

SUBSTITUTE FOR
HOUSE BILL NO. 5334

A bill to amend 1974 PA 370, entitled
"Vietnam veteran era bonus act,"
by amending section 2 (MCL 35.1022), as amended by 1980 PA 194.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Period of service" means that period of time between
3 12:01 a.m., January 1, 1961, and 12:01 a.m., September 1, 1973.

4 (b) "Veteran" means ~~a person who completed~~ **AN INDIVIDUAL WHO**
5 **MEETS BOTH OF THE FOLLOWING:**

6 (i) **IS A VETERAN AS DEFINED IN SECTION 1 OF 1965 PA 190, MCL**
7 **35.61.**

8 (ii) **HAS COMPLETED** not less than 190 days of honorable service
9 or is listed as missing in action or died during the period of
10 service from service-connected causes in the army, air, naval,

1 marine, or coast guard forces of the United States including the
 2 auxiliary branches, was a resident of this state for not less than
 3 6 months before entering the service or, while on active duty, was
 4 a resident of this state for not less than 6 months immediately
 5 before January 1, 1961, and has not applied for and received
 6 similar benefits from another state for the same period of service.
 7 The 190 days required active duty does not include a period when
 8 assigned full time by the armed forces to a civilian institution
 9 for a course substantially the same as a course offered to
 10 civilians; or a period served as a cadet or midshipman at a service
 11 academy, active duty for training in an enlistment in the ~~army~~ **ARMY**
 12 or ~~air national guard,~~ **AIR NATIONAL GUARD**, or as a reserve for
 13 service in the ~~army, navy, air force, marine corps,~~ **ARMY, NAVY, AIR**
 14 **FORCE, MARINE CORPS**, or ~~coast guard reserve,~~ **COAST GUARD RESERVE**,
 15 with the exception of those military personnel who converted to
 16 active duty immediately upon completion of the initial active duty
 17 for training as evidenced by noninterruption in pay status from
 18 that of initial active duty for training to that of active duty.
 19 The 190 days' active duty requirement shall not apply to a person
 20 who died or who received a medical discharge from active military
 21 service due to injuries or disease incurred in the line of duty, as
 22 verified by the veterans' records or by the ~~veterans'~~
 23 ~~administration.~~ **VETERANS' ADMINISTRATION.**

24 (c) "Combat veteran" means a veteran listed as missing in
 25 action, or a veteran eligible to wear the Vietnam ~~service medal~~
 26 **SERVICE MEDAL** or the ~~armed forces expeditionary medal~~ **ARMED FORCES**
 27 **EXPEDITIONARY MEDAL** if eligibility for the award occurred during

1 the period of service.

2 (d) "Beneficiary", subject to section 14(2), means in relation
3 to a deceased veteran or a veteran listed as missing in action, the
4 surviving spouse, child or children, or the dependent surviving
5 mother or father in the order named which determination may be made
6 by the probate court of the county of residence of the veteran at
7 the time of death. A surviving parent of a veteran shall be
8 eligible as a dependent of the veteran if that person had a
9 reasonable expectation of support in whole or in part from the
10 veteran and that expectation is stated in the application.

11 (e) "Honorable service" means that service as evidenced by:

12 (i) Honorable or general discharge, or separation under
13 honorable conditions.

14 (ii) In the case of a person who has not been discharged, a
15 certificate from the appropriate service authority that a person
16 did qualify under subparagraph (i) as if the veteran was being
17 discharged or separated.

18 Time lost while absent without leave, in desertion, in
19 confinement while undergoing the sentence of a court-martial, or
20 time lost while in a nonduty status because of disease contracted
21 through the veteran's own misconduct shall not be construed as
22 honorable service.

23 (f) "Adjutant general" means the adjutant general of this
24 state.

25 (g) "Resident" means a person who has acquired a status as
26 follows:

27 (i) Was born in and lived in this state until entrance into

1 the armed forces of the United States.

2 (ii) Was born in, but was temporarily living outside this
3 state, not having abandoned residence in this state before entrance
4 into the armed forces of the United States.

5 (iii) Had resided within this state for at least 6 months
6 immediately before entrance into military service or, while on
7 active duty, was a resident of this state for not less than 6
8 months immediately before January 1, 1961, and had, before or
9 during this 6 months' period:

10 (A) Registered to vote in this state.

11 (B) Lived with a parent or person standing in loco parentis
12 who had acquired a residence as set forth in this subdivision,
13 while an unemancipated minor.

14 (C) If not registered to vote in this state, was not
15 registered to vote in another state, or had not voted in another
16 state within 6 months before entering service or before January 1,
17 1961.

18 (iv) Information appearing on the discharge documents of the
19 veteran ~~which~~ **THAT** shows a permanent address for mailing purposes,
20 an address from which employment will be sought, or a home address
21 at time of entry into service in another state, shall not
22 necessarily be construed to mean that the veteran intended to
23 abandon his or her residence in this state for purposes of this
24 act.

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

27 Enacting section 2. This amendatory act does not take effect

1 unless House Bill No. 5332 of the 98th Legislature is enacted into
2 law.