



Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

COUNTY VETERANS BOARDS: INCREASE MEMBERS

House Bill 4771 as enrolled
Public Act 108 of 1996
Third Analysis (4-5-96)

Sponsor: Rep. Clyde LeTarte
House Committee: Senior Citizens and
Veterans Affairs
Senate Committee: Human Resources,
Labor and Veterans Affairs

THE APPARENT PROBLEM:

Public Act 214 of 1899 requires the county board of commissioners of each county in the state to levy and collect an annual property tax of up to .10 mill in order to create a fund for the relief of honorably discharged indigent members of the armed forces and their dependents. A county board of commissioners may create a county department of veterans' affairs and appoint a committee to administer the department. The duties of the committee are primarily to administer the county veterans' relief fund and to appoint a veterans' service officer, commonly known as the "county counselor". In addition, the department assists veterans in determining eligibility for emergency funds and other public assistance.

The four positions on the committee, as required by law, are filled by veterans who have served honorably on active duty in each of the World Wars, in the Korean War, and in Viet Nam. If a World War I veteran cannot be found who is able and willing to serve, the law allows the position to be filled by a veteran from any other conflict. However, if a veteran from the other wars cannot be located to fill the designated slot, the post goes unfilled. Further, some people feel that the needs of younger veterans, especially veterans of the Persian Gulf War, should also be addressed.

THE CONTENT OF THE BILL:

Under current law, a county board of commissioners has the authority to create a county department of veterans' affairs and to appoint a committee to administer the department. Currently, the committee is composed of four members -- one veteran of each of the World Wars, the Korean War, and the Vietnam Conflict. When a veteran of World War I willing to serve on the committee cannot be found, a veteran of any war is permitted to fill the position. The bill would amend the law to change the required number of

committee members from four to between three and five and would delete the reference to specific wars, specifying instead that not more than one member could be representative of a single war. If an opening on a committee occurred, the county board of commissioners would have to provide notice of the opening to at least one newspaper in the county and to the veterans' service organizations within the county. For members first appointed, the bill would specify that the terms would have to be staggered so that not more than two vacancies were scheduled to occur in a single year. (Currently, of the members first appointed, one has to be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years.)

MCL 35.621

FISCAL IMPLICATIONS:

According to a House Fiscal Agency analysis dated 12-19-95, the bill would have no fiscal impact on the state. However, local governments could see increased costs if they elect to form a department of veterans' affairs.

In an analysis dated 2-15-96, the Senate Fiscal Agency reports that counties providing notices of committee openings would incur the cost of the notice.

ARGUMENTS:

For:

Some counties have found it increasingly difficult to locate World War I veterans who are willing and able to serve on these committees; as time goes by, World War II veterans may also become more difficult to find. Currently, only a World War I veteran may be replaced by a veteran from another era. Rather than amend the law every time a group of veterans of a particular war

House Bill 4771 (4-5-96)

become scarce due to the passage of time, it makes sense to rewrite the language to provide a contingency if a veteran of a certain war cannot be located to serve on a committee. By removing references to specific wars, veterans of the Persian Gulf War and subsequent wars would be eligible to serve on the committees. However, though it is a positive step to include veterans of the Persian Gulf War on the committees, due to the brevity of the war, not every county having a Department of Veterans' Affairs may have a Gulf War veteran living within its borders. Reportedly, some counties have had situations where a Korean or Viet Nam veteran able to serve could not be found. In these cases, the post went unfilled. The bill would remedy the situation by allowing a county to fill vacancies with veterans of any of the wars or conflicts meeting the federal definition as required by the act (38 U.S.C. 101 to 8528), as long as only one member was from a particular war. Further, by reducing the minimum required number of members on a committee to three, rural counties, who often have difficulty recruiting four veterans, would still be able to have a county department of veterans' affairs if only three veterans able to serve were found.

For:

Typically, veterans' organizations are dominated by veterans of World War II, mainly due to the large number of men and women who served during the war. However, veterans of each war or conflict appear to have their own unique needs. Younger veterans, therefore, may feel that their concerns are not being adequately addressed. The bill would remedy this situation by allowing a veteran of the Persian Gulf War or future wars to the list of wars and conflicts that a representative may be chosen from to fill posts on county departments of veterans' affairs. A county that increased the committee membership from four to five would also better allow for a majority voice to be established on issues.

Against:

Current law entitles county veterans' committee members to receive the same per diem and mileage for attending meetings as the county board of commissioners. Therefore, some feel that the state should not mandate the number of seats on a department of veterans' affairs committee, believing instead that it should be up to the county commissioners to decide what is best for their counties. Reportedly, some counties, especially rural ones, are having difficulty filling the four positions as required under current law. Increasing the maximum number of committee members to five could only add to their difficulty, as would increasing the money the county would pay out in per diem and mileage reimbursement costs. The bill could

also be construed as a state mandated cost under the "Headlee" amendment to the state constitution.

Response:

First of all, the decision by a county to have a department of veterans' affairs is optional. Therefore, the bill should not have Headlee implications. Though the bill would increase the maximum committee posts by one, the bill would also lower the minimum number of posts by one, thus giving counties more flexibility in filling the committee positions. Further, the bill would remove the requirement to have each position filled only by a veteran of a particular war or conflict and would instead allow a position to be filled by a veteran of any war or conflict, though each war would be limited to one representative. Surely it should not prove too difficult to find between three and five veterans county-wide willing and able to serve their fellow veterans.

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.