

HOUSE BILL No. 5334

February 10, 2016, Introduced by Reps. Rutledge, Barrett, Lucido and Kosowski and referred to the Committee on Military and Veterans Affairs.

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~~ **180** days of honorable
9 service or is listed as missing in action or died during the period
10 of service from service-connected causes in the army, air, naval,
11 marine, or coast guard forces of the United States including the

1 auxiliary branches, was a resident of this state for not less than
2 6 months before entering the service or, while on active duty, was
3 a resident of this state for not less than 6 months immediately
4 before January 1, 1961, and has not applied for and received
5 similar benefits from another state for the same period of service.
6 The ~~190~~180 days required active duty does not include a period
7 when assigned full time by the armed forces to a civilian
8 institution for a course substantially the same as a course offered
9 to civilians; or a period served as a cadet or midshipman at a
10 service academy, active duty for training in an enlistment in the
11 army or air national guard, or as a reserve for service in the
12 army, navy, air force, marine corps, or coast guard reserve, with
13 the exception of those military personnel who converted to active
14 duty immediately upon completion of the initial active duty for
15 training as evidenced by noninterruption in pay status from that of
16 initial active duty for training to that of active duty. The ~~190~~
17 180 days' active duty requirement shall not apply to a person who
18 died or who received a medical discharge from active military
19 service due to injuries or disease incurred in the line of duty, as
20 verified by the veterans' records or by the veterans'
21 administration.

22 (c) "Combat veteran" means a veteran listed as missing in
23 action, or a veteran eligible to wear the Vietnam service medal or
24 the armed forces expeditionary medal if eligibility for the award
25 occurred during the period of service.

26 (d) "Beneficiary", subject to section 14(2), means in relation
27 to a deceased veteran or a veteran listed as missing in action, the

1 surviving spouse, child or children, or the dependent surviving
2 mother or father in the order named which determination may be made
3 by the probate court of the county of residence of the veteran at
4 the time of death. A surviving parent of a veteran shall be
5 eligible as a dependent of the veteran if that person had a
6 reasonable expectation of support in whole or in part from the
7 veteran and that expectation is stated in the application.

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

9 (i) Honorable or general discharge, or separation under
10 honorable conditions.

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

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

20 (f) "Adjutant general" means the adjutant general of this
21 state.

22 (g) "Resident" means a person who has acquired a status as
23 follows:

24 (i) Was born in and lived in this state until entrance into
25 the armed forces of the United States.

26 (ii) Was born in, but was temporarily living outside this
27 state, not having abandoned residence in this state before entrance

1 into the armed forces of the United States.

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

7 (A) Registered to vote in this state.

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

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

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

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

24 Enacting section 2. This amendatory act does not take effect
25 unless Senate Bill No. ____ or House Bill No. 5332 (request no.
26 02698'15 *) of the 98th Legislature is enacted into law.