MILITARY ESTABLISHMENT

Act 84 of 1909

AN ACT to increase the efficiency of the military establishment of the state of Michigan, to make an appropriation therefor, and to repeal all former acts or parts of acts inconsistent with the provisions of this act.

History: 1909, Act 84, Imd. Eff. May 12, 1909

The People of the State of Michigan enact:

32.1-32.33 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to the state military establishments.

32.34 Repealed. 1957, Act 297, Eff. Sept. 27, 1957.

Compiler's Notes: The repealed section pertained to discharge of military officers for unfitness.

32.35 Michigan national guard retired officers list.

Sec. 35.

All officers who shall have served in the Michigan national guard, may, upon their honorable retirement from active service, whether on their own application or otherwise, be carried upon a roll maintained in the office of the adjutant general of the state, designated the list of retired officers of the Michigan national guard.

History: 1909, Act 84, Imd. Eff. May 12, 1909 ;-- CL 1915, 910 ;-- Am. 1917, Act 53, Imd. Eff. Apr. 17, 1917 ;-- CL 1929, 665 ;-- CL 1948, 32.35

32.36-32.41 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.42 Repealed. 1957, Act 297, Eff. Sept. 27, 1957.

Compiler's Notes: The repealed section pertained to neglect of duty by officers and enlisted men.

32.43-32.45a Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.45b Repealed. 1970, Act 164, Imd. Eff. Aug. 2, 1970.

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Compiler's Notes: The repealed section provided for quarters, awards and subsistence of militia on active duty.

32.45c-32.48 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.49 National guard; retirement compensation; temporary service, compensation.

Sec. 49.

Notwithstanding any other provisions of this act any officer of the national guard, including also the adjutant general of the state, who shall have completed not less than 15 years service and who is not less than 64 years of age and who is or has been on actual state duty for not less than 10 years, may be retired with annual pay equal to the product of 2 and 1/2 per centum of the active service annual pay to which entitled at the time of his retirement multiplied by a number equal to the years of his active service, not in excess of 30 years: Provided, That the number of years of service to be credited in computing the right to retirement pay shall include all service for or hereafter credited for active duty pay purposes: Provided, That any fractional part of a year amounting to 6 months or more to be counted as a complete year: And provided further, That any officer retired before the completion of 30 years commissioned service may be employed on such active duty as he may be capable of performing until he has completed 30 years commissioned service or reached 64 years of age. Any other officer who shall have completed not less than 15 years service and who is not less than 64 years of age may be retired with annual pay of 480 dollars. Any such officer, when retired under the provisions hereof, shall be eligible for detail to any court constituted under orders of the governor, and for any other specific temporary duty not involving the command of troops, or in an advisory capacity, for periods of not to exceed 15 days without his consent, upon orders of the governor, with pay and allowances of his rank when retired, in any case: Provided, That his retired pay and allowances shall stand suspended during such time as he shall be serving on such actual duty. Any enlisted man who shall have completed not less than 15 years service and who is not less than 64 years of age may be retired with annual pay of 180 dollars.

History: Add. 1937, Act 239, Imd. Eff. July 21, 1937 ;-- CL 1948, 32.49
Compiler's Notes: Section 2 of Act 231 of 1947 provides: "The provisions of this amendatory act shall not be deemed nor construed as being applicable to, nor as affecting, any officer, warrant officer or enlisted man, including also any adjutant general, heretofore retired or re-retired with retirement pay under the provisions of section 49 of this act."
Former Law: See Act 157 of 1915.

32.49a National guard; retirement age, physical disqualification, eligibility for re-commission.

Sec. 49a.

The normal age for retirement of officers, warrant officers and enlisted men shall be age 64. Whenever, however, by reason of any federal law, or rule or regulation made pursuant to such law, and applicable to the national guard of Michigan, any officer thereof, including also the adjutant general, shall be determined to be ineligible for further federal recognition as an

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officer in his then rank or grade or next higher rank or grade by reason of his age, and his commission in the national guard of the United States is terminated, such officer may be placed on the retired list of officers of the Michigan national guard under the same conditions and with like effect as prescribed in section 35 of this act.

Any officer of the Michigan national guard, including also the adjutant general, who, by reason of physical disqualification for further commissioned service, shall have his federal recognition withdrawn and his commission in the national guard of the United States terminated, may be placed on the retired list of officers of the Michigan national guard, under the same conditions and with like effect as prescribed in section 35 of this act.

In the event of any change of physical condition or by reason of any change of federal law, rule or regulation, any such officer so retired shall thereafter again become eligible for a commission in the national guard of Michigan and for federal recognition as such, and shall be again commissioned in the Michigan national guard, his name shall be removed from such retired list without prejudice to him: Provided, however, That any officer of the Michigan national guard, either active or retired, being found or becoming eligible for a commission in the same or higher rank in the Michigan national guard or the national guard of the United States, who, without good cause, declines to accept such commission when tendered to him, shall not thereafter be placed, or retained, on the list of retired officers of the Michigan national guard.

History: Add. 1947, Act 231, Eff. Oct. 11, 1947 ;-- CL 1948, 32.49a
Compiler's Notes: Section 2 of Act 231 of 1947 provides: "The provisions of this amendatory act shall not be deemed nor construed as being applicable to nor as affecting any officer, warrant officer, or enlisted man, including also any adjutant general, heretofore retired or re-retired with retirement pay under the provisions of section 49 of this act."

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32.49b National guard; officers' retirement pay; application for retirement to retirement boards, findings.

Sec. 49b.

Officers hereafter retired under the provisions of section 49a of this act who, prior to such retirement, shall have had not less than 20 years active service in the Michigan national guard including not less than 10 years commissioned service, and who shall also have had not less than 10 years of actual duty service as defined in this act, shall, upon reaching age 60 or over age 60 and under age 64, be entitled to and shall be paid retirement pay upon the same basis as is prescribed for officers' retirement pay under the provisions of section 49 of this act, so long as they remain eligible to continue to be enrolled on such retired list: Provided, That any other officer retired under the provisions of section 49a, having not less than 20 years service, including not less than 10 years commissioned service, shall, upon reaching age 60, be paid retired pay of $480.00 a year. All officers so retired shall be subject and liable to the same regulations and conditions of temporary or other military service of the state as apply to officers retired under sections 35 and 49 and other pertinent provisions of this act.

Applications for retirement under section 49a and this section shall be referred to special retirement boards of officers detailed by order of the governor, and shall consist of not less than 3 officers and not more than 5 officers, and, if practical, senior in rank to the officer applying for or subject to retirement. Such retirement boards shall perform the same duties with relation to such retirement as are performed by similar boards appointed or detailed under the regulations of the regular army of the United States. The findings and recommendations of such retirement boards shall be subject to the approval of the governor in each case.

The retirement or re-retirement of officers, warrant officers and enlisted men of the Michigan national guard, because of reaching age 64, shall continue to be effected under the provisions of section 49 of this act.

History: Add. 1947, Act 231, Eff. Oct. 11, 1947 ;-- CL 1948, 32.49b
Compiler's Notes: Section 2 of Act 231 of 1947 provides: "The provisions of this amendatory act shall not be deemed nor construed as being applicable to nor as affecting any officer, warrant officer, or enlisted man, including also any adjutant general, heretofore retired or re-retired with retirement pay under the provisions of section 49 of this act."

32.49c Retirement pay or pension of military disability or service; evidence of amount, deduction.

Sec. 49c.

Evidence of the amount of retirement pay or pension provided by the laws of the United States for military disability or military service shall be required before any retired officer of this state, with more than 10 years of actual state duty, shall be paid under the provisions of section 49 or 49b of this act. The amount so evidenced shall be deducted when computing the sum to which the said officer shall be paid by this state: Provided, That this deduction does not operate to deprive any retired officer of a combined total of federal and state retirement pay equal to the provisions of said sections 49 and 49b.

History: Add. 1952, Act 134, Eff. Sept. 18, 1952

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32.49d Retirement pay; death of retired officer or enlisted person; benefits to which surviving spouse entitled; "surviving spouse" defined.

Sec. 49d.

(1) If an officer or enlisted person who, prior to the effective date of this section, has retired under section 49 and has served not less than 20 years of full-time employment on actual state duty in support of the full-time operation of the state military establishment, dies and leaves a surviving spouse, the surviving spouse shall be entitled to 50% of the retirement pay which the officer or enlisted person was receiving prior to his or her death. The surviving spouse shall receive the benefit provided in this section until his or her death.

(2) "Surviving spouse" means, for purposes of this section, a person to whom an officer or enlisted person was married at the time of his or her death.

History: Add. 1982, Act 60, Imd. Eff. Apr. 6, 1982

32.50-32.53 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.54-32.60 Repealed. 1957, Act 297, Eff. Sept. 27, 1957.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.61-32.66 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.67 Repealed. 1957, Act 214, Imd. Eff. June 6, 1957.

Compiler's Notes: The repealed section pertained to maximum expenditure by the state for an armory.

32.68-32.85 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

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