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BILL



ANALYSIS

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House Bill 5143 (as reported without amendment)

Sponsor: Representative Joel Sheltrown

House Committee: Military and Veterans Affairs and Homeland Security

Senate Committee: Homeland Security and Emerging Technologies

Date Completed: 1-7-08

## **RATIONALE**

The Michigan Military Act authorizes the Governor to activate units composed of volunteers to perform duties otherwise performed by the National Guard, if the National Guard is called to active duty by the U.S. President. The Act currently refers to these units as the "Michigan Emergency Volunteers" ("MEV"). It has been suggested that the statute should refer to the volunteer units as the "Michigan Volunteer Defense Force", as they are called in practice, and that the Governor should be authorized to activate the units when the National Guard is not in active service. (For more information about the history of the MEV, see **BACKGROUND**, below.)

## **CONTENT**

**The bill would amend the Michigan Military Act to do the following:**

- Refer to the Michigan Volunteer Defense Force (MI VDF), rather than the Michigan Emergency Volunteers.**
- Eliminate a requirement that the National Guard be called into Federal service in order for the Governor to activate the volunteer force.**
- Require the Department of Military and Veterans Affairs (DMVA) to report to the Legislature on the status of the MI VDF.**

Currently, when the President calls or orders all or part of the National Guard into Federal service in a time of a national emergency or when it appears that the National Guard may be called to Federal service, the Governor may activate within the military establishment the number of units known as

the Michigan Emergency Volunteers that he or she considers necessary for adequate emergency assistance to the State. When activated by proper authority, the MEV may perform only aid to civil authority missions formerly reserved for the National Guard as determined by the DMVA in cooperation with the Michigan Department of State Police (MSP) and the State Emergency Preparedness Plan. Except during a national emergency, organization of the MEV may not exceed 15% of the Michigan National Guard authorized strength.

The bill would delete the reference to a call or order into Federal service of the National Guard by the President, or the appearance that the National Guard may be called to Federal service. Under the bill, the Governor could activate the number of units of the MI VDF as he or she considered necessary for adequate emergency assistance to the State. The MI VDF would have to perform missions determined by the DMVA in cooperation with the MSP and the State Emergency Preparedness Plan.

Within one year after the bill's effective date and each subsequent year, the DMVA would have to report to the standing committees of the Senate and House of Representatives responsible for legislation concerning military affairs, and the Senate and House Appropriations Committees, as to the proposed and actual status of development of the MI VDF. The reports would have to include all of the following:

- Regulations or proposed regulations to define and limit the type and duration of

missions that the MI VDF could undertake.

- Proposals for meeting the training and equipment needs of the MI VDF in fulfilling the missions that could be undertaken, and a three-year projection of the costs of that training and equipment.
- A description of the requirements or proposed requirements, including physical ability, for membership in the MI VDF.
- Procedures used or proposed to be used to screen membership in the MI VDF as to character and fitness, including standards that would ensure that no person with a serious criminal record was a member.
- The plan detailing methods and procedures for the coordination of the operations of the MI VDF with the MSP, local law enforcement agencies, and State and Federal disaster relief authorities.

The bill would delete current reporting requirements, which are the same as described above except that they apply to the MEV.

MCL 32.651

### **BACKGROUND**

According to the DMVA's website, Public Act 53 of 1917 established the Michigan State Troops, which served on in-State active duty during World War I, World War II, and the Korean War. Under Public Act 249 of 1988, they became known as the Michigan Emergency Volunteers. The MEV was deactivated in 1998, and reactivated in 2004 by the Michigan Adjutant General and the DMVA Director, Major General Thomas Cutler, as the Michigan Volunteer Defense Force. The MI VDF is organized as a statewide brigade with three regional commands, which are supported by eight field battalions located within joint MSP and Office of Public Health Program districts. Each battalion command has three detachments and each detachment has three sections, which serve and support community needs across the State.

### **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 bill would update State statute to conform to current practice and reflect more accurately the purpose and responsibilities of the volunteer units. The DMVA already refers to these units as the MI VDF. Additionally, the bill would give the Governor more flexibility to respond to disasters, incidents of public unrest, and acts of terrorism, by eliminating the requirement that the National Guard be called to active duty in order for the volunteer units to be activated.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have a minimum fiscal impact on the Department of Military and Veterans Affairs, resulting from the additional paperwork and reporting required under the bill.

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.