

Legislative Analysis



MICHIGAN EMERGENCY DEFENSE FORCE

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House Bill 6032 as passed by the House
Sponsor: Rep. John Pappageorge
Committee: Veterans Affairs and Homeland Security

First Analysis (12-7-04)

BRIEF SUMMARY: The bill would rename the state defense force currently known as the "Michigan Emergency Volunteers" as the "Michigan Emergency Defense Force" and permit the defense force to be called into duty by the governor when necessary to protect the state.

FISCAL IMPACT: The bill would have no fiscal impact on the state or local governmental units.

THE APPARENT PROBLEM:

The Michigan Military Act provides that when the President of the United States calls or orders the National Guard into federal service in a time of national emergency or when it appears the National Guard may be called into federal service, the Governor of Michigan may activate the Michigan Emergency Volunteers. The act further provides that the Michigan Emergency Volunteers shall be ready and able to protect the state in case of insurrection, invasion, disaster, or other emergency, actual or imminent, and when activated, to assist in civil authority missions formerly performed by the National Guard. During times other than a national emergency, the number of individuals serving in the Michigan Emergency Volunteers cannot exceed 15 percent of the authorized strength of the Michigan National Guard. Today, there are approximately 300 individuals in the MEV.

Recent events such as the September 11th attacks and the August 2003 blackout have increased the awareness of the state's need for an adequate defense and emergency response forces, as members of the National Guard are serving overseas for longer periods of time and are taking on increased homeland security responsibilities at home. Legislation renaming the Michigan Emergency Volunteers and allowing the governor greater discretion in activating the defense force has been introduced.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Military Act to rename the Michigan Emergency Volunteers as the Michigan Emergency Defense Forces, and to permit the governor to activate the defense force when it is deemed necessary to protect the state, irrespective of whether the National Guard has been called into federal service by the president.

MCL 32.651

BACKGROUND INFORMATION:

The Michigan Emergency Volunteers traces its history to the time of World War I. In 1917, members of the Michigan National Guard were called into federal service to take part in the war, thereby leaving the state with no significant law enforcement presence to respond to emergency situations. Later that year, the legislature and governor enacted Public Act 53 of 1917, establishing a state defense force, known as the Michigan State Troops (MST). The MST consisted of two main units: the Home Guard and the Permanent Force. The Home Guard was to perform the same functions of the National Guard. It is estimated that 6,000 people served in the Home Guard at one point, though the actual strength at any given time was probably no more than 2,500. The governor never mobilized the Home Guard, and the unit began to disband in 1919. The permanent force, often referred to as the state constabulary, functioned like a state police agency. The permanent force guarded warehouses and stockyards, chemical plants, and railroad centers, fought forest fires, and patrolled U.S.-Canadian border crossings. The permanent force laid the foundation for the establishment of the Department of State Police through the enactment of Public Act 26 of 1919, and ceased to exist when the act took effect.

During years of World War II, members of the Michigan State Troops were called into active duty on several occasions, most notably to protect border crossings in Detroit and Port Huron, protecting the Grand Rapids airport, combating forest fires in the Upper Peninsula, and suppressing a race riot in Detroit in the summer of 1943.

At the conclusion of WWII, state defense forces were disbanded after Congress repealed the federal authority under the National Defense Act of 1916 for states to establish their own defense force. However, as the Korean War began, the need for these units again was felt and, in 1950, P.L. 81-849 was enacted permitting states to organize and maintain a state defense force for a period of two years. During the years of the Korean War, 26 units of the Michigan National Guard were called into federal service; in response, the Michigan State Troops were re-organized and activated in September 1950 and given a special appropriation by the state legislature. During this time, there were approximately 700 individuals serving in the MST. The MST was disbanded after its federal authority was terminated and state funding ceased. That was the last time the state defense force was activated until a peace time force was established in the late 1980's.

In 1957, state military laws were re-codified through the enactment of the Michigan Military Act (Public Act 150). The act permitted the governor establish the Michigan Defense Force, as deemed necessary for the protection of the state, when the president calls the National Guard into federal service in a time of national emergency. The act further provided that the Michigan Defense Force disband when an adequate number of National Guard troops returns to state control.

In 1988, the Michigan Military Act was amended to no longer require the Michigan Defense Force, then renamed the Michigan Emergency Volunteers, to disband upon the return of National Guard Troops to the state, thereby allowing the establishment of a state defense force during peacetime. This change was seen as necessary because of the

increased federal role of National Guard troops and the shorter time it takes for National Guard troops to be mobilized into service.

ARGUMENTS:

For:

The bill will better ensure the health, safety, and welfare of residents of the state by permitting the governor to activate members of the Michigan Emergency Defense Force irrespective of whether the president has called members of the National Guard into active duty. Given the post-9/11 world, the security needs of the state have markedly increased, particularly considering Michigan has several U.S.-Canadian border crossings. The reorganization and activation of the Michigan Defense Force helps to meet these security needs and provides a ready, trained group of individuals capable of responding to emergency situations.

POSITIONS:

The Department of Military and Veterans Affairs supports the bill. (11-30-04)

The American Red Cross supports the bill. (11-30-04)

The Military Order of the Purple Heart supports the bill. (11-30-04)

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