a civilian position and is transferred to state civil service by virtue of this act and who has not less than 5 years of actual duty service as defined in Act No. 84 of the Public Acts of 1909, as amended, being sections 32.35 to 32.49c of the Michigan Compiled Laws, shall make a written statement within 60 days of the effective enactment date of this act, declaring whether he elects to remain under the military retirement system as outlined in Act No. 84 of the Public Acts of 1909, as amended, or transfer his retirement credits to the state employees' retirement system. Credits shall be so transferred without the employee being required to pay back employee costs and these credits shall be

credited as employed years when computing retirement under the state employees' retirement system.

(2) An officer, warrant officer, or enlisted person who has not less than 5 years of actual duty service, having entered a position under state civil service before June 30, 1967, may transfer his retirement credits earned as of June 30, 1967 under Act No. 84 of the Public Acts of 1909, as amended, to the state employees' retirement system. A person making this election shall pay into the state employees' retirement system the same percentage of his basic military pay earned for the years being transferred as would be paid into the system if the same amount was earned as of the effective date of this act. Credits so transferred shall be credited as employed years when computing retirement under the state employees' retirement system. A person making this election will forfeit any retirement otherwise entitled to under this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1975, Act 282, Imd. Eff. Nov. 26, 1975.

32.835 Retirement pay at age sixty; eligibility; deductions from state benefits.

Sec. 435. Those eligible on or after the effective date of this act as provided in Act No. 84 of the Public Acts of 1909, as amended, shall receive retirement pay upon reaching age 60, provided they have been separated from the national guard or defense force for age, physical reasons or as a result of federal law or regulation and such separation was honorable and not self-generated. Deduction from state benefits made on evidence at federal retirement as provided in section 49c of Act No. 84 of the Public Acts of 1909, as amended by Act No. 134 of the Public Acts of 1952, shall continue to be made.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.851 Repeals.

Sec. 451. Sections 1 to 7, 7a, 7b, 7c, 8 to 33, 36 to 41, 43, 44, 45, 45a, 45c, 46, 47, 47a, 48, 50 to 53, 61 to 66, 68 to 81, 83 and 85 of Act No. 84 of the Public Acts of 1909, as amended, being sections 32.1 to 32.7, 32.7a, 32.7b, 32.7c, 32.8 to 32.33, 32.36 to 32.41, 32.43, 32.44, 32.45, 32.45a, 32.45c, 32.46, 32.47, 32.47a, 32.48, 32.50 to 32.53, 32.61 to 32.66, 32.68 to 32.81, 32.83 and 32.85 of the Compiled Laws of 1948, Act No. 237 of the Public Acts of 1909, being section 32.141 of the Compiled Laws of 1948, Act No. 198 of the Public Acts of 1909, being section 32.121 of the Compiled Laws of 1948, Act No. 174 of the Public Acts of 1909, being sections 32.151 to 32.153 of the Compiled Laws of 1948, Act No. 200 of the Public Acts of 1909, being section 32.171 of the Compiled Laws of 1948, Act No. 7 of the Public Acts of 1912, being sections 32.191 to 32.195 of the Compiled Laws of 1948, Act No. 6 of the Public Acts of 1899, being section 32.201 of the Compiled Laws of 1948, Act No. 250 of the Public Acts of 1915, being sections 32.211 and 32.212 of the Compiled Laws of 1948, section 4 of Act No. 172 of the Public Acts of 1913, as amended by Act No. 31 of the Public Acts of 1952, being section 32.224 of the Compiled Laws of 1948 and Act No. 345 of the Public Acts of 1927, being sections 32.251 to 32.256 of the Compiled Laws of 1948, are repealed.

History: 1967, Act 150, Imd. Eff. June 30, 1967.