

HOUSE BILL No. 5143

August 29, 2007, Introduced by Reps. Sheltroun, Griffin, Robert Jones, Young, Donigan, Mayes, Rick Jones, Polidori, Pastor, Vagnozzi, Hansen and Dean and referred to the Committee on Military and Veterans Affairs and Homeland Security.

A bill to amend 1967 PA 150, entitled
"Michigan military act,"
by amending section 251 (MCL 32.651), as amended by 1988 PA 246.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 251. (1) ~~When the president calls or orders all or part~~
2 ~~of the national guard into federal service in time of a national~~
3 ~~emergency or when it appears that the national guard may be called~~
4 ~~to federal service, the~~ **THE** governor, as commander-in-chief, may
5 activate within the military establishment such number of units to
6 be known as the Michigan emergency volunteers **VOLUNTEER DEFENSE**
7 **FORCE**, as the governor considers necessary for adequate emergency
8 assistance to the state. When activated by proper authority, the
9 Michigan emergency volunteers **VOLUNTEER DEFENSE FORCE** shall perform
10 ~~only aid to civil authority missions formerly reserved for the~~

1 ~~national guard~~ as determined by the department of military **AND**
2 **VETERANS** affairs in cooperation with the department of state police
3 and the state emergency preparedness plan. During times other than
4 a national emergency, organization of the Michigan emergency
5 ~~volunteers~~ **VOLUNTEER DEFENSE FORCE** shall not exceed 15% of the
6 Michigan national guard authorized strength.

7 ~~—— (2) Not later than 1 year after the effective date of the~~
8 ~~amendatory act that added this subsection, and each year~~
9 ~~thereafter, the department of military affairs shall report to the~~
10 ~~standing committees of the senate and house of representatives that~~
11 ~~are responsible for legislation concerning military affairs, and~~
12 ~~the senate and house appropriations committees as to the proposed~~
13 ~~and actual status of development of the Michigan emergency~~
14 ~~volunteers. The reports shall include all of the following:~~

15 ~~—— (a) Regulations or proposed regulations to define and limit~~
16 ~~the type and duration of missions that may be undertaken by the~~
17 ~~Michigan emergency volunteers.~~

18 ~~—— (b) Proposals for meeting the training and equipment needs of~~
19 ~~the Michigan emergency volunteers in fulfilling the missions that~~
20 ~~may be undertaken, and a 3 year projection of the costs of that~~
21 ~~training and equipment.~~

22 ~~—— (c) A description of the requirements or proposed~~
23 ~~requirements, including physical ability, for membership in the~~
24 ~~Michigan emergency volunteers.~~

25 ~~—— (d) Procedures that are used or are proposed to be used to~~
26 ~~screen membership in the Michigan emergency volunteers as to~~
27 ~~character and fitness, including standards that will ensure that no~~

1 ~~person with a serious criminal record is a member.~~

2 ~~—— (e) The plan detailing methods and procedures for the~~
3 ~~coordination of the operations of the Michigan emergency volunteers~~
4 ~~with the state police, local law enforcement agencies, and state~~
5 ~~and federal disaster relief authorities.~~

6 (2) ~~(3)~~ A list of former officers, warrant officers, and
7 enlisted personnel of the Michigan national guard shall be
8 maintained with their consent in the office of the adjutant general
9 to aid in forming the Michigan ~~emergency volunteers~~ **VOLUNTEER**
10 **DEFENSE FORCE**.

11 (3) ~~(4)~~ The adjutant general may accept funding for the
12 Michigan ~~emergency volunteers~~ **VOLUNTEER DEFENSE FORCE** from sources
13 other than the state or federal government but shall expend those
14 funds only pursuant to an appropriations act. The adjutant general
15 shall deposit ~~such~~ **THE** funds in a special account within the
16 department of military **AND VETERANS** affairs.

17 (4) ~~(5)~~ As used in this act, a reference to the Michigan
18 defense force means the Michigan ~~emergency volunteers~~ **VOLUNTEER**
19 **DEFENSE FORCE**.

20 (5) ~~(6)~~ The department shall establish affirmative action
21 guidelines for membership goals in the Michigan ~~emergency~~
22 ~~volunteers~~ **VOLUNTEER DEFENSE FORCE**. The department shall take all
23 steps necessary to carry out and implement those guidelines.

24 (6) ~~(7)~~ Members of the Michigan ~~emergency volunteers~~ **VOLUNTEER**
25 **DEFENSE FORCE** shall not be equipped with any type of weapon except
26 under the following conditions:

27 (a) The president has called or ordered all or part of the

1 national guard into federal service in time of a national emergency
2 and the mission of the Michigan ~~emergency volunteers~~ **VOLUNTEER**
3 **DEFENSE FORCE** to whom weapons are issued consists primarily of the
4 protection of public property.

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

7 (7) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
8 AMENDATORY ACT THAT ADDED THIS SUBSECTION AND EACH YEAR THEREAFTER,
9 THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL REPORT TO THE
10 STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES THAT
11 ARE RESPONSIBLE FOR LEGISLATION CONCERNING MILITARY AFFAIRS, AND
12 THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES AS TO THE PROPOSED
13 AND ACTUAL STATUS OF DEVELOPMENT OF THE MICHIGAN VOLUNTEER DEFENSE
14 FORCE. THE REPORTS SHALL INCLUDE ALL OF THE FOLLOWING:

15 (A) REGULATIONS OR PROPOSED REGULATIONS TO DEFINE AND LIMIT
16 THE TYPE AND DURATION OF MISSIONS THAT MAY BE UNDERTAKEN BY THE
17 MICHIGAN VOLUNTEER DEFENSE FORCE.

18 (B) PROPOSALS FOR MEETING THE TRAINING AND EQUIPMENT NEEDS OF
19 THE MICHIGAN VOLUNTEER DEFENSE FORCE IN FULFILLING THE MISSIONS
20 THAT MAY BE UNDERTAKEN, AND A 3-YEAR PROJECTION OF THE COSTS OF
21 THAT TRAINING AND EQUIPMENT.

22 (C) A DESCRIPTION OF THE REQUIREMENTS OR PROPOSED
23 REQUIREMENTS, INCLUDING PHYSICAL ABILITY, FOR MEMBERSHIP IN THE
24 MICHIGAN VOLUNTEER DEFENSE FORCE.

25 (D) PROCEDURES THAT ARE USED OR ARE PROPOSED TO BE USED TO
26 SCREEN MEMBERSHIP IN THE MICHIGAN VOLUNTEER DEFENSE FORCE AS TO
27 CHARACTER AND FITNESS, INCLUDING STANDARDS THAT WILL ENSURE THAT NO

1 PERSON WITH A SERIOUS CRIMINAL RECORD IS A MEMBER.

2 (E) THE PLAN DETAILING METHODS AND PROCEDURES FOR THE
3 COORDINATION OF THE OPERATIONS OF THE MICHIGAN VOLUNTEER DEFENSE
4 FORCE WITH THE STATE POLICE, LOCAL LAW ENFORCEMENT AGENCIES, AND
5 STATE AND FEDERAL DISASTER RELIEF AUTHORITIES.