

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 1221 (as enrolled)
Sponsor: Senator Valde Garcia
Committee: Senior Citizens and Veterans Affairs

Date Completed: 9-26-02

RATIONALE

The Director of the Michigan Department of Military and Veterans Affairs is known as the Adjutant General. The Michigan Military Act requires that the Governor appoint the Adjutant General from among qualified Federally recognized officers of the National Guard. The Adjutant General must have served as an officer of field or general grade in the State military establishment for at least five years before appointment. The Adjutant General receives pay and allowances equal to those of an active Army or Air Force officer of like grade and service. The Adjutant General serves at the pleasure of the Governor and, unless relieved sooner, may serve until the age of 62. Under Federal law, however, mandatory separation from service by the Chief of the National Guard Bureau, an adjutant general, or a reserve officer who is the commanding general of the troops of a state does not occur until the last day of the month in which the officer becomes 64 years old (10 USC 14512). Some people believe that the Michigan Military Act should be amended so that it is consistent with Federal law in regard to the mandatory retirement age of Michigan's Adjutant General.

CONTENT

The bill would amend the Michigan Military Act to allow the Adjutant General to serve until the age of 64, rather than 62, unless relieved sooner.

MCL 32.702

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The Michigan Military Act and Federal law appear to be in conflict with regard to the mandatory retirement age of the State's Adjutant General, who serves as the Director of the Department of Military and Veterans Affairs. By increasing the age of allowable service to 64 in the Michigan Military Act, the bill would make State law consistent with Federal law.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.