

# SENATE BILL No. 798

November 3, 2011, Introduced by Senators MOOLENAAR, PAPPAGEORGE, GREEN, EMMONS, COLBECK, PROOS, NOFS, HANSEN, MEEKHOF and BRANDENBURG and referred to the Committee on Veterans, Military Affairs and Homeland Security.

A bill to amend 1946 (1st Ex Sess) PA 9, entitled

"An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act,"

(MCL 35.602 to 35.610) by adding sections 3b and 6a; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 3B. (1) THERE IS CREATED A MICHIGAN VETERANS' TRUST FUND  
2        BOARD OF TRUSTEES. EACH MEMBER OF THE BOARD SHALL BE A VETERAN.  
3        EACH MEMBER APPOINTED SHALL HAVE DEMONSTRATED KNOWLEDGE, SKILLS,  
4        AND EXPERIENCE IN PUBLIC SERVICE, BUSINESS, OR FINANCE. MEMBERS  
5        SHALL BE APPOINTED AS FOLLOWS:

6        (A) ONE REPRESENTATIVE OF THE AMERICAN LEGION.

1 (B) ONE REPRESENTATIVE OF THE VETERANS OF FOREIGN WARS OF THE  
2 UNITED STATES.

3 (C) ONE REPRESENTATIVE OF THE DISABLED AMERICAN VETERANS.

4 (D) ONE REPRESENTATIVE OF ANY OTHER CONGRESSIONALLY CHARTERED  
5 VETERANS' ORGANIZATION OTHER THAN THOSE ORGANIZATIONS IDENTIFIED IN  
6 SUBDIVISION (A), (B), OR (C).

7 (E) THREE INDEPENDENT MEMBERS WHO MAY OR MAY NOT BE A MEMBER  
8 OF 1 OR MORE CONGRESSIONALLY CHARTERED VETERANS' ORGANIZATIONS, BUT  
9 WHO SHALL NOT REPRESENT ANY CONGRESSIONALLY CHARTERED VETERANS'  
10 ORGANIZATION OF WHICH THEY ARE A MEMBER.

11 (2) THE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR. EACH  
12 MEMBER SHALL HOLD OFFICE FOR THE TERM OF 3 YEARS FROM THE TIME OF  
13 HIS OR HER APPOINTMENT AND SHALL CONTINUE TO HOLD OFFICE AT THE  
14 PLEASURE OF THE GOVERNOR. THE MEMBERS ENUMERATED IN SUBSECTION  
15 (1)(A), (B), (C), AND (D) SHALL BE APPOINTED BY THE GOVERNOR FROM  
16 THE ORIGINAL LIST OF AT LEAST 3 INDIVIDUALS RECOMMENDED BY EACH  
17 RESPECTIVE ORGANIZATION NAMED IN SUBSECTION (1)(A), (B), (C), AND  
18 (D).

19 (3) EACH MEMBER OF THE BOARD SHALL QUALIFY BY TAKING AND  
20 FILING THE CONSTITUTIONAL OATH OF OFFICE.

21 (4) THE GOVERNOR MAY REMOVE ANY MEMBER OF THE BOARD FOR  
22 MISFEASANCE, MALFEASANCE, OR NONFEASANCE IN OFFICE, AFTER HEARING.  
23 MISSING 3 OR MORE CONSECUTIVE MEETINGS SHALL BE CONSIDERED  
24 MALFEASANCE AND IS GROUNDS FOR REMOVAL.

25 (5) IF A VACANCY OCCURS DURING THE TERM OF OFFICE OF A MEMBER  
26 OF THE BOARD OF TRUSTEES, THE MEMBER'S SUCCESSOR SHALL BE SELECTED  
27 FROM THE SAME ORGANIZATION AND IN THE SAME MANNER AS THE ORIGINAL

1 APPOINTMENT FOR THE BALANCE OF THE UNEXPIRED TERM.

2 (6) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL  
3 FURNISH SUITABLE OFFICES FOR USE OF THE BOARD.

4 (7) THE BOARD MAY EMPLOY ASSISTANTS AND INCUR NECESSARY  
5 EXPENSES IN CARRYING OUT THIS ACT. MEMBERS OF THE BOARD SHALL SERVE  
6 WITHOUT COMPENSATION, BUT SHALL BE ENTITLED TO ACTUAL AND NECESSARY  
7 EXPENSES INCURRED IN ATTENDING SCHEDULED MEETINGS OF THE BOARD IN  
8 ACCORDANCE WITH THE ACCOUNTING LAWS OF THIS STATE.

9 (8) AS USED IN THIS ACT:

10 (A) "BOARD" MEANS THE MICHIGAN VETERANS' TRUST FUND BOARD OF  
11 TRUSTEES CREATED IN SUBSECTION (1).

12 (B) "VETERAN" MEANS THAT TERM AS DEFINED IN SECTION 1 OF 1965  
13 PA 190, MCL 35.61.

14 SEC. 6A. (1) THE BOARD OF TRUSTEES SHALL ESTABLISH IN THE  
15 COUNTIES OF THIS STATE REPRESENTATIVE VETERAN COUNTY COMMITTEES FOR  
16 THE ADMINISTRATION OF THE ALLOCATED MONEY ON THE LOCAL LEVEL. THE  
17 BOARD OF TRUSTEES MAY COMBINE 2 OR MORE COUNTIES INTO A DISTRICT  
18 IF, IN THE OPINION OF THE BOARD OF TRUSTEES, A MORE EFFICIENT LOCAL  
19 ADMINISTRATION MAY RESULT FROM THAT COMBINATION.

20 (2) EACH MEMBER APPOINTED SHALL HAVE DEMONSTRATED KNOWLEDGE,  
21 SKILLS, AND EXPERIENCE IN PUBLIC SERVICE, BUSINESS, OR FINANCE.  
22 MEMBERS SHALL BE APPOINTED AS FOLLOWS:

23 (A) ONE REPRESENTATIVE OF THE AMERICAN LEGION.

24 (B) ONE REPRESENTATIVE OF THE VETERANS OF FOREIGN WARS OF THE  
25 UNITED STATES.

26 (C) ONE REPRESENTATIVE OF THE DISABLED AMERICAN VETERANS.

27 (D) ONE REPRESENTATIVE OF ANY OTHER CONGRESSIONALLY CHARTERED

1 VETERANS' ORGANIZATION OTHER THAN THOSE ORGANIZATIONS IDENTIFIED IN  
2 SUBDIVISION (A), (B), OR (C).

3 (E) NOT LESS THAN 1 INDEPENDENT MEMBER WHO MAY OR MAY NOT BE A  
4 MEMBER OF 1 OR MORE CONGRESSIONALLY CHARTERED VETERANS'  
5 ORGANIZATIONS, BUT SHALL NOT REPRESENT ANY CONGRESSIONALLY  
6 CHARTERED VETERANS' ORGANIZATION OF WHICH HE OR SHE IS A MEMBER.

7 (3) MEMBERS APPOINTED UNDER SUBSECTION (2) SHALL BE APPOINTED  
8 BY THE BOARD OF TRUSTEES UPON RECOMMENDATION OF THE ORGANIZATIONS  
9 IDENTIFIED IN SUBSECTION (2). FOR MEMBERS APPOINTED UNDER  
10 SUBSECTION (2) (A), (B), OR (C), A RECOMMENDATION FOR APPOINTMENT  
11 SHALL COME FROM AN ORGANIZED AND FUNCTIONING LOCAL UNIT OF THE  
12 ORGANIZATION, THROUGH THE ORGANIZATION'S HEADQUARTERS. FOR A MEMBER  
13 APPOINTED UNDER SUBSECTION (2) (D), A RECOMMENDATION FOR APPOINTMENT  
14 SHALL COME FROM THE STATE HEADQUARTERS OF THE CONGRESSIONALLY  
15 CHARTERED VETERANS' ORGANIZATION THAT VALIDATES THE NOMINATED  
16 MEMBER'S QUALIFYING CRITERIA. FOR MEMBERS APPOINTED UNDER  
17 SUBSECTION (2) (E), CANDIDATES SHALL SUBMIT THROUGH THE COUNTY OR  
18 DISTRICT COMMITTEE THE REQUEST FOR CONSIDERATION OF APPOINTMENT  
19 WITH THE REQUIRED CRITERIA VALIDATED.

20 (4) EACH MEMBER OF A COUNTY OR DISTRICT COMMITTEE SHALL BE A  
21 VETERAN.

22 (5) THE BOARD OF TRUSTEES MAY REMOVE A MEMBER OF A COUNTY OR  
23 DISTRICT COMMITTEE FOR MISFEASANCE, MALFEASANCE, OR NONFEASANCE IN  
24 OFFICE, AFTER HEARING. MISSING 2 OR MORE CONSECUTIVE MEETINGS SHALL  
25 BE CONSIDERED MALFEASANCE AND IS GROUNDS FOR REMOVAL.

26 (6) IF A VACANCY OCCURS DURING THE TERM OF OFFICE OF A MEMBER  
27 OF A COUNTY OR DISTRICT COMMITTEE, THE MEMBER'S SUCCESSOR SHALL BE

1     SELECTED FROM THE SAME ORGANIZATION AND IN THE SAME MANNER AS THE  
2     ORIGINAL APPOINTMENT FOR THE BALANCE OF THE UNEXPIRED TERM.

3             (7) MEMBERS OF A COUNTY OR DISTRICT COMMITTEE SHALL SERVE  
4     WITHOUT COMPENSATION, BUT SHALL BE ENTITLED TO ACTUAL AND NECESSARY  
5     EXPENSES INCURRED IN ATTENDING SCHEDULED MEETINGS OF THE COMMITTEE  
6     OR IN ATTENDING A MEETING TO MAKE A DETERMINATION ON A GRANT, WHICH  
7     EXPENSES, TOGETHER WITH ADMINISTRATION EXPENSES, SHALL BE PAID FROM  
8     MONEY ALLOCATED TO THE COUNTY OR DISTRICT COMMITTEE AS PROVIDED IN  
9     THIS ACT.

10            (8) THE COUNTY BOARDS OF COMMISSIONERS, OR THE BOARD OF COUNTY  
11     AUDITORS IN A COUNTY WITH A BOARD OF COUNTY AUDITORS, SHALL PROVIDE  
12     SUITABLE OFFICE SPACE FOR COUNTY AND DISTRICT COMMITTEES.

13            (9) A VETERAN WHO CONSIDERS HIMSELF OR HERSELF AGGRIEVED AT A  
14     DECISION RENDERED BY A COUNTY OR DISTRICT COMMITTEE IN CONNECTION  
15     WITH A REQUEST FOR ASSISTANCE MAY APPEAL THAT DECISION TO THE BOARD  
16     OF TRUSTEES. THE DECISION OF THE BOARD OF TRUSTEES ON AN APPEAL  
17     REFERRED TO IT IS FINAL AND BINDING ON THE VETERAN AND THE COUNTY  
18     OR DISTRICT COMMITTEE.

19            Enacting section 1. Sections 3 and 6 of 1946 (1st Ex Sess) PA  
20     9, MCL 35.603 and 35.606, are repealed.

21            Enacting section 2. This amendatory act takes effect January  
22     1, 2012.