

**SUBSTITUTE FOR  
SENATE BILL NO. 175**

A bill to amend 1967 PA 150, entitled  
"Michigan military act,"  
by amending sections 105, 151, 155, 159, 171, 179, 300, 302, 306,  
316, 328, 354, 368, 372, 374, 376, 378, 380, 382, 382a, 384, 388,  
and 410 (MCL 32.505, 32.551, 32.555, 32.559, 32.571, 32.579,  
32.700, 32.702, 32.706, 32.716, 32.728, 32.754, 32.768, 32.772,  
32.774, 32.776, 32.778, 32.780, 32.782, 32.782a, 32.784, 32.788,  
and 32.810), sections 105 and 179 as amended by 2002 PA 133,  
section 159 as amended by 1998 PA 212, section 302 as amended by  
2002 PA 654, section 306 as amended by 2010 PA 255, section 328 as  
amended by 1988 PA 493, sections 368 and 382 as amended and section  
382a as added by 1992 PA 307, and section 410 as amended by 1980 PA  
145; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 105. The definitions used in the command, administration,

1 supply, training, discipline, deployment, and employment of the  
2 armed forces of the United States, unless clearly inapplicable or  
3 contradictory, are adopted with respect to the state military  
4 establishment except as otherwise provided in this act. As used in  
5 this act:

6 (a) "Military" means a reference to all components of the  
7 state military establishment.

8 (b) "Michigan national guard" means the army national guard  
9 and the air national guard.

10 (c) "Commander-in-chief" means the governor of this state.

11 (d) "Active state service", as applied to the national guard  
12 and the defense force, means military service in support of civil  
13 authorities, at the request of **STATE OR** local authorities,  
14 including, but not limited to, support in the enforcement of laws  
15 prohibiting the importation, sale, delivery, possession, or use of  
16 a controlled substance, if ordered by the governor or as otherwise  
17 provided in this act. ~~As used in this section, "controlled~~  
18 ~~substance" means that term as defined in section 7104 of the public~~  
19 ~~health code, 1978 PA 368, MCL 333.7104.~~

20 (e) "Special duty" means military service in support of the  
21 full-time operation of the state military establishment for a  
22 period of not less than 1 day if ordered by competent authority.

23 (f) "Active service" means service, including active state  
24 service and special duty required by law, regulation, or pursuant  
25 to order of the governor. Active service includes continuing  
26 service of an active member of the national guard and the defense  
27 force in fulfilling that active member's commission, appointment,

1 or enlistment.

2 (g) "Inactive status" means the status of those members of the  
3 national guard who are listed on an inactive list authorized by a  
4 federal statute or regulation.

5 (h) "In the service of the United States" and "not in the  
6 service of the United States" mean the same as those terms are used  
7 and construed under federal laws and regulations.

8 (i) "Officer" means a commissioned officer and a warrant  
9 officer, unless a distinction between commissioned officer and  
10 warrant officer is clearly evident.

11 (j) "Martial law" or "martial rule" means the exercise of  
12 partial or complete military control over domestic territory in  
13 time of emergency because of public necessity.

14 (k) "Armory" means a building, facility, or the lots and  
15 grounds used by an army, navy, or air unit of the **NATIONAL GUARD OR**  
16 **organized militia as a home station OR FOR MILITARY TRAINING.**

17 (l) "Military establishment" means the organized militia of  
18 this state, including the employees and equipment assigned or  
19 necessary to carry out the provisions of this act.

20 (m) "Vital resource" means a public or private building,  
21 facility, property, or location that the governor considers  
22 necessary to protect the public health, safety, and welfare of the  
23 citizens of this state.

24 **(N) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN**  
25 **SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104.**

26 Sec. 151. The governor is the commander-in-chief of the  
27 organized militia. He may order to active state service any members

1 of the organized militia in case of riot, tumult, breach of the  
2 peace, resistance of process, or for service in aid of civil  
3 authority, whether state or federal, or in time of **ACTUAL OR**  
4 **IMMINENT** public danger, disaster, crisis, catastrophe or other  
5 public emergency within this state **OR TO RESPOND TO ACTS OR THREATS**  
6 **OF TERRORISM OR TO SAFEGUARD MILITARY OR OTHER VITAL RESOURCES OF**  
7 **THIS STATE OR OF THE UNITED STATES.** If the governor and his legal  
8 successor are absent, disabled, or cannot be communicated with, the  
9 adjutant general, if he believes the danger great and imminent, may  
10 order out, in the name of the governor, such troops of the  
11 organized militia as he believes necessary to meet the emergency.

12       Sec. 155. The governor may order into the defense force any  
13 members of the unorganized militia in case of riot, tumult, breach  
14 of the peace, resistance of process, or for service in aid of civil  
15 authority, whether state or federal, or in time of **ACTUAL OR**  
16 **IMMINENT** public danger, disaster, crisis, catastrophe or other  
17 public emergency within this state.

18       Sec. 159. (1) The governor may enter into an agreement with  
19 the governors of 1 or more other states authorizing the military  
20 forces of this state, in time of invasion, rebellion, public  
21 disaster, or catastrophe, or to assist a state or local law  
22 enforcement agency, at the request of that state or local law  
23 enforcement agency, in enforcing a law prohibiting the importation,  
24 sale, delivery, possession, or use of a controlled substance as  
25 ~~that term is defined in section 7104 of the public health code,~~  
26 ~~1978 PA 368, MCL 333.7104, or as defined in~~ **THIS ACT** OR a similar  
27 law of the other state, **OR AS NECESSARY TO COMPLY WITH RECIPROCAL**

1    **AGREEMENTS FOR EMERGENCY ASSISTANCE TO OTHER STATES UNDER THE**  
2    **INTERSTATE EMERGENCY MANAGEMENT ASSISTANCE COMPACT, 2001 PA 248,**  
3    **MCL 3.1001 TO 3.1004, OR WITH OTHER SIMILAR AGREEMENTS,** to be  
4    employed within the area of the other states for mutual assistance  
5    in the public interest.

6            (2) A member of the national guard from another state  
7    performing support duty to a federal, state, or local law  
8    enforcement agency in this state has the same immunity from  
9    liability and prosecution as does a member of the Michigan national  
10   guard in performing support duty to a federal, state, or local law  
11   enforcement agency.

12           (3) The Michigan national guard is a law enforcement agency  
13   under this act ~~solely~~ for the purpose of receiving or using  
14   property or money forfeited under section 981(e)(2) of title 18 of  
15   the United States Code, 18 U.S.C. ~~USC~~ 981, section 616 of part V of  
16   title IV of the tariff act of 1930, ~~chapter 497, 98 Stat. 2987, 19~~  
17   ~~U.S.C. 19~~ **USC** 1616a, and section 511(e)(1)(A) of part E of the  
18   controlled substances act, title II of the comprehensive drug abuse  
19   prevention and control act of 1970, ~~Public Law 91-513, 21 U.S.C. 21~~  
20   **USC** 881.

21           Sec. 171. The governor may **DIRECT THE ADJUTANT GENERAL TO**  
22   organize, disband, arrange, transfer, convert, alter, consolidate,  
23   or attach units of the military establishment. The transfer of  
24   personnel to and within units shall be carried out by order of the  
25   ~~governor.~~ **ADJUTANT GENERAL.**

26           Sec. 179. (1) No civilian person, except the governor, may  
27   command personnel of the state military establishment.

1           (2) If any portion of the organized militia is called into  
2 active service, **SPECIAL DUTY**, active state service, or the service  
3 of the United States to execute the laws, engage in **EMERGENCY OR**  
4 disaster relief **OR OTHER SUPPORT OPERATIONS PURSUANT TO THE**  
5 **EMERGENCY MANAGEMENT ACT, 1976 PA 390, MCL 30.401 TO 30.421, OR**  
6 suppress or prevent actual or threatened riot or insurrection,  
7 repel invasion, respond to acts or threats of terrorism, ~~or~~  
8 safeguard military or other vital resources of this state or of the  
9 United States, or to assist in the enforcement of a law prohibiting  
10 the importation, sale, delivery, possession, or use of a controlled  
11 substance, ~~as that term is defined in section 7104 of the public~~  
12 ~~health code, 1978 PA 368, MCL 333.7104,~~ a commanding officer shall  
13 use his or her own judgment in apprehending or dispersing a sniper,  
14 a rioter, a mob, or an unlawful assembly. In situations described  
15 in this subsection, the commanding officer may apprehend a person  
16 on a state military base, armory base, air base, or a vital  
17 resource of this state or of the United States if the commanding  
18 officer has reasonable cause to believe the person has committed a  
19 felony or a misdemeanor punishable by imprisonment for more than 92  
20 days on that state military base, armory base, air base, or a vital  
21 resource of this state or of the United States. In situations  
22 described in this subsection, the commanding officer or an  
23 individual under his or her command may apprehend a person on a  
24 state military base, armory base, air base, or a vital resource of  
25 this state or of the United States if the person commits a crime in  
26 the presence of the commanding officer or an individual under his  
27 or her command on that state military base, armory base, air base,

1 or a vital resource of this state or of the United States. That  
2 commanding officer shall determine the amount and kind of force to  
3 be used in preserving the peace and carrying out the orders of the  
4 governor. Except as provided in subsection (3), that commanding  
5 officer's honest and reasonable judgment under the circumstances  
6 then existing, in the exercise of his or her duty, is full  
7 protection, civilly and criminally, for an act done in the line of  
8 duty, and a member of the organized militia in active service,  
9 **SPECIAL DUTY**, active state service, or the service of the United  
10 States is not liable civilly or criminally for an act committed by  
11 him or her in the performance of his or her duty.

12 (3) A member of the organized militia in active service,  
13 **SPECIAL DUTY**, active state service, or the service of the United  
14 States has the immunity of a peace officer in this state if 1 or  
15 more of the following apply:

16 (a) The member is acting in aid of civil authorities and  
17 acting in the line of duty.

18 (b) The member is assisting in the enforcement of a law  
19 prohibiting the importation, sale, delivery, possession, or use of  
20 a controlled substance ~~as that term is defined in section 7104 of~~  
21 ~~the public health code, 1978 PA 368, MCL 333.7104,~~ and acting in  
22 the line of duty.

23 (c) The member has been ordered by the governor to respond to  
24 acts or threats of terrorism or to safeguard military or other  
25 vital resources of this state or of the United States and is acting  
26 in the line of duty.

27 (4) The attorney general of this state shall defend a civil

1 action or criminal prosecution brought in a state or federal court,  
2 against a member of the organized militia or his or her estate,  
3 arising from an act or omission alleged to have been committed  
4 while in active service, **SPECIAL DUTY**, active state service, or the  
5 service of the United States.

6 Sec. 300. The office of the adjutant general, with the rank of  
7 major general in the national guard, is created. He **OR SHE** shall be  
8 the commanding general of the military establishment. Under the  
9 direction of the governor, he **OR SHE** is charged with the  
10 responsibility for the command, administration, logistics,  
11 training, and fiscal direction of the military establishment. He **OR**  
12 **SHE** may perform any act authorized by this chapter or the  
13 regulations issued pursuant to this ~~chapter~~ **ACT** through or with the  
14 aid of such officers, officials, or directors of the military  
15 department as he **OR SHE** may designate. The adjutant general shall  
16 direct the planning for the organization and employment of the  
17 forces of the organized militia in carrying out their state  
18 military mission and establish unified command of state forces  
19 whenever they shall be jointly engaged.

20 Sec. 302. The governor shall appoint the adjutant general from  
21 among qualified federally recognized officers of the national  
22 guard. The adjutant general shall have served as an officer of  
23 field or general grade in the state military establishment for not  
24 less than 5 years before appointment **AND SHALL HAVE FEDERAL**  
25 **RECOGNITION IN THE RANK OF COLONEL OR HIGHER AND SHALL BE CAPABLE**  
26 **OF BEING FEDERALLY RECOGNIZED TO THE RANK OF BRIGADIER GENERAL**  
27 **BEFORE APPOINTMENT.** The adjutant general shall serve at the



1 pleasure of the governor, and unless sooner relieved, shall serve  
2 until the age of 64. **DESIGNATED FOR RETIREMENT FOR AN ACTIVE ARMY**  
3 **OR AIR FORCE OFFICER OF LIKE GRADE.** The adjutant general shall  
4 receive pay and allowances equal to those of an active army or air  
5 force officer of like grade and service. Not later than 10 days  
6 after the appointment, the adjutant general shall file his or her  
7 constitutional oath of office with the secretary of state.

8 Sec. 306. ~~Beginning January 1, 2011, the adjutant general and~~  
9 ~~the assistant adjutants general who began employment on or after~~  
10 ~~January 1, 2011 when relieved under honorable circumstances shall~~  
11 ~~receive retirement benefits as a qualified participant under the~~  
12 ~~state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69.~~  
13 ~~Retirement benefits will start on the date of retirement or~~  
14 ~~honorable relief from duty. Retirement under this section requires~~  
15 ~~not less than 20 years active service with the national guard~~  
16 ~~and/or state defense force.~~

17 (1) **THE ADJUTANT GENERAL AND THE ASSISTANT ADJUTANTS GENERAL**  
18 **WHEN RETIRED OR RELIEVED UNDER HONORABLE CIRCUMSTANCES SHALL BE**  
19 **PLACED ON THE RETIRED LIST OF THE NATIONAL GUARD. THE ADJUTANT**  
20 **GENERAL AND THE ASSISTANT ADJUTANTS GENERAL SHALL RECEIVE**  
21 **RETIREMENT PAY EQUAL TO THE RETIREMENT PAY THAT AN OFFICER OF LIKE**  
22 **GRADE AND TOTAL YEARS OF SERVICE WOULD RECEIVE AS INDICATED IN**  
23 **APPROPRIATE FEDERAL REGULATIONS WHEN THEY ARE RETIRED OR HONORABLY**  
24 **RELIEVED. SUBJECT TO SUBSECTION (2), RETIREMENT BENEFITS WILL START**  
25 **ON THE DATE OF RETIREMENT OR HONORABLE RELIEF FROM DUTY.**

26 (2) **RETIREMENT UNDER THIS SECTION REQUIRES ALL OF THE**  
27 **FOLLOWING:**

1 (A) NOT LESS THAN 20 YEARS ACTIVE SERVICE WITH THE NATIONAL  
2 GUARD OR STATE DEFENSE FORCE, OR BOTH.

3 (B) NOT LESS THAN 4 CONSECUTIVE YEARS OF SPECIAL DUTY AS AN  
4 ADJUTANT GENERAL OR ASSISTANT ADJUTANT GENERAL. HOWEVER, THE  
5 REQUIREMENT FOR SERVING 4 CONSECUTIVE YEARS OF SERVICE AS AN  
6 ADJUTANT GENERAL OR ASSISTANT ADJUTANT GENERAL FOR RETIREMENT PAY  
7 IS WAIVED IF THE SERVICE MEMBER IS RELIEVED UNDER HONORABLE  
8 CIRCUMSTANCES BY THE GOVERNOR.

9 (C) THE SERVICE MEMBER IS 55 YEARS OF AGE OR OLDER.

10 (3) ANY RETIREMENT PAY RECEIVED FROM THE FEDERAL GOVERNMENT  
11 FOR MILITARY SERVICE SHALL BE DEDUCTED WHEN COMPUTING THE AMOUNT TO  
12 BE RECEIVED FROM THIS STATE. THE DEDUCTION SHALL START ON THE FIRST  
13 DAY OF THE MONTH THE OFFICER BECOMES ELIGIBLE FOR FEDERAL  
14 RETIREMENT. ONCE ESTABLISHED, THE AMOUNT OF THE DEDUCTION SHALL NOT  
15 BE CHANGED. HOWEVER, THE DEDUCTION SHALL NOT DEPRIVE A RETIRED  
16 OFFICER FROM RECEIVING A TOTAL OF STATE AND FEDERAL PAY EQUAL TO  
17 THAT AUTHORIZED TO OFFICERS OF LIKE GRADE, RANK, AND TOTAL YEARS OF  
18 SERVICE WHO ARE RETIRED FROM THE ACTIVE FEDERAL ARMED FORCES.

19 Sec. 316. The adjutant general shall plan, negotiate, and  
20 contract with the federal government for the maintenance,  
21 remodeling, additions to, and construction of armories and other  
22 military, **VETERANS, OR RELATED STATE** facilities within ~~the~~ **THIS**  
23 state. He **OR SHE** may receive and expend grants from federal sources  
24 for these purposes and may enter into agreements with agencies of  
25 the federal government for purposes of extending available  
26 insurance programs to members and employees of the state military  
27 establishment.

1       Sec. 328. (1) The adjutant general shall request civilian  
2 positions and personnel of the military establishment, as he or she  
3 considers necessary, to be included in the classified state civil  
4 **OR STATE SENIOR** service. He or she also has the authority to call  
5 officers and enlisted personnel, as he or she may designate, to  
6 special duty in the military department. Officers and enlisted  
7 personnel called to special duty shall receive pay and allowances  
8 equal to that of active army or air force personnel of like grade  
9 and service.

10       (2) When special duty personnel receive military pay from the  
11 federal government for services performed during the hours of an  
12 actual workday, as designated by the adjutant general under section  
13 114, they shall be charged with a day of leave or a day of leave  
14 without pay.

15       Sec. 354. ~~An armory board of control may be created~~ **THE**  
16 **ADJUTANT GENERAL MAY DESIGNATE AN ARMORY MANAGER** for each armory of  
17 the state military establishment, with the duty of operating and  
18 maintaining the armory pursuant to law and regulations promulgated  
19 by the adjutant general. The ~~board of control~~ **ARMORY MANAGER** may  
20 rent or otherwise authorize the use of the armory to outside  
21 parties for temporary purposes subject to regulations of the  
22 adjutant general.

23       Sec. 368. The ~~state military board~~ **ADJUTANT GENERAL** may  
24 receive from the federal and local governments, corporations,  
25 individuals, or other sources, gifts of property and money to aid  
26 in providing, erecting, or improving armories or other facilities,  
27 or training areas and other surrounding lands throughout ~~the~~ **THIS**

1 state for the use of the state military establishment. All gifts of  
2 money received under this section shall be deposited by the state  
3 treasurer in the Michigan national guard armory construction fund  
4 created in section 382a ~~—~~and shall be used as provided in that  
5 section. When a deed to land has been presented to ~~the board~~ and  
6 accepted by ~~it~~ **THE ADJUTANT GENERAL** for an armory site and the  
7 ~~board~~ **ADJUTANT GENERAL** deems it necessary to change the location of  
8 the site, the ~~board~~ **ADJUTANT GENERAL** may accept a new deed or  
9 relinquish the rights of ~~the~~ **THIS** state in the lands covered by the  
10 prior deed without prejudice to the right of priority of the local  
11 government to the erection of an armory on the land. The ~~state~~  
12 ~~military board~~ **ADJUTANT GENERAL** has authority to do any act and  
13 execute any deeds to carry out the provisions of this act.

14 Sec. 372. The ~~state military board~~ **ADJUTANT GENERAL** may take  
15 title to real property to be used for military purposes in the name  
16 of ~~the~~ **THIS** state.

17 Sec. 374. The ~~state military board~~ **ADJUTANT GENERAL** may  
18 condemn property for armory building sites and military training  
19 areas in accordance with the ~~statutes~~ **LAWS** of ~~the~~ **THIS** state. ~~of~~  
20 ~~Michigan.~~

21 Sec. 376. The ~~state military board~~ **ADJUTANT GENERAL** may grant  
22 easements under and over any state-owned real property under the  
23 jurisdiction and control of the state military establishment. An  
24 easement shall not be granted for the benefit of a public utility  
25 unless the board determines that it is in the public interest and  
26 will not adversely affect the use of the property for military  
27 purposes.

1       Sec. 378. When a site is deeded to ~~the~~ **THIS** state for the  
 2       erection of an armory, and thereafter any person or local  
 3       government or combination of local governments wish to deed to ~~the~~  
 4       **THIS** state another site, and the ~~state military board~~ **ADJUTANT**  
 5       **GENERAL** after inspection believes that the new site is superior to  
 6       the old site, the ~~state military board~~ **ADJUTANT GENERAL** may accept  
 7       the new site after an examination of the title has been made by the  
 8       attorney general, and deed the old site to the grantor deeding the  
 9       new site to the state.

10       Sec. 380. State-owned or leased armories and accessory  
 11       buildings, military warehouses, arsenals and storage facilities for  
 12       military equipment, and lands and appurtenances required for the  
 13       construction of armories or buildings, are not subject to zoning or  
 14       building ordinances of any local government. The ~~state military~~  
 15       ~~board~~ **ADJUTANT GENERAL** shall take cognizance of local zoning  
 16       ordinances and restrictions in the selection and acceptance of  
 17       lands for armory or other military buildings and shall conform as  
 18       nearly as possible to master plans of the local governments where  
 19       it may be done without impairing the convenience and usefulness of  
 20       the armories and buildings.

21       Sec. 382. (1) The ~~state military board~~ **ADJUTANT GENERAL** may  
 22       dispose of Michigan national guard armories, facilities, or lands  
 23       under the jurisdiction of the state military establishment if, in  
 24       the ~~state military board's~~ judgment **OF THE ADJUTANT GENERAL**, the  
 25       armory, facility, or land is obsolete, inadequate, unusable, or no  
 26       longer ~~is~~ required for Michigan national guard purposes. The  
 27       disposal shall be by sale for fair market value or by exchange at

1 fair market value for other lands owned by private persons or  
2 entities, local units of government, or the federal government.

3 (2) Disposal of armories, facilities, or land under this  
4 section shall be in accordance with policies established by the  
5 ~~state military board~~ **ADJUTANT GENERAL** and in accordance with  
6 procedures established by the department of **TECHNOLOGY**, management,  
7 and budget. Each disposal action also shall be subject to approval  
8 by the state administrative board.

9 (3) Not later than July 31, 1993, and July 31 of each year  
10 thereafter, the department of military **AND VETERANS** affairs shall  
11 report to the standing committees of the senate and house of  
12 representatives that are responsible for legislation concerning  
13 military affairs, and to the senate and house appropriations  
14 committees, as to the actions taken by the department under this  
15 section during the preceding reporting period.

16 Sec. 382a. (1) The Michigan national guard armory construction  
17 fund is created as a separate fund in the state treasury. All money  
18 received as gifts under section 368 or from sales, transfers, or  
19 exchanges under section 382 shall be deposited by the state  
20 treasurer in the Michigan national guard construction fund. Money  
21 in the fund shall not revert to the general fund at the close of  
22 the fiscal year but shall remain in the fund.

23 (2) Money in the Michigan national guard construction fund  
24 shall be expended by the state treasurer at the exclusive direction  
25 of the ~~state military board~~ **ADJUTANT GENERAL** for the purpose of  
26 acquiring facilities and training lands and constructing new  
27 facilities. Each expenditure from the fund shall be subject to

1 appropriation by the legislature. The unexpended portion of the  
2 fund shall be invested by the state treasurer and the earnings on  
3 the fund shall be credited to the fund at the state treasurer's  
4 common cash investment income rate.

5       Sec. 384. The ~~state military board~~ **ADJUTANT GENERAL** shall hold  
6 title to the camp Grayling military reservation under the terms of  
7 the deed from the Hanson estate and in accordance with the  
8 provisions of ~~Act No. 172 of the Public Acts of 1913, as amended,~~  
9 ~~being sections 32.221 to 32.226 of the Compiled Laws of 1948.~~ **1913**  
10 **PA 172, MCL 32.221 TO 32.226.**

11       Sec. 388. The department of ~~conservation~~ **NATURAL RESOURCES**  
12 shall transfer to the ~~state military board~~ **ADJUTANT GENERAL** such  
13 lands under its control as competent authority shall direct. These  
14 lands shall form a part of the camp Grayling military reservation  
15 and shall be supervised and controlled by the adjutant general,  
16 except that hunting shall not be prohibited on the lands. The ~~state~~  
17 ~~military board~~ **ADJUTANT GENERAL** may with approval of the  
18 legislature exchange or sell any lands transferred to it under this  
19 act in order to obtain any other lands, oil and mineral rights  
20 excepted, whether owned by private interests or by the United  
21 States government, within the external boundaries of the camp  
22 Grayling military reservation as enlarged by this act, and may make  
23 all necessary conveyances to effect the exchanges and sales.

24       Sec. 410. (1) For purposes of this section, "eligible  
25 surviving spouse" means the person to whom the deceased officer or  
26 enlisted person was married preceding the death of the officer or  
27 enlisted person, or to whom the deceased retired officer or retired

1 enlisted person was married at the time of retirement.

2       ~~(2) An officer or enlisted person retired from special duty~~  
3 ~~with the military establishment because of having reached maximum~~  
4 ~~age or because of federal law or regulation shall receive~~  
5 ~~retirement pay equal to that authorized to personnel of like grade,~~  
6 ~~rank, and longevity who are retired from the active federal armed~~  
7 ~~forces by appropriate federal regulation. Retirement under this~~  
8 ~~section requires not less than 20 years active service with the~~  
9 ~~national guard or state defense force, or both. Any retirement pay~~  
10 ~~received from the federal government for military service shall be~~  
11 ~~deducted when computing the amount received from the state. The~~  
12 ~~deduction shall start on the first day of the month the person~~  
13 ~~becomes eligible for federal retirement. Once established, the~~  
14 ~~amount of the deduction shall not be changed; however, it shall not~~  
15 ~~deprive the retired person from receiving a total of state and~~  
16 ~~federal pay equal to that authorized to personnel of like grade,~~  
17 ~~rank, and total longevity who are retired from the active federal~~  
18 ~~armed forces. These retirement benefits from the state shall be~~  
19 ~~effective on the date of retirement.~~ **AN ADJUTANT GENERAL OR**

20 **ASSISTANT ADJUTANT GENERAL WHO RETIRES OR IS RELIEVED UNDER**  
21 **HONORABLE CIRCUMSTANCES WILL RECEIVE PAY AND BENEFITS AS DEFINED BY**  
22 **SECTION 306.**

23       ~~(3) If an officer or enlisted person~~ **ADJUTANT GENERAL OR**  
24 **ASSISTANT ADJUTANT GENERAL** who continues on special duty on or  
25 after the date the officer ~~or enlisted person~~ acquires 15 years of  
26 ~~special duty~~ **ACTIVE SERVICE** dies before retirement as provided in  
27 section 306 and subsection (2) and leaves an eligible surviving



1 spouse, the eligible surviving spouse shall be paid a survivor's  
2 benefit equal to 67% of the retired pay to which the officer ~~or~~  
3 ~~enlisted person~~ would have been authorized had the officer ~~or~~  
4 ~~enlisted person~~ retired the day preceding death.

5 (4) If an ~~officer or enlisted person~~ **ADJUTANT GENERAL OR**  
6 **ASSISTANT ADJUTANT GENERAL** who retires is receiving retirement pay  
7 as provided in section 306 and subsection (2) ~~—~~ dies and leaves an  
8 eligible surviving spouse, ~~50% of the retirement pay of the officer~~  
9 ~~or enlisted person shall be continued to the eligible surviving~~  
10 ~~spouse.~~ **THE ELIGIBLE SURVIVING SPOUSE SHALL BEGIN RECEIVING 50% OF**  
11 **THE RETIREMENT PAY OF THE OFFICER.**

12 (5) **OFFICERS, OTHER THAN THE ADJUTANT GENERAL AND ASSISTANT**  
13 **ADJUTANTS GENERAL, WHO SERVED ON STATE SPECIAL DUTY PRIOR TO**  
14 **OCTOBER 1, 2013 SHALL RECEIVE RETIREMENT PAY EQUAL TO THAT**  
15 **RETIREMENT PAY AUTHORIZED TO PERSONNEL OF LIKE GRADE, RANK, AND**  
16 **YEARS OF SERVICE WHO ARE RETIRED OR RELIEVED UNDER HONORABLE**  
17 **CIRCUMSTANCES FROM THE ACTIVE FEDERAL ARMED FORCES. RETIREMENT**  
18 **UNDER THIS SECTION REQUIRES NOT LESS THAN 20 YEARS' ACTIVE SERVICE**  
19 **WITH THE NATIONAL GUARD OR STATE DEFENSE FORCE, OR BOTH. ANY**  
20 **RETIREMENT PAY RECEIVED FROM THE FEDERAL GOVERNMENT FOR MILITARY**  
21 **SERVICE SHALL BE DEDUCTED WHEN COMPUTING THE AMOUNT RECEIVED FROM**  
22 **THIS STATE. THE DEDUCTION SHALL START ON THE FIRST DAY OF THE MONTH**  
23 **THE PERSON BECOMES ELIGIBLE FOR FEDERAL RETIREMENT. ONCE**  
24 **ESTABLISHED, THE AMOUNT OF THE DEDUCTION SHALL NOT BE CHANGED.**  
25 **HOWEVER, THE DEDUCTION SHALL NOT DEPRIVE A RETIRED PERSON FROM**  
26 **RECEIVING A TOTAL OF STATE AND FEDERAL PAY EQUAL TO THAT AUTHORIZED**  
27 **TO OFFICERS OF LIKE GRADE, RANK, AND TOTAL YEARS OF SERVICE WHO ARE**

1 RETIRED FROM THE ACTIVE FEDERAL ARMED FORCES. THESE RETIREMENT  
2 BENEFITS FROM THIS STATE ARE EFFECTIVE ON THE DATE OF RETIREMENT.

3 Enacting section 1. Sections 133, 360, 362, 364, 366, and 390  
4 of the Michigan military act, 1967 PA 150, MCL 32.533, 32.760,  
5 32.762, 32.764, 32.766, and 32.790, are repealed.