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GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

Date: Sept 29, 2019

Time: 3:30pm

To the President of the Senate:

Sir – I have this day approved and signed

Enrolled Senate Bill No. 144 (Public Act No. 54) being

AN ACT to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

Respectfully,

Governor

SECRETARY OF STATE
ENROLLING CLERKS
2019 SEP 29 10:04
Oct 1

FILED WITH SECRETARY OF STATE

ON 9/30/19 AT 7:14P.M.



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

September 30, 2019

Michigan State Senate
State Capitol
Lansing, MI 48909-7536

Senators,

I have signed Enrolled Senate Bill 144, which makes appropriations for the Department of Military and Veterans Affairs for the fiscal year ending September 30, 2020. I have, however, disapproved five items pursuant to article 5, section 19 of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill that has been filed with the secretary of state.

To provide direction regarding the implementation of this appropriations act, I note the following:

- Section 404 violates article 4, section 25 of the Michigan Constitution of 1963, and is therefore unenforceable. Moreover, I note that the D.J. Jacobetti home for veterans already meets the Centers for Medicaid and Medicare Services certification standards, and the construction of a new Grand Rapids home for veterans—which will also meet CMS certification standards—is underway.
- Section 215 violates article 4, section 24 of the Michigan Constitution of 1963, and is therefore unenforceable.
- Sections 215 and 409, as well as subsection (2) of section 301 and subsection (2)(a) of section 406, violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable.
- Finally, those provisions of this bill that express merely the intent, advice, preferences, or wishes of the legislature do not impose conditions upon appropriations and are non-binding.

2019 SEP 31 A 9:04
SECRETARY OF STATE
ENROLLING CLERKS

Michigan State Senate
September 30, 2019
Page 2 of 2

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gretchen Whitmer". The signature is fluid and cursive, with a large initial "G" and "W".

Gretchen Whitmer
Governor

cc: Michigan House of Representatives
The Honorable Jocelyn Benson

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2019**

Introduced by Senator Barrett

ENROLLED SENATE BILL No. 144

AN ACT to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of military and veterans affairs for the fiscal year ending September 30, 2020, from the following funds:

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

APPROPRIATION SUMMARY

Full-time equated unclassified positions	9.0	
Full-time equated classified positions	924.5	
GROSS APPROPRIATION		\$ 204,617,600
Interdepartmental grant revenues:		
IDG from department of state police		101,800
Total interdepartmental grants and intradepartmental transfers		101,800
ADJUSTED GROSS APPROPRIATION		\$ 204,515,800
Federal revenues:		
Other federal revenues		106,177,200
Total federal revenues		106,177,200
Special revenue funds:		
Total local revenues		0
Private revenues		630,000
Total private revenues		630,000
Other state restricted revenues		23,908,600
Total other state restricted revenues		23,908,600
State general fund/general purpose		\$ 73,800,000
State general fund/general purpose schedule:		
Ongoing state general fund/general purpose	73,184,900	
One-time state general fund/general purpose	615,100	

Sec. 102. MILITARY

Full-time equated unclassified positions	9.0	
Full-time equated classified positions	353.0	
Unclassified salaries—9.0 FTE positions		\$ 1,558,300
Departmentwide		1,761,900
Headquarters and armories—86.0 FTE positions		20,688,500
Michigan youth challenge academy—50.0 FTE positions		7,580,900
Military family relief fund		600,000
Military retirement		1,000,000
Military training sites and support facilities—215.0 FTE positions		36,590,300
National Guard operations		398,200
National Guard tuition assistance fund—2.0 FTE positions		6,509,900
Starbase grant		<u>2,322,000</u>
GROSS APPROPRIATION		\$ 79,010,000
Appropriated from:		
Interdepartmental grant revenues:		
IDG from department of state police		101,800
Federal revenues:		
Other federal revenues		53,577,700
Special revenue funds:		
Private revenues		90,000
Other state restricted revenues		2,434,900
State general fund/general purpose		<u>\$ 22,805,600</u>

Sec. 103. MICHIGAN VETERANS AFFAIRS AGENCY

Full-time equated classified positions	253.0	
Board of managers (veterans homes)		\$ 940,000
County veteran service fund		4,000,000
D.J. Jacobetti home for veterans—205.0 FTE positions		24,918,600
Michigan veterans affairs agency administration—39.0 FTE positions		7,191,600
Michigan veterans facility authority—3.0 FTE positions		1,276,900
Veterans trust fund administration—6.0 FTE positions		1,488,300
Veterans trust fund grants		3,746,500
Veterans service grants		<u>3,835,500</u>
GROSS APPROPRIATION		\$ 47,397,400
Appropriated from:		
Federal revenues:		
Other federal revenues		10,447,800
Special revenue funds:		
Private revenues		540,000
Other state restricted revenues		10,947,700
State general fund/general purpose		<u>\$ 25,461,900</u>

Sec. 104. GRAND RAPIDS HOME FOR VETERANS

Full-time equated classified positions	318.5	
Veterans home operations		\$ 9,038,900
Purchased services		10,340,000
Salaries, wages, and fringe benefits—318.5 FTE positions		<u>31,885,400</u>
GROSS APPROPRIATION		\$ 51,264,300
Appropriated from:		
Federal revenues:		
Other federal revenues		21,565,000
Special revenue funds:		
Other state restricted revenues		6,800,900
State general fund/general purpose		<u>\$ 22,898,400</u>

Sec. 105. CAPITAL OUTLAY

Land and acquisitions		\$ 3,300,000
Special maintenance - National Guard		20,000,000

	For Fiscal Year Ending Sept. 30, 2020
Special maintenance - veterans homes	\$ 500,000
Armory maintenance	1,000,000
GROSS APPROPRIATION	\$ 24,800,000
Appropriated from:	
Federal revenues:	
Other federal revenues	20,000,000
Special revenue funds:	
Other state restricted revenues	3,300,000
State general fund/general purpose	\$ 1,500,000
 Sec. 106. INFORMATION TECHNOLOGY	
Information technology services and projects	\$ 1,530,800
GROSS APPROPRIATION	\$ 1,530,800
Appropriated from:	
Federal revenues:	
Other federal revenues	586,700
Special revenue funds:	
Other state restricted revenues	425,100
State general fund/general purpose	\$ 519,000
 Sec. 107. ONE-TIME APPROPRIATIONS	
Armory maintenance	\$ 65,100
Buddy to buddy program	250,000
Uniform update	50,000
Veterans benefit eligibility study	250,000
GROSS APPROPRIATION	\$ 615,100
Appropriated from:	
State general fund/general purpose	\$ 615,100

PART 2

PROVISIONS CONCERNING APPROPRIATIONS
FOR FISCAL YEAR 2019-2020

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources under part 1 for fiscal year 2019-2020 is \$97,708,600.00 and state spending from state sources to be paid to local units of government for the fiscal year ending September 30, 2020 is \$4,315,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

County veteran service fund	\$ 4,000,000
Michigan veterans affairs agency administration	90,000
Military training sites and support facilities	225,000
TOTAL	\$ 4,315,000

Sec. 202. The appropriations made and expenditures authorized under this part and part 1 and the departments, commissions, boards, offices, and programs for which appropriations are made under this part and part 1 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this part and part 1:

(a) "Core services" means that term as defined in section 373 of the management and budget act, 1984 PA 431, MCL 18.1373.

(b) "Department" means the department of military and veterans affairs.

(c) "Director" means the director of the department.

(d) "FTE" means full-time equated.

(e) "HVAC" means heating, ventilation, and air conditioning.

(f) "IDG" means interdepartmental grant.

(g) "Michigan veterans' facility authority" means the authority created under section 3 of the Michigan veterans' facility authority act, 2016 PA 560, MCL 36.103.

(h) "MVAA" means the Michigan veterans affairs agency.

(i) "Subcommittees" means the subcommittees of the senate and house appropriations committees with jurisdiction over the budget of the department.

(j) "Support services" means an activity, such as information technology, accounting, human resources, legal, and other support functions that are required to support the ongoing delivery of core services.

(k) "USDVA" means the United States Department of Veterans Affairs.

(l) "USDVA-VHA" means the USDVA Veterans Health Administration.

(m) "VSO" means veterans service organization.

(n) "Work project" means that term as defined in section 404 of the management and budget act, 1984 PA 431, MCL 18.1404, and that meets the criteria in section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 204. The department and agencies receiving appropriations in part 1 shall use the internet to fulfill the reporting requirements of this part. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an internet or intranet site.

Sec. 205. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference must be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 206. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

Sec. 207. The department and agencies receiving appropriations in part 1 shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The department and agencies shall submit the report to the senate and house appropriations committees, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The dates of each travel occurrence.

(b) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

Sec. 208. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those outside services that the attorney general authorizes.

Sec. 209. Not later than November 30, the state budget office shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the prior fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the chairpersons of the senate and house appropriations committees, the subcommittees, and the senate and house fiscal agencies.

Sec. 210. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$8,600,000.00 for federal contingency funds. These funds are not available for expenditure until they have been

transferred to another line item in part 1 under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$250,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in part 1 under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

Sec. 211. The department shall cooperate with the department of technology, management and budget to maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

- (a) Fiscal year-to-date expenditures by category.
- (b) Fiscal year-to-date expenditures by appropriation unit.
- (c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.
- (d) The number of active department employees by job classification.
- (e) Job specifications and wage rates.

Sec. 212. Within 14 days after the release of the executive budget recommendation, the department shall cooperate with the state budget office to provide the senate and house appropriations chairs, the senate and house appropriations subcommittees chairs, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2019 and September 30, 2020.

Sec. 213. The department shall maintain, on a publicly accessible website, a department scorecard that identifies, tracks, and regularly updates key metrics that are used to monitor and improve the department's performance.

Sec. 214. Total authorized appropriations from all sources under part 1 for legacy costs for the fiscal year ending September 30, 2020 are estimated at \$17,277,800.00. From this amount, total agency appropriations for pension-related legacy costs are estimated at \$8,399,100.00. Total agency appropriations for retiree health care legacy costs are estimated at \$8,878,700.00.

Sec. 215. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 216. The department shall provide biannual reports to the subcommittees, the senate and house fiscal agencies, and the state budget office, which shall provide the following data:

- (a) A list of all major work projects, including a status report of each project.
- (b) The department's financial status, featuring a report of budgeted versus actual expenditures by part 1 line item including a year-end projection of budget requirements. If projected department budget requirements exceed the allocated budget, the report shall include a plan to reduce overall expenses while still satisfying specified service level requirements.
- (c) A report on the status of performance metrics cited in this part and information required to be reported in this part.
- (d) The number of active employees at the close of the reporting period by job classification and program.
- (e) Evidence of efficiencies and management of funds within established appropriations.

Sec. 217. The appropriations in part 1 are for the core services, support services, and work projects of the department, including, but not limited to, the following core services:

- (a) Armories and joint force readiness.
- (b) National Guard training facilities and air bases.
- (c) Michigan youth challenge academy.
- (d) Military family relief fund.

- (e) Starbase grant.
- (f) National Guard tuition assistance program.
- (g) Michigan veterans affairs agency administration.
- (h) Veterans service grants.
- (i) Veterans' trust fund administration.
- (j) Veterans' trust fund grants.
- (k) Board of managers (veterans homes).
- (l) Grand Rapids home for veterans.
- (m) D.J. Jacobetti home for veterans.
- (n) Michigan veterans' facility authority.
- (o) County veteran service fund.

Sec. 218. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

Sec. 219. Sixty days prior to the public announcement of the intention to sell any department real property, the department shall submit notification of that intent to the subcommittees and the senate and house fiscal agencies.

MILITARY

Sec. 301. (1) From the funds appropriated in part 1, there is funding to support unclassified employee positions as authorized by section 5 of article XI of the state constitution of 1963.

(2) Not less than 30 days prior to the department submitting a request for an additional unclassified employee position from the civil service commission, or for any substantive change to the duties of an existing unclassified employee position, the department shall notify the subcommittees and the senate and house fiscal agencies.

Sec. 302. (1) From the funds appropriated in part 1 for military operations, effective and efficient executive direction and administrative leadership shall be provided to the department.

(2) The department shall operate and maintain National Guard armories.

(3) The department shall evaluate armories and submit a report as provided under section 216 of this part on the status of the armories.

(4) The department shall maintain a system to measure the condition and adequacy of the armories.

(5) The Michigan Army National Guard and Air National Guard shall work to provide a culture that is free of sexual assault, through an environment of prevention, education and training, response capability, victim support, reporting procedures, and appropriate accountability that enhances the safety and well-being of all guard members.

(6) By December 1, the department shall report the following information to the subcommittees, the senate and house fiscal agencies, and the state budget office:

(a) An assessment of the grounds and facilities of each armory to objectively measure and determine the current facility condition and capability to support authorized manpower, unit training, and operations.

(b) Recommendations for the placement of new armories, the relocation or consolidation of existing armories, or a change in the mission of units assigned to armories to ideally position the National Guard in current or projected population centers.

(c) Recommendations for the enhanced use of armories to facilitate family support programs during deployments.

(d) An analysis of the feasibility, potential costs, and benefits of use of armories shared with other local, state, or federal agencies to improve responses to local emergencies as well as the community support provided to armories.

(e) An investment strategy and proposed funding amounts in a prioritized project list to correct the most critical facility shortfalls across the inventory of armories in this state.

Sec. 303. (1) The department shall maintain the Michigan youth challenge academy to provide values, skills, education, and self-discipline instruction for at-risk youth as provided under 32 USC 509.

(2) The department shall take steps to recruit candidates to the challenge academy from economically disadvantaged areas, including those with low-income and high-unemployment backgrounds.

(3) The department shall partner with the department of health and human services to identify youth who may be eligible for the challenge academy from those youth served by department of health and human services programs. These eligible youth shall be given priority for enrollment in the academy.

(4) The department shall maintain the staffing and resources necessary to train and graduate at least 114 students per cohort (228 annually).

(5) The department shall ensure individual academic success as measured by the number of individuals who have received a general equivalency diploma, high school diploma, or high school credit recovery or by the improvement of tests of adult basic education scores, or both.

(6) Any unexpended private donations to support the Michigan youth challenge academy at the close of this fiscal year shall not lapse to the general fund but shall be carried forward to the subsequent fiscal year.

Sec. 304. (1) The department shall provide grants for disbursement from the military family relief fund, as provided under the military family relief fund act, 2004 PA 363, MCL 35.1211 to 35.1216, and R 200.5 to R 200.95 of the Michigan Administrative Code.

(2) The department shall provide information on the revenues, expenditures for advertising and assistance grants, and fund balance of the Michigan military family relief fund, as provided under section 216 of this part.

(3) The department shall provide sufficient staffing and other resources to provide outreach to the Michigan families of members of the reserve component of the Armed Forces of the United States called into active duty and to support the processing and approval of grant applications for this fiscal year under the Michigan military relief fund and report those applications as provided under section 216 of this part.

Sec. 305. (1) The department shall provide Army and Air National Guard forces, when directed, for state and local emergencies and in support of national military requirements.

(2) The department shall operate and maintain Army National Guard training facilities, including Fort Custer and Camp Grayling.

(3) The department shall maintain a system that measures the condition and adequacy of air facilities using both quality and functionality criteria.

(4) The department shall operate and maintain Air National Guard air bases, including Selfridge Air National Guard base, Battle Creek Air National Guard base, and Alpena combat readiness training center.

(5) The department shall provide the following information as provided under section 216 of this part:

(a) The apportioned and assigned strength of the Michigan Army National Guard.

(b) The apportioned and assigned strength of the Michigan Air National Guard.

(c) Recruiting, retention, and attrition data, including measurement against stated performance goals, for the Michigan Army National Guard.

(d) Recruiting, retention, and attrition data, including measurement against stated performance goals, for the Michigan Air National Guard.

Sec. 306. There is created and established under the jurisdiction and control of the department a revolving account to be known as the billeting fund account. All of the fees and other revenues generated from the operation of the chargeable transient quarters program shall be deposited in the billeting fund account. Appropriations will be made from the account for the support of program operations and the maintenance and operations of the chargeable transient quarters program and will not exceed the estimated revenues for the fiscal year in which they are made, together with unexpended balances from prior years. The department shall submit an annual report of operations and expenditures regarding the billeting fund account to the appropriations committees of the senate and house of representatives, the senate and house fiscal agencies, and the state budget office at the end of the fiscal year.

Sec. 307. (1) The department shall maintain a National Guard tuition assistance program for members of the Michigan Army and Air National Guard.

(2) The objective of the National Guard tuition assistance program is to bolster military readiness by increasing recruitment and retention of Michigan Army and Air National Guard service members, to fill federally authorized strength levels for the state, to improve the Michigan Army and Air National Guard's competitive draw from other military enlistment options in the state, to enhance the ability of the Michigan Army and Air National Guard to compete for members and federal dollars with surrounding states, and to increase the pool of eligible candidates within the Michigan Army and Air National Guard to become commissioned officers.

(3) The department shall make efforts to increase the number of national guard members who have received a credential or are still enrolled in the Michigan National Guard tuition assistance program after their initial term of enlistment with the goal of 55% of program participants, or at the current 4-year college graduation rate in Michigan,

whichever is higher. To evaluate the effectiveness of the program, the department shall monitor the number of new recruits and new reenlistments and the percentage of those who become participants in the program to determine whether the percentage of authorized Michigan Army and Air National Guard strength obtained and retained is competitive in comparison with the neighboring army and air national guards from Illinois, Indiana, Ohio, and Wisconsin.

(4) Not later than March 1, 2020, the department shall provide a report to the subcommittees on the Michigan National Guard tuition assistance program. The report shall include the number of guard members receiving tuition assistance, where those guard members received education or training under the program, the average amount of financial assistance received, the total funds spent on the program, and, in the opinion of the department, after those expenditures, whether any unmet needs remained. The report shall also include performance data regarding the number of members denied benefits from the program. The report shall include, but is not limited to, all of the following information:

- (a) The total number of applications for tuition assistance denied.
- (b) A delineated list of the grounds for denial and the number of the total applicable to each reason for denial.
- (c) A list of specific actions undertaken to increase the opportunities for expanding qualified educational and training programs.
- (d) A list of any educational and training programs removed from eligibility and the rationale for their removal.
- (e) An explanation of any identified barriers to the successful utilization of funds appropriated in part 1 for the National Guard tuition assistance fund and applicable proposals for legislative action to address those barriers.

(5) The general fund/general purpose funds appropriated in part 1 for the National Guard tuition assistance fund shall be deposited to the restricted Michigan National Guard tuition assistance fund created in section 4 of the Michigan National Guard tuition assistance act, 2014 PA 259, MCL 32.434. All funds in the restricted Michigan National Guard tuition assistance fund are appropriated and available for expenditure to support the Michigan National Guard tuition assistance program.

Sec. 308. The department shall maintain the starbase program at Air National Guard facilities, as provided under 10 USC 2193b, to improve the knowledge, skills, and interest of students, primarily in the fifth grade, in math, science, and technology. The starbase program is to specifically target minority and at-risk students for participation.

MICHIGAN VETERANS AFFAIRS AGENCY

Sec. 401. The board of managers and Michigan veterans' facility authority shall exercise certain regulatory and governance authority regarding admission and member affairs at the Grand Rapids and D.J. Jacobetti homes for veterans. The board of managers shall also work to represent the interest of the veterans' community in both advisory and advocacy roles.

Sec. 402. (1) The MVAA, the board of managers, and the Michigan veterans' facility authority shall provide compassionate and quality nursing and domiciliary care services at the Grand Rapids and D.J. Jacobetti homes for veterans so that members can achieve their highest potential of wellness, independence, self-worth, and dignity.

(2) The department shall provide resources necessary to provide nursing care services to veterans in accordance with federal standards and provide the results of the annual USDVA survey and certification as proof of compliance.

(3) Appropriations in part 1 for the Grand Rapids and the D.J. Jacobetti homes for veterans shall not be used for any purpose other than for veterans and veterans' families.

(4) Any contractor providing mental health services to the Grand Rapids and D.J. Jacobetti homes for veterans shall utilize mental health interventions that have been shown to be effective with the conditions they are treating, in accordance with evidence-based best practices supported by the USDVA-VHA, United States Department of Defense, the Substance Abuse and Mental Health Services Administration, the American Psychological Association, and the National Association of Social Workers.

(5) Any contractor providing competency evaluated nursing assistants (CENA) to the Grand Rapids home for veterans shall ensure that each CENA has at least 8 hours of training on information provided by the home.

(6) Any contractor providing competency evaluated nursing assistants to the Grand Rapids home for veterans shall ensure that each CENA has at least 1 eight-hour shift of shadowing at the veterans' home.

(7) Any contractor providing competency evaluated nursing assistants to the Grand Rapids home for veterans shall ensure that each CENA is competent in the basic skills needed to perform his or her assigned duties at the home.

(8) The Grand Rapids home for veterans shall provide each CENA at least 12 hours of in-service training once that individual has been assigned to the home.

(9) All complaints of abusive or neglectful care at the Grand Rapids and the D.J. Jacobetti homes for veterans by a resident member, a resident member's family or legal guardian, or staff of the veterans' homes received by a supervisor shall be referred to the director of nursing or his or her designee upon receipt of the complaint. The director of nursing or his or her designee shall report on not less than a monthly basis, except that the board of managers may specify a more frequent reporting period to the home administrator, board of managers, agency, subcommittees, senate and house fiscal agencies, and state budget office the following information:

(a) A description of the process by which resident members and others may file complaints of alleged abuse or neglect at the Grand Rapids and the D.J. Jacobetti homes for veterans.

(b) Summary statistics on the number and general nature of complaints of abuse or neglect.

(c) Summary statistics on the final disposition of complaints of abuse or neglect received.

(10) The Grand Rapids and D.J. Jacobetti homes for veterans shall provide an on-site, board-certified psychiatrist for all resident members with mental health disorders in order to ensure that those resident members receive needed services in a professional and timely manner. The Grand Rapids and D.J. Jacobetti homes for veterans shall provide all members and staff a safe and secure environment.

(11) The Grand Rapids and D.J. Jacobetti homes for veterans shall ensure that they effectively develop, execute, and monitor all comprehensive care plans in accordance with federal regulations and their internal policies, with a goal that a comprehensive care plan is fully developed for all resident members.

(12) The Grand Rapids and D.J. Jacobetti homes for veterans shall implement controls over their food, maintenance supplies, pharmaceuticals, and medical supplies inventories.

(13) The Grand Rapids and D.J. Jacobetti homes for veterans shall establish sufficient controls for calculating resident member maintenance assessments in order to accurately calculate resident member maintenance assessments for each billing cycle. The Grand Rapids and D.J. Jacobetti homes for veterans shall establish sufficient controls to ensure that all past due resident member maintenance assessments are addressed within 30 days.

(14) The Grand Rapids and D.J. Jacobetti homes for veterans shall establish sufficient controls over monetary donations and donated goods.

(15) The Grand Rapids and D.J. Jacobetti homes for veterans shall implement sufficient controls over the handling of resident member funds to ensure the release of funds within 15 calendar days upon the resident member leaving the home and to ensure that a representative of a resident member is provided a full accounting of that resident member's funds within 30 calendar days of the death of that resident member.

(16) The MVAA shall post on its website all policies adopted by the board of managers, the Michigan veterans' facility authority, and the veterans' homes related to the administrative operations of the veterans' homes.

(17) The process by which visitors, residents, and employees of the Grand Rapids and D.J. Jacobetti homes for veterans may register complaints shall be displayed in high-traffic areas throughout the home.

(18) The MVAA shall report its findings regarding the state veterans' homes' compliance with the requirements and standards under this section in a quarterly report to the legislature and the state budget office. The quarterly reports shall include, but are not limited to, all of the following information:

(a) Quality of care metrics, including:

(i) The number of patient care hours and staffing levels measured against USDVA-VHA standards.

(ii) Sentinel events reported to the USDVA.

(iii) Fall and wound reports.

(iv) Complaint reports, including abuse and neglect complaints and outcomes of complaint investigations.

(v) Additional minimum data set quality of care indicators used to measure quality of care in long-term care facilities.

(b) Quarterly budget update.

(c) An accounting of resident member populations at the Grand Rapids and D.J. Jacobetti homes for veterans as follows:

(i) By demographics, including period of service, gender, and age.

(ii) By care setting, payment source, and associated revenue projections.

(d) Updates related to the modernization of the Grand Rapids and D.J. Jacobetti homes for veterans, including information related to the following:

(i) Infrastructure/capital outlay improvements.

(ii) Information technology updates.

(iii) Financial management.

(e) Updates on corrective action status related to any audit and survey findings until those findings have been fully addressed.

(19) The Grand Rapids and D.J. Jacobetti homes for veterans shall provide to the subcommittees, the senate and house fiscal agencies, and the state budget office the results of any annual or for-cause survey conducted by the USDVA-VHA and any corresponding corrective action plan. This information shall also be made available publicly through the department's or MVAA's website.

(20) The MVAA shall provide to the legislature and the state budget office quarterly reports of this part regarding the status of Centers for Medicare and Medicaid certification efforts, including, but not limited to, descriptions of incremental milestones, associated expenditures, and the percentage of plan completed.

Sec. 404. The department shall ensure that the quality of care for members of the Grand Rapids and D.J. Jacobetti homes for veterans shall meet or exceed the quality of care for the full spectrum of health care services to meet or exceed the Centers for Medicare and Medicaid Services certification standards. The department shall provide a report as provided under section 216 of this part to the subcommittees, which contains evidence that the quality of care for the full spectrum of health care services has met or exceeded Centers for Medicare and Medicaid Services certification standards.

Sec. 405. (1) The MVAA shall provide a report, as provided under section 216 of this part, on the financial status of the Michigan veterans' trust fund, including the number and amount of emergency grants, state administrative expenses, and county administrative expenses.

(2) The Michigan veterans' trust fund board together with the agency shall maintain the staffing and resources necessary to process a minimum of 2,000 applications for veterans' trust fund emergency grants.

(3) The Michigan veterans' trust fund board together with the MVAA shall provide emergency grants for disbursement from the Michigan veterans' trust fund, as provided under the following program authorities:

(a) Sections 37, 38, and 39 of article IX of the state constitution of 1963.

(b) 1946 (1st Ex Sess) PA 9, MCL 35.602 to 35.610.

(c) R 35.1 to R 35.7 of the Michigan Administrative Code.

(d) R 35.621 to R 35.623 of the Michigan Administrative Code.

(4) No later than December 1, the MVAA shall provide a detailed report of the Michigan veterans' trust fund that includes, for the immediately preceding fiscal year, information on grants provided from the emergency grant program, including details concerning the methodology of allocations, the selection of emergency grant program authorized agents, a description of how the emergency grant program is administered in each county, and a detailed breakdown of trust fund expenditures for that year, including the amount distributed to each county for administrative costs and emergency grants. The report shall also include the number of approved applications, by category of assistance, and the number of denied applications, by reason of denial. The report shall also provide an update on the department's efforts to reduce program administrative costs and maintain the Michigan veterans' trust fund corpus to its original amount of at least \$50,000,000.00.

Sec. 406. (1) The MVAA shall provide outreach services to Michigan veterans to advise them on the benefits to which they are entitled, as provided under Executive Reorganization Order No. 2013-2, MCL 32.92. The MVAA shall also do the following:

(a) Maintain the staffing partnerships and other resources necessary to develop and operate an outreach program that communicates benefit eligibility information to at least 50% of Michigan's population of veterans, as assessed by annual census estimates, with a goal of reaching 100% and enabling 100% to access benefit information online.

(b) Communicate veteran benefit information pertaining to the Michigan military family relief fund, Michigan veterans' trust fund, and USDVA health, financial, and memorial benefits to which veterans are entitled.

(c) Provide sufficient staffing and other resources to approve requests for military discharge certificates (DD-214) annually.

(d) Continue the process to digitize all medical records, military discharge documents, and burial records that are currently on paper and microfilm.

(e) Provide a report, as provided under section 216 of this part, on the MVAA's performance on the performance measures, outcomes, and initiatives developed by the agency in the strategic plan required by section 501 of 2013 PA 9.

(f) Provide a report to the subcommittees, the senate and house fiscal agencies, and the state budget office no later than April 1 providing, to the extent known, data on the estimated number of homeless veterans, by county, in this state.

(g) Provide the percentage of Michigan veterans contacted through its outreach programs, with a goal of 90%, and report that percentage to the subcommittees as provided under section 216 of this part on the status of outreach.

(2) From the funds appropriated in part 1, the MVAA shall provide for the regional coordination of services, as follows:

(a) Regional coordinators shall be selected by the MVAA through a staff augmentation service contract with VSOs or with a Michigan-based nonprofit organization.

(b) Regional coordinators shall provide the following services:

(i) Coordinate with veteran benefit counselors throughout a specified region.

(ii) Coordinate services with the department of health and human services and the department of corrections.

(iii) Coordinate with regional workforce and economic development agencies.

(iv) Coordinate activities among local foundations, nonprofit organizations, and community groups to improve accessibility, enrollment, and utilization of the array of health care, education, employment assistance, and quality of life services provided at the local level.

(c) The MVAA may work with MVAA service officers, regional coordinators, county veteran counselors, VSO service officers, and other service providers to incorporate the provision of information relating to mental health care resources into their daily operations to aid veterans in understanding the mental health care support services they may be eligible to receive.

(d) The MVAA shall coordinate with the department of health and human services to identify Medicaid recipients who are veterans and who may be eligible for federal veterans health care benefits or other benefits, to the extent that the identification does not violate applicable confidentiality requirements.

(e) The MVAA shall collaborate with the department of corrections to create and maintain a process by which prisoners can obtain a copy of their DD-214 form or other military discharge documentation if necessary.

(f) The MVAA shall ensure that all MVAA service officers, VSO service officers, and regional coordinators receive appropriate training in processing applications for benefits payable to veterans due to military sexual trauma, post-traumatic stress disorder, depression, anxiety, substance abuse, or other mental health issues.

(3) The MVAA shall provide claims processing services to Michigan veterans in support of benefit claims submitted to the USDVA for the health, financial, and memorial benefits for which they are eligible, and shall do all of the following:

(a) Report the following information as provided in section 216 of this part:

(i) The number of benefit claims, by type, submitted to the USDVA by MVAA.

(ii) The number of fully developed claims submitted to the USDVA, with an overall goal of 40% of benefit claims submitted that are considered fully developed by the USDVA.

(b) Maintain the staffing and resources necessary to process a minimum of 500 claims per year.

(4) The MVAA shall maintain staffing and resources necessary to develop and implement a process to ensure that all county counselors receive the training and accreditation necessary to provide quality services to veterans. The MVAA shall report information as provided in section 216 of this part on the number and percentage of county veterans counselors trained by the MVAA, and the number and percentage who received funding from the MVAA to attend training, with an overall goal of 100% of county veterans counselors trained.

(5) From the funds appropriated in part 1 for MVAA, the MVAA is authorized to expend up to \$50,000.00 to hire legal services to represent veterans benefit cases before federal court to maintain accreditation under 38 CFR 14.628(d)(1)(iv).

Sec. 407. (1) The MVAA shall disburse grants to achieve agency goals and performance objectives in partnership with counties and VSOs. Grants will be disbursed to fund programs and projects that are determined by the agency to meet agency performance objectives and ensure that grantees communicate the availability of emergency grants through the Michigan veterans' trust fund. In disbursing grants, the MVAA shall do all of the following:

(a) Ensure that each grantee is issued performance standards.

(b) Ensure that each grantee uses those funds for veterans advocacy and outreach.

(c) Monitor the performance of each grantee.

(d) Require each grantee to report not less than quarterly on services provided to veterans and account for all grant fund expenditures.

(e) Require that each grantee report not less than quarterly both of the following:

(i) The number and type of claims originated and submitted by the grantee to the USDVA.

(ii) The number and type of claims originated by an organization other than the grantee and submitted by the grantee to the USDVA.

(f) Promulgate monthly benchmark requirements, based upon contractual obligations, that each grantee must meet and require each grantee to report on achieving the benchmark requirements not less than quarterly to the MVAA, in order to ensure that each grantee meets MVAA veteran service goals.

(g) Assess the accuracy rate of claims reported by grantees and the attendance rate of grantees, based upon contractual obligations.

(h) Ensure that each grantee adheres to the MVAA approved schedule of operations.

(i) Report quarterly to the subcommittees and senate and house fiscal agencies on grantee operations monitored under this subsection, as provided in section 216 of this part.

(2) Grants awarded to a VSO by the MVAA shall provide for the following, as developed by the MVAA:

(a) The provision of service to veterans statewide, using a regional service delivery model, with services provided at specified locations and times, including service provided in state correctional facilities.

(b) The payment of an hourly service rate that shall not exceed \$34.00 per hour.

(c) A specified number of service hours within each geographic region of this state, with a statewide goal based on both appropriations for the fiscal year ending September 30, 2020 for the grant programs and the hourly service rate under subdivision (b). The statewide goal will include service hours provided to eligible incarcerated veterans within 1 year of their earliest release date.

(d) Use of an MVAA-designated internet-based claims data system.

(3) The MVAA shall report the following information as provided in section 216 of this part:

(a) A summary of activities supported through the appropriation in part 1 for grants, including the amount of expenditures to date, number of service hours, number of claims for benefits submitted by type of claim, and other information deemed appropriate by the MVAA.

(b) The number and percentage of fully developed claims submitted to the USDVA, and the number and percentage of fully developed claims submitted that are considered fully developed by the USDVA with an overall goal of 40%.

Sec. 409. (1) The department shall enter into an interagency agreement in cooperation with the department of health and human services in order to work with the federal public assistance reporting information system to identify Medicaid recipients who are veterans and who may be eligible for federal veterans' health care benefits or other benefits. The interagency agreement shall include the specific outcome and performance reporting requirements described in this section. The interagency agreement shall require the department to provide all of the following items by January 1 for the current fiscal year to the subcommittees, the senate and house fiscal agencies, and the policy offices:

(a) The number of veterans identified by the department of health and human services through eligibility determinations.

(b) The number of veterans referred to the department.

(c) The number of referrals made by the department of health and human services that were contacted by the department.

(d) The number of referrals made to the department that were eligible for veterans health care benefits or other benefits.

(e) The specific actions and efforts undertaken by the department of health and human services and the department to identify female veterans who are applying for public assistance benefits, but who are eligible for veterans benefits.

(2) By October 1 of the current fiscal year, the department of health and human services shall change the public assistance application form from asking whether the prospective applicant was a veteran to asking whether the applicant had ever served in the military.

~~Sec. 410. The general fund/general purpose funds appropriated in part I for the county veteran service fund shall be deposited to the restricted county veteran service fund created in section 3a of 1953 PA 192, MCL 35.623a. All funds in the restricted county veteran service fund are appropriated and available for expenditure to support county veteran service grants.~~

~~Sec. 411. From the funds appropriated in part I, the MVAA shall conduct an assessment of the need for, feasibility, and annual cost to the state of establishing and maintaining a new veterans' cemetery in the upper peninsula of the state. The assessment shall consider the availability of any federal funds available for veterans cemeteries for its determinations. The MVAA shall report the findings of the assessment to each chairperson of the subcommittees, the house and senate fiscal agencies, and the state budget office by not later than September 30, 2020.~~

CAPITAL OUTLAY

Sec. 501. (1) The department shall provide for the acquisition and disposition of National Guard armories, facilities, and lands as provided under sections 368, 382, and 382a of the Michigan military act, 1967 PA 150, MCL 32.768, 32.782, and 32.782a.

(2) The department shall provide a listing of property sales and acquisitions as provided under section 216 of this part.

Sec. 502. (1) The appropriations in part 1 for special maintenance - National Guard shall be carried forward at the end of the fiscal year consistent with section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

(2) The appropriations for special maintenance - National Guard shall be expended in accordance with the requirements of sections 302 and 305 of this part and shall be expended according to the maintenance priorities of the department to repair and modernize military training sites and support facilities, including armories, which may include projects such as roof, HVAC, or boiler replacement, interior renovations, facility expansion, improvements to parking facilities, and other projects.

(3) The department shall provide a report as provided under section 216 of this part providing information on the status, projected costs, and projected completion date of current and planned special maintenance projects at the armories and other National Guard facilities funded from capital outlay appropriations made in part 1 and in prior appropriations years.

Sec. 503. (1) The appropriations in part 1 for special maintenance - veterans homes shall be carried forward at the end of the fiscal year consistent with section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

(2) The appropriations for special maintenance - veterans homes shall be expended in accordance with the requirements of section 402 of this part and shall be expended according to the maintenance priorities of the department to repair and modernize the state's veterans' homes, which may include projects such as roof, HVAC, or boiler replacement, interior renovations, facility expansion, improvements to parking facilities, and other projects designed to enhance the quality of life and medical care of members.

(3) The MVAA shall provide a report as provided under section 216 of this part providing information on the status, projected costs, and projected completion date of current and planned special maintenance projects at the Grand Rapids home for veterans and D.J. Jacobetti home for veterans funded from capital outlay appropriations made in part 1 and in prior appropriations years.

Sec. 504. (1) The appropriations in part 1 for armory maintenance shall be carried forward at the end of the fiscal year consistent with section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

(2) The appropriations for armory maintenance shall be expended in accordance with the requirements of sections 302 and 305 of this part and shall be expended according to the maintenance priorities of the department to repair and modernize military training sites and support facilities, including armories.

ONE-TIME APPROPRIATIONS

John
~~Sec. 601. The appropriation in part 1 for buddy to buddy program shall be used to train volunteer Michigan veterans to provide outreach and support for other Michigan service members and veterans in dealing with the challenges they face, including those related to finances, securing benefits, legal issues, education, and health, family, and emotional concerns.~~

John
~~Sec. 602. Funds appropriated in part 1 for uniform update shall be used for the fielding and issuing of Army National Guard aircrew combat uniforms in operational camouflage pattern and related uniform accessories to replace discontinued universal camouflage pattern uniforms.~~


John
~~Sec. 603. The appropriation in part 1 for a veterans benefit eligibility study shall be used for the commission of a study that will create, implement, and evaluate a program that will identify Michigan Medicaid beneficiaries who are veterans and support them in exploring their eligibility for USDVA-VHA health care benefits. A report from the study must be delivered to the department and the subcommittees no later than December 1, 2020 and must contain the findings of the study, including data as to the frequency of veteran Medicaid beneficiaries who are eligible, but who are not aware, or have not taken steps to seek USDVA-VHA health care services, and shall include recommendations to the department on effective and efficient strategies that could be used to identify such veterans and facilitate their exploration of eligibility for USDVA-VHA health care benefits.~~

This act is ordered to take immediate effect.


Secretary of the Senate


Clerk of the House of Representatives

Approved 3:30 pm 9/29/19


Governor