

Legislative Analysis



MICHIGAN NATIONAL GUARD ACTIVE STATE SERVICE

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House Bill 5106 (reported from committee as H-1)

Sponsor: Rep. Tom Barrett

Committee: Military and Veterans Affairs

Complete to 5-18-16

(Enacted as Public Act 311 of 2016)

SUMMARY:

House Bill 5106 would amend the Michigan Military Act to allow the Governor to order members of the National Guard to active service for purposes other than those currently listed in statute, which are limited now to such things as disaster response and public emergencies. However, in these extra circumstances allowed by the bill, a member of the National Guard called to active service would not have any police powers or arrest authority.

(The intent of this bill is to authorize the activation to state active duty members of the Michigan National Guard to perform special duties, such as serving at a gubernatorial inauguration or the Mackinac Bridge Walk.)

Currently under the act, the Governor of Michigan is the commander-in-chief of the "organized militia" (rewritten in the bill as the National Guard) and may order to active state service any members of organized militia:

- in case of a riot, tumult, breach of the peace or resistance of process;
- for service in aid of civil authority, whether state or federal;
- in time of actual or imminent public danger, disaster crisis, catastrophe, or other public emergency;
- to respond to acts or threats of terrorism; or
- to safeguard military or other vital resources of the state or of the United States.

FISCAL IMPACT:

In practice, HB 5106 would have no fiscal impact on the State, due to existing appropriations for the purpose of supporting activation of National Guard members for state-sponsored special duties within the Department of Military and Veterans Affairs (DMVA) budget. The FY 2015 - 16 budget contains an appropriation of \$100,100 for state active duty, \$30,100 of which is GF/GP funds. These funds are used primarily to pay the salaries of National Guard members while serving on state active duty status. When members of the National Guard are performing their traditional duties, such as attending monthly drills or annual training, their salaries are paid through the federal government.

Currently, section 151 of the Michigan Military Act (MCL 32.551) does not give authorization to the Governor to activate members of the Michigan National Guard for purposes outside areas such as disaster response and public emergencies. HB 5106 would

give statutory authorization to the Governor to activate personnel to state active duty for reasons outside of the original scope of the law. As noted above, the intent of this bill is to authorize the activation to state active duty members of the Michigan National Guard to perform special duties, such as serving at a gubernatorial inauguration or the Mackinac Bridge Walk.

Examples of FY 2015 National Guard Monthly Drill Pay (2 days of pay)						
<u>Rank (Pay Grade)</u>	<u>Years of Service</u>					
	<u><2 Years</u>	<u>>3 Years</u>	<u>>6 Years</u>	<u>>10 Years</u>	<u>>14 Years</u>	<u>>20 Years</u>
Captain (O-3)	\$522	\$638	\$729	\$789	\$849	\$849
First Lieutenant (O-2)	\$451	\$591	\$624	\$624	\$624	\$624
Second Lieutenant (O-1)	\$391	\$492	\$492	\$492	\$492	\$492
Sergeant First Class (E-7)	\$371	\$420	\$456	\$500	\$550	\$589
Staff Sergeant (E-6)	\$321	\$368	\$399	\$449	\$484	\$497
Sergeant (E-5)	\$294	\$313	\$368	\$414	\$417	\$417
Corporal/Specialist (E-4)	\$269	\$298	\$314	\$327	\$327	\$327
Private First Class (E-3)	\$243	\$274	\$274	\$274	\$274	\$274
Private (E-2)	\$231	\$231	\$231	\$231	\$231	\$231
<i>Source: myarmybenefits.us.army.mil (accessed 12/02/2015)</i>						

POSITIONS:

Department of Military and Veteran Affairs supports the bill. (4-21-16)

American Legion, Commanders Group, and Military Order of Purple Heart support the bill. (4-21-16)

Representatives of Michigan National Guard testified in support of the bill. (4-21-16)

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