

HOUSE BILL No. 5876

September 14, 2016, Introduced by Reps. Barrett and Hughes.

A bill to amend 1885 PA 152, entitled

"An act to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules,"

by amending sections 2a and 8 (MCL 36.2a and 36.8), section 2a as amended by 2016 PA 213 and section 8 as amended by 2011 PA 283, and by adding section 1a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 1A. (1) A MICHIGAN VETERANS' FACILITY SHALL COMPLY WITH**
2 **ALL OF THE RULES AND REGULATIONS FOR A NURSING HOME AS PROVIDED IN**
3 **PART 217 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.21701 TO**
4 **333.21799E.**

1 (2) THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS SHALL
2 ENSURE THAT EACH MICHIGAN VETERANS' FACILITY IS IN COMPLIANCE WITH
3 THE REQUIREMENTS OF SUBSECTION (1).

4 (3) IF THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
5 DETERMINES THAT A MICHIGAN VETERANS' FACILITY IS NOT IN COMPLIANCE
6 WITH THE REQUIREMENTS OF SUBSECTION (1), THE DEPARTMENT OF
7 LICENSING AND REGULATORY AFFAIRS SHALL ISSUE A REPORT OUTLINING THE
8 FACTS UNDERLYING THAT NONCOMPLIANCE NOT MORE THAN 60 DAYS AFTER
9 MAKING THAT DETERMINATION AND SHALL SUBMIT THE REPORT TO THE
10 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS, THE COMMITTEES OF THE
11 HOUSE OF REPRESENTATIVES AND SENATE CONCERNED WITH VETERANS'
12 ISSUES, AND THE GOVERNOR.

13 (4) THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS SHALL
14 PROMULGATE ANY RULES NECESSARY TO ADMINISTER THIS SECTION UNDER THE
15 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
16 24.328.

17 (5) IF A RULE OR POLICY OF THE BOARD OF MANAGERS OR THE
18 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS IS IN CONFLICT WITH A
19 RULE OR POLICY OF THE DEPARTMENT OF LICENSING AND REGULATORY
20 AFFAIRS CONCERNING A MICHIGAN VETERANS' FACILITY, THE RULE OR
21 POLICY OF THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
22 PREVAILS.

23 Sec. 2a. (1) ~~The~~ SUBJECT TO SECTION 1A, THE general OPERATION,
24 supervision, and government of the Michigan veterans' facility is
25 vested in a board of managers consisting of 7 members. Each member
26 shall have demonstrated knowledge, skills, and experience in public
27 health, business, or finance. Members shall be appointed as

1 follows:

2 (a) One representative of the American Legion.

3 (b) One representative of the Veterans of Foreign Wars of the
4 United States.

5 (c) One representative of the Disabled American Veterans.

6 (d) One representative of any other congressionally chartered
7 veterans' organization other than those organizations identified in
8 subdivision (a), (b), or (c).

9 (e) Three members who are veterans, who may or may not be a
10 member of 1 or more congressionally chartered veterans'
11 organizations, but ~~shall~~**DO** not represent any congressionally
12 chartered veterans' organization of which they are a member.

13 (2) The members shall be appointed by the governor by and with
14 the advice and consent of the senate. Each member shall hold office
15 for the term of 3 years from the time of his or her appointment and
16 shall continue to hold office at the pleasure of the governor. The
17 members enumerated in subsection (1)(a), (b), (c), and (d) shall be
18 appointed by the governor from a list of ~~at least~~**NOT FEWER THAN** 3
19 individuals recommended by each respective organization.

20 (3) Each member of the board shall qualify by taking and
21 filing the constitutional oath of office.

22 (4) The governor may remove any member of the board for
23 misfeasance, malfeasance, or nonfeasance in office, after hearing.
24 Missing 3 or more consecutive meetings ~~shall be~~**OF THE BOARD IS**
25 considered malfeasance and is grounds for removal.

26 (5) Members of the board shall serve without compensation, but
27 shall be entitled to actual and necessary expenses incurred in

1 attending scheduled meetings of the board ~~of managers~~ in accordance
2 with the accounting laws of this state.

3 (6) If a vacancy occurs during the term of office of a member
4 of the board, ~~of managers,~~ the member's successor shall be selected
5 from the same organization and in the same manner as the original
6 appointment for the balance of the unexpired term.

7 (7) As used in this act:

8 (a) "Board" means the board of managers of the Michigan
9 veterans' facility created in this section.

10 (b) "Veteran" means an individual who meets both of the
11 following:

12 (i) Is a veteran as defined in section 1 of 1965 PA 190, MCL
13 35.61.

14 (ii) Was honorably discharged.

15 Sec. 8. The board ~~of managers~~ shall meet not less than once
16 every 3 months. The board ~~of managers~~ shall prepare, review, and
17 revise a system of government for the homes, which shall include
18 all rules, regulations, and laws necessary for effective management
19 and preserving the health of the disabled veterans admitted to the
20 home. **HOWEVER, THIS SECTION IS SUBJECT TO SECTION 1A.**

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.