

**MICHIGAN MILITARY ACT (EXCERPT)**  
**Act 150 of 1967**

**CHAPTER 5**

**ADMINISTRATION OF THE DEPARTMENT OF MILITARY AFFAIRS**

**32.700 Adjutant general; rank, powers, and duties.**

Sec. 300. The office of the adjutant general, with the rank of major general in the national guard, is created. He or she shall be the commanding general of the military establishment. Under the direction of the governor, he or she is charged with the responsibility for the command, administration, logistics, training, and fiscal direction of the military establishment. He or she may perform any act authorized by this chapter or the regulations issued pursuant to this act through or with the aid of such officers, officials, or directors of the military department as he or she may designate. The adjutant general shall direct the planning for the organization and employment of the forces of the organized militia in carrying out their state military mission and establish unified command of state forces whenever they shall be jointly engaged.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

**32.702 Adjutant general; appointment; qualifications; tenure; pay and allowances; oath of office; retirement.**

Sec. 302. (1) The governor shall appoint the adjutant general from among qualified federally recognized officers of the national guard. The adjutant general shall have served as an officer of field or general grade in the state military establishment for not less than 5 years before appointment and shall have federal recognition in the rank of colonel or higher and shall be capable of being federally recognized to the rank of brigadier general before appointment. The adjutant general shall serve at the pleasure of the governor, and unless sooner relieved, shall serve until the age designated for retirement for an active army or air force officer of like grade. The adjutant general shall receive pay and allowances equal to those of an active army or air force officer of like grade and service. Not later than 10 days after the appointment, the adjutant general shall file his or her constitutional oath of office with the secretary of state.

(2) Only 1 adjutant general appointed by the governor under this section in any 4-year period is eligible for retirement under section 306(2).

**History:** 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2002, Act 654, Imd. Eff. Dec. 23, 2002;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

**32.704 Assistant adjutants general; army, air; appointment, qualifications, duties, pay and allowances, tenure.**

Sec. 304. The adjutant general shall select from among the qualified federally recognized officers of the army national guard a principal assistant to be known as "assistant adjutant general for army" to supervise the training, administration and supply of the army national guard, and a principal assistant from the air national guard to be known as "assistant adjutant general for air" to supervise the training, administration and supply of the air national guard and each shall have the rank of brigadier general and receive pay and allowances equal to that of an active army or air force officer of like grade and service. Officers so appointed shall serve at the pleasure of the adjutant general.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967.

**32.705 Repealed. 1988, Act 493, Imd. Eff. Dec. 29, 1988.**

**Compiler's note:** The repealed section pertained to pay and allowances of general grade officers.

**32.706 Adjutant general and assistant adjutants general; retirement benefits.**

Sec. 306. (1) Beginning January 1, 2011, except as otherwise provided in this section, the adjutant general and the assistant adjutants general who began employment on or after January 1, 2011 when relieved under honorable circumstances must receive retirement benefits as a qualified participant under the state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69. Retirement benefits will start on the date of retirement or honorable relief from duty.

(2) Beginning July 2, 2013, and subject to the limitation provided in subsection (5), the adjutant general and the assistant adjutants general when retired or relieved under honorable circumstances must be placed on the retired list of the National Guard. The adjutant general and the assistant adjutants general must receive retirement pay, equal to 45% of his or her final base pay as provided in the United States Department of Defense Military Pay Charts for an officer of like grade and total years of service. Subject to subsection (3), retirement benefits will start on the date of retirement or honorable relief from duty.

(3) Retirement under subsection (2) requires all of the following:

(a) Until the effective date of the amendatory act that added subsection (6), not less than 20 years active service with the National Guard or state defense force, or both, and beginning with the effective date of the amendatory act that added subsection (6), not less than 20 years active service with the National Guard.

(b) Not less than 4 consecutive years of special duty as an adjutant general or assistant adjutant general. However, the requirement for serving 4 consecutive years of service as an adjutant general or assistant adjutant general for retirement pay is waived if the service member is relieved because of a new governor assuming office.

(c) The service member is 55 years of age or older.

(4) For a retirant who retires under subsection (2) before the effective date of the amendatory act that added subsection (6), any retirement pay received from the federal government for military service must be deducted when computing the amount to be received from this state for an adjutant general or assistant adjutant general who retires under subsection (2). The deduction must start on the first day of the month the officer becomes eligible for federal retirement. Once established, the amount of the deduction must not be changed.

(5) Only 1 adjutant general appointed by the governor under section 302 in any 4-year period is eligible for retirement under subsection (2). Only 2 assistant adjutants general in any 4-year period are eligible for retirement under subsection (2). However, if the adjutant general or an assistant adjutant general is mobilized pursuant to a federal mobilization and the governor appoints a replacement adjutant general under section 302 or the adjutant general appoints a replacement assistant adjutant general, the replacement adjutant general or replacement assistant adjutant general is eligible for retirement under subsection (2). If any change or error in the records results in any member, retirant, or beneficiary receiving from the retirement system more or less than he or she would have been entitled to receive if the records had been correct, the retirement system shall correct that error and, as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which that member, retirant, or beneficiary was correctly entitled will be paid.

(6) The retirement pay for a retirant who first begins receiving retirement pay under subsection (2) on or after the effective date of the amendatory act that added this subsection is not subject to an annual cost of living increase.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2010, Act 255, Imd. Eff. Dec. 14, 2010;—Am. 2013, Act 99, Imd. Eff. July 2, 2013;—Am. 2018, Act 378, Imd. Eff. Dec. 18, 2018.

### **32.708 Adjutant general and assistant adjutants general; bonds, amounts, premiums, filing.**

Sec. 308. The adjutant general shall give bond in the sum of \$25,000.00 to the state conditioned upon the faithful performance of his duties. The assistant adjutants general shall give like bond in the sum of \$10,000.00. If a surety bond is given, the premiums shall be paid out of funds appropriated for the premiums. The bonds shall be filed with the state treasurer.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967.

### **32.710 Adjutant general; powers and duties; location of office; seal; copies of orders, records, and papers as evidence.**

Sec. 310. The adjutant general is the military advisor to the governor and the director of the department of military and veterans affairs. The adjutant general's office is in Lansing. The adjutant general may publish orders and other directives in the name of the governor and this state to implement and administer the duties and responsibilities outlined in this act. The adjutant general's duties include the development and implementation of plans for the defense of state military personnel, lands, installations, and vital resources; maintenance of the personnel records of all active, inactive, retired, or deceased personnel of the state military establishment; and liaison in the transaction of official business for this state with the United States and with other states and territories, including those duties devolving upon the adjutant general pursuant to the national defense act and other pertinent federal laws and regulations. The adjutant general shall maintain records of claims for state gratuities for military service rendered by citizens of this state and, when authorized by the legislature, shall receive, examine, process, and recommend the payment of gratuities pursuant to law. The adjutant general may use the coat of arms of this state with the words added "State of Michigan, Department of Military and Veterans Affairs" as the seal of office. All copies of orders, records, and papers certified and authenticated under the seal are equivalent in evidence to the originals.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1990, Act 301, Imd. Eff. Dec. 14, 1990;—Am. 2002, Act 133, Eff. May 1, 2002.

### **32.712 Quartermaster general; transfer of duties to adjutant general.**

Sec. 312. All duties and responsibilities of the quartermaster general of the state under any law are transferred to the adjutant general.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967.

### **32.716 Federal grants; military facilities; insurance programs.**

Sec. 316. The adjutant general shall plan, negotiate, and contract with the federal government for the maintenance, remodeling, additions to, and construction of armories and other military, veterans, or related state facilities within this state. He or she may receive and expend grants from federal sources for these purposes and may enter into agreements with agencies of the federal government for purposes of extending available insurance programs to members and employees of the state military establishment.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

### **32.718 Inspector general; appointment.**

Sec. 318. The adjutant general shall appoint an inspector general of the military establishment.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967.

### **32.720 Staff judge advocate; appointment, qualifications, duties; military justice, claims.**

Sec. 320. The adjutant general shall appoint as staff judge advocate an officer of the national guard, who shall be an attorney-at-law licensed to practice in this state. He shall perform the duties required of him in the administration of military justice or to perform other legal duties of an official nature. The adjutant general shall provide, within his office, for the administration of military justice as provided in the state code of military justice and shall administratively supervise the claims in behalf of personnel of the state military establishment and the public generally, as against the United States, or this state, under the federal tort claims act and other state and federal acts.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967.

### **32.726 Accounting of federal and state military funds and property; bonding of disbursing and distributing officers.**

Sec. 326. The adjutant general in accordance with federal regulations shall direct the obligating, accounting, reporting, financial planning and administrative control of federally appropriated military funds allotted to this state and state funds allotted to the state military establishment. He shall direct the inventory and account of all military reservations, stores, magazines, arsenals, warehouses, armories, munitions of war and other military property. He may procure bonds from all disbursing and distributing officers and other officers in charge of military property.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967.

### **32.728 Inclusion of civilian positions and personnel of military establishment in classified state civil or state senior service; calling officers and enlisted personnel to special duty; pay and allowances of special duty personnel; charging leave against federal military pay.**

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

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

**History:** 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1975, Act 194, Imd. Eff. Aug. 11, 1975;—Am. 1988, Act 493, Imd. Eff. Dec. 29, 1988;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

### **32.730 Selective service; planning, training.**

Sec. 330. The adjutant general is authorized and empowered, in time of peace and when a national system of selective service is not in operation, to plan for the selective service in case of future need, and in time of peace, may train personnel of the national guard, contemplated for assignment to selective service duties in the proper discharge of such duties.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967.

### **32.732 Reports of survey for lost, damaged or destroyed federal property.**

Sec. 332. The adjutant general shall be responsible for the processing of reports of survey, for lost,

damaged or destroyed federal property loaned to this state for the use of the military establishment.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967.

#### **32.734 Certificates of prior service.**

Sec. 334. The adjutant general shall prepare and deliver to any person a certificate, over his seal and signature, showing the person's prior service in the state military establishment.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967.

#### **32.736 Armories, air bases and naval installations; use of intoxicating liquor, local approval.**

Sec. 336. The armories, air bases and naval installations erected, constructed and owned by the state, leased by the state or provided by the federal government by either lease, license or use permit, shall be for the use and benefit of the organized militia quartered therein. Organizations of the Spanish-American war veterans, veterans of foreign wars, the American legion and other war veterans' organizations, upon their written request to the adjutant general may be granted the use of state armories, subject to the rules governing the organized militia quartered therein and regulations of the military establishment. The use of such armories free of charge for all veterans' district or state conventions is authorized. The use by the organized militia or other military organizations of intoxicating liquors in the armories, air bases and naval installations of the military establishment is authorized. The adjutant general shall publish directives to insure proper control of such use and any officer or enlisted man guilty of violating these directives shall be punished as a court martial shall direct. With the approval of the legislative body of the political subdivision in which an armory, air base or naval installation is located, outside parties of a nonmilitary or state governmental nature may use or serve intoxicating liquors in conformity with rules and regulations of the liquor control commission, if not in violation of any other local ordinance, state or federal law or regulation.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967.

**Administrative rules:** R 32.1 et seq. of the Michigan Administrative Code.

#### **32.737 Use of property for production of film; authorization; prohibited use; cooperation with Michigan film office; definitions.**

Sec. 337. (1) The adjutant general may authorize a person engaged in the production of a film in this state to use without charge property owned by or under the control of the department of military and veterans affairs for the purpose of producing a film under terms and conditions established by the adjutant general. The economic and other benefits to this state of film production located in this state shall be deemed to be the value received by this state in exchange for the use of property under this section.

(2) The adjutant general shall not authorize the use of property owned by or under the control of the department of military and veterans affairs for the production of a film that includes obscene matter or an obscene performance or for a production for which records are required to be maintained with respect to any performer under 18 USC 2257.

(3) The department of military and veterans affairs shall cooperate with the Michigan film office in providing the office with information about potential film locations owned by or under the control of the department of military and veterans affairs and the use of property owned by or under the control of the department of military and veterans affairs.

(4) As used in this section:

(a) "Film" means single media or multimedia entertainment content for distribution or exhibition to the general public by any means and media in any digital media format, film, or videotape, including, but not limited to, a motion picture, a documentary, a television series, a television miniseries, a television special, interstitial television programming, long-form television, interactive television, music videos, interactive games, video games, commercials, internet programming, an internet video, a sound recording, a video, digital animation, or an interactive website.

(b) "Michigan film office" means the office created under chapter 2A of the Michigan strategic fund act, 1984 PA 270, MCL 125.2029 to 125.2029g.

(c) "Obscene matter or an obscene performance" means matter described in 1984 PA 343, MCL 752.361 to 752.374.

**History:** Add. 2008, Act 81, Imd. Eff. Apr. 8, 2008.

#### **32.738 Possession of concealed weapon; compliance with state laws.**

Sec. 338. (1) An individual who is licensed to carry a concealed pistol, or who is exempt from licensure, under 1927 PA 372, MCL 28.421 to 28.435, may possess a concealed weapon either on his or her person or properly secured while on the premises of an armory or any other building or property under the authority and

control of the adjutant general.

(2) An individual described in subsection (1) shall comply with the requirements of 1927 PA 372, MCL 28.421 to 28.435, and any other state law pertaining to concealed weapons and firearms.

(3) The adjutant general shall not promulgate rules unduly burdening on the ability of military personnel to possess a concealed weapon as described in subsection (1).

**History:** Add. 2018, Act 686, Eff. Mar. 29, 2019.

### **32.740 Adjutant general; preparation of federal and state reports and returns.**

Sec. 340. The adjutant general shall make returns and prepare reports required by federal laws and regulations and shall submit a biennial report of the state military establishment to the governor and the legislature.

**History:** 1967, Act 150, Imd. Eff. June 30, 1967.