

Act No. 153
Public Acts of 1992
Approved by the Governor
July 16, 1992
Filed with the Secretary of State
July 16, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Reps. Ostling, Bender and Sparks

ENROLLED HOUSE BILL No. 5516

AN ACT to make appropriations for the department of military affairs for the fiscal year ending September 30, 1993; to provide for the expenditure of the appropriations; to provide for certain duties of the department of military affairs, other state agencies, and local units of government; and to provide for the preparation of certain reports.

The People of the State of Michigan enact:

Sec. 101. There is appropriated for the department of military affairs, for the fiscal year ending September 30, 1993, from the funds identified as follows:

DEPARTMENT OF MILITARY AFFAIRS

APPROPRIATIONS SUMMARY:

Full-time equated unclassified positions	7.0		
Full-time equated classified positions.....	991.0		
GROSS APPROPRIATION		\$	64,131,400
ADJUSTED GROSS APPROPRIATION		\$	64,131,400
Federal revenues:			
Total federal revenues			22,030,900
Special revenue funds:			
Total other state restricted revenues			13,832,100
State general fund/general purpose		\$	28,268,400

HEADQUARTERS AND GARRISONS

Full-time equated classified positions.....	111.0		
Full-time equated unclassified positions	7.0		
Headquarters and garrisons—111.0 FTE positions.....		\$	7,294,400
Job academy			1,000
Unclassified military personnel—7.0 FTE positions including director			500,900
Military appeals tribunal.....			2,900
Michigan emergency volunteers			3,000
Federal initiatives			200,000
GROSS APPROPRIATION		\$	8,002,200
Appropriated from:			
Federal revenues:			

For Fiscal Year
Ending Sept. 30,
1993

DOD- ARMY, national guard bureau	\$	1,572,500
Special revenue funds:		
Garrison rentals		300,000
Mackinac Bridge authority.....		20,000
State general fund/general purpose	\$	6,109,700
MILITARY TRAINING SITES AND SUPPORT FACILITIES		
Full-time equated classified positions.....	241.0	
Military training sites and support facilities—241.0 FTE positions.....	\$	9,089,400
Forestry project		30,000
Federal initiatives.....		200,000
Military training sites and support facilities test projects		100,000
GROSS APPROPRIATION	\$	9,419,400
Appropriated from:		
Federal revenues:		
DOD- ARMY, national guard bureau		8,410,600
Special revenue funds:		
Forestry project fees.....		30,000
Test project fees		100,000
State general fund/general purpose	\$	878,800
DEPARTMENTWIDE APPROPRIATIONS		
Departmentwide accounts	\$	6,215,700
Special maintenance-state		236,200
Special maintenance-federal		1,000,000
Equipment safety training		29,800
Military contingency fund		100
Military retirement		1,966,200
VETS Incorporated		300,000
Michigan veterans foundation		200,000
Counter narcotic operations.....		50,000
GROSS APPROPRIATION	\$	9,998,000
Appropriated from:		
Federal revenues:		
DOD-ARMY, national guard bureau		4,639,600
DOD-drug enforcement agency narcotic forfeiture funds		50,000
State general fund/general purpose	\$	5,308,400
VETERANS SERVICE ORGANIZATIONS		
American legion.....	\$	627,300
Disabled American veterans		569,600
Marine corps veterans		261,600
American veterans of World War II and Korea		361,500
Veterans of foreign wars.....		689,100
Michigan paralyzed veterans of America		128,900
Purple heart		122,700
Veterans of World War I.....		25,300
Polish legion of American veterans		32,200
Jewish veterans of America.....		32,200
State of Michigan council Vietnam veterans of Michigan		43,000
Catholic war veterans.....		10,300
GROSS APPROPRIATION	\$	2,903,700
Appropriated from:		
State general fund/general purpose	\$	2,903,700
GRAND RAPIDS VETERANS' FACILITY		
Full-time equated classified positions.....	490.0	
Grand Rapids veterans' facility—490.0 FTE positions.....	\$	25,427,500
GROSS APPROPRIATION	\$	25,427,500

For Fiscal Year
Ending Sept. 30,
1993

Appropriated from:	
Federal revenues:	
HHS-HCFA, medicare, title XVIII.....	\$ 128,700
VA-DMS, multiple grants	5,500,000
Special revenue funds:	
Income and assessments.....	9,808,500
State general fund/general purpose	\$ 9,990,300

D.J. JACOBETTI VETERANS' FACILITY

Full-time equated classified positions.....	149.0
D.J. Jacobetti veterans' facility— 149.0 FTE positions	\$ 8,380,600
GROSS APPROPRIATION	\$ 8,380,600
Appropriated from:	
Federal revenues:	
HHS-HCFA, medicare, title XVIII.....	72,200
VA-DMS, multiple grants	1,657,300
Special revenue funds:	
Income and assessments.....	3,573,600
State general fund/general purpose	\$ 3,077,500

GENERAL SECTIONS

Sec. 201. (1) In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this act is \$42,871,300.00 and state spending to be paid to units of local government is as follows:

Department of Military Affairs

Payments in lieu of taxes	\$ 67,500
Total	\$ 67,500

(2) When it appears to the principal executive officer of each department that state spending to local units of government will be less than the amount that was projected to be expended for any quarter, the principal executive officer shall immediately give notice of the approximate shortfall to the department of management and budget, the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 202. The appropriations made and the expenditures authorized under this act and the departments, agencies, commissions, boards, offices, and programs for which an appropriation is made under this act are subject to the management and budget act, Act No. 431 of the Public Acts of 1984, being sections 18.1101 to 18.1594 of the Michigan Compiled Laws.

Sec. 203. As used in this act:

- (a) "DOD" means the United States department of defense.
- (b) "FTE" means full-time equated.

Sec. 204. The amounts appropriated for utilities and that portion of contractual services, supplies, and materials used to pay for utility service to state facilities in section 101 may be expended in a manner consistent with the provisions of section 253 of the management and budget act, Act No. 431 of the Public Acts of 1984, being section 18.1253 of the Michigan Compiled Laws.

Sec. 205. (1) 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 for the department.

(2) 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.

(3) Each state department shall compile a report to the civil rights commission validating the total contracts in compliance with this section and detailing contracting procedures for the department.

Sec. 206. (1) Pursuant to the department of military affairs provisions of civil service rules and regulations and applicable collective bargaining agreements, individuals seeking employment with the department shall submit to a controlled substance test administered by the department.

(2) Individuals seeking employment with the department of military affairs who refuse to take a controlled substance test or who test positive for the illicit use of a controlled substance on such a test shall be denied employment by the department for a minimum of 1 year.

Sec. 207. (1) Beginning October 1, 1992, there shall be a hiring freeze imposed on the state classified civil service. State departments and agencies shall be prohibited from hiring any new full-time state classified civil service employees or prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department or to positions that are funded with 80% or more federal or restricted funds.

(2) The director of the department of management and budget shall grant exceptions to this hiring freeze when the director believes that such a hiring freeze will result in rendering a state department or agency unable to deliver basic services. The director of the department of management and budget shall report by the fifteenth of each month to the chairpersons of the senate and house appropriations committees the number of exclusions to the hiring freeze approved during the previous month and the reasons to justify the exclusion.

Sec. 208. Funds appropriated in this bill shall not be used for the purchase of foreign goods or services when competitively priced American goods or services are available.

Sec. 209. (1) The department of military affairs shall provide to the job academy, planning and policy documents, program and fiscal data, and other requested information for the programs that receive funding under this act.

(2) The department of military affairs shall assign staff to work with the job academy to improve the coordination of employment and training services between departments, to reduce duplication of services, and to begin integrating and consolidating all employment and training services.

(3) To improve the accessibility of Michigan citizens to employment and training programs, the department of military affairs shall cooperate with the job academy as it develops pilot programs that consolidate and restructure employment and training programs at the local level. The pilot programs shall include, but are not limited to, the testing of a system through which clients receive vouchers that can be used to access the most appropriate employment and training services.

(4) To allow for the implementation of the local pilot programs, funds may be transferred from existing employment and training programs to the job academy line item. These transfers are subject to section 393(2) of the management and budget act, Act No. 431 of the Public Acts of 1984, being section 18.1393 of the Michigan Compiled Laws.

Sec. 210. The department of military affairs shall establish an FTE position vacancy accumulated funds account. The department shall transfer into the FTE position vacancy accumulated funds account at the end of each quarter any funds remaining unspent for personnel and related costs for vacancies. A report on the amount transferred each quarter into the vacancy accumulated funds account and the cumulative total in the account shall be submitted to the senate and house appropriations committees and the house and senate fiscal agencies 15 days after the last pay period in each quarter.

HEADQUARTERS AND GARRISONS

Sec. 301. The department of military affairs may charge a rental fee for renting the garrison training center of not more than the actual cost to the department of military affairs of renting the garrison training center including overtime compensation, insurance coverage, and maintenance required.

DEPARTMENTWIDE APPROPRIATIONS

Sec. 401. Funds appropriated in section 101 for the military duty contingency fund shall be used to fund nonfederally supported missions of the national guard when called to state duty.

Sec. 402. The Michigan veterans' memorial park commission may accept gifts, contributions, and bequests from any person, public or private corporation, organization, foundation, governmental entity, or any other source for the purpose of establishing a veterans' memorial park as described in Executive Order No. 1992-12. Money contributed to the Michigan veterans' memorial park commission shall be deposited in the state treasury

through the department of military affairs and credited to a separate appropriation line item within the department. Money under this section and any specific work orders or projects adopted by the Michigan veterans' memorial park commission in accordance with section 451(4) of the management and budget act, Act No. 431 of the Public Acts of 1984, being section 18.1451 of the Michigan Compiled Laws, shall not lapse at the end of this fiscal year but shall be available for expenditure until September 30, 1996. Expenditures shall be in accordance with methods and procedures approved by the Michigan veterans' memorial park commission, the department of military affairs, and appropriate state agencies.

VETERANS SERVICE ORGANIZATIONS

Sec. 501. (1) The \$2,903,700.00 appropriated in section 101 for grants to veterans service organizations shall be used only for salaries, wages, related personnel costs, training, and equipment for accredited veteran service advocacy officers and necessary support and managerial staff. Training shall be provided for service advocacy officers and shall be conducted by accredited advocacy officers.

(2) To receive a grant from the funds appropriated in section 101, a veterans service organization shall meet the following eligibility requirements:

(a) Be congressionally chartered by the United States congress.

(b) Be an active participating member of the Michigan veterans organizations' rehabilitation and veterans service committee and abide by its rules, guidelines, and programs.

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

(d) Comply with the department of military affairs' and legislature's requirements of accounting audits, service work activity, accounting of recoveries, listing of volunteer hours, budget requests, and other requirements specified in subsection (3).

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

(3) A veterans service organization receiving a grant from the funds appropriated in section 101 shall file with the department of military affairs a certified accounting of its expenditures within 120 days after the organization's fiscal year end. Each organization shall provide a detailed budget request for the fiscal year ending September 30, 1993 to the department by November 15, 1992 within the format as described by the department to be used in the development of the budget ending September 30, 1994. Each organization shall provide 5 copies of a listing of all service activity, an accounting of recoveries, and a listing of volunteer hours for the fiscal year ending September 30, 1992 to the department by January 31, 1993. A veterans service organization receiving a grant from the funds appropriated in section 101 shall use the forms recommended by the Michigan veterans organizations' rehabilitation and veterans service committee for filing reports required by this act. The department shall forward information required under this section to the senate and house fiscal agencies and to the senate and house appropriations subcommittees on military affairs.

GRAND RAPIDS AND D. J. JACOBETTI VETERANS' HOMES

Sec. 601. Appropriations in section 101 for the Grand Rapids veterans' home and the D. J. Jacobetti veterans' home shall not be used for any purpose other than for veterans and veterans' families.

Sec. 602. The funds appropriated in section 101 for the D. J. Jacobetti veterans' home shall be used for fully funding the operation of the entire facility and not for funding 1 or more operations of the facility at the expense of another operation or operations of the facility.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.