

Act No. 200
Public Acts of 2016
Approved by the Governor
June 21, 2016
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June 22, 2016
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**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Reps. Maturen, Barrett, Kosowski and Lucido

ENROLLED HOUSE BILL No. 5333

AN ACT to amend 1947 PA 12, entitled “An act to provide for payments to persons who served in the armed forces of the United States between September 16, 1940, and June 30, 1946, and to beneficiaries of such persons; to provide for payments to persons entitled to benefits under section 25, article X of the constitution of this state; to prescribe the powers and duties of the state administrative board and state officers with respect thereto; to provide for acceptance of financial and other assistance from the federal government; to provide for certain administrative expenses; to make certain appropriations; and to prescribe penalties for violations of the provisions of this act,” by amending section 2 (MCL 35.922).

The People of the State of Michigan enact:

Sec. 2. As used in this act:

(a) “Period of service” means the period of time between September 16, 1940 and June 30, 1946 and, for purposes of former section 25 of article X of the state constitution of 1908, also means the period of time between June 27, 1950 and the termination of the state of national emergency, which state of national emergency was proclaimed on December 16, 1950.

(b) “Veteran” means an individual who meets all of the following:

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

(ii) Provided honorable and faithful service for more than 60 days during his or her period of service.

(iii) Was a resident of this state at the time of entering service and for at least 6 months prior to that date.

(c) “Beneficiary” means, in relation to a deceased veteran, the surviving husband or wife, the child or children, or the surviving dependent mother, dependent father, dependent person standing in loco parentis, or dependent brothers and sisters, in the order named, which determination may be made by the probate court of the county of residence of the veteran at the time of death on petition of the adjutant general.

(d) “Honorable and faithful service” shall be such service as is evidenced by 1 or more of the following:

(i) An honorable discharge.

(ii) In the case of an officer, a certificate of service.

(iii) In the case of a veteran who has not been discharged, a certificate from appropriate service authority that his or her service was honorable and faithful.

(e) “Foreign service” means military service by a veteran during the period of service anywhere outside of any state of the United States and the District of Columbia.

(f) “Domestic service” means military service by a veteran during the period of service in 1 or more states of the United States or in the District of Columbia.

(g) "Adjutant general" means the adjutant general of this state.

(h) "Board" means the state administrative board.

(i) "Resident" means a person who meets 1 or more of the following:

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

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

(iii) Was born elsewhere but had resided within this state for at least 6 months prior to entrance into military service and had prior to or during such 6 months' period met 1 or more of the following:

(A) Registered for voting in this state.

(B) Was an unemancipated minor during such period of residence while living with a parent or person standing in loco parentis who was a resident as set forth in this subparagraph or subparagraph (i) or (ii).

(C) If not registered for voting in this state, was not registered for voting in another state. However, applications filed under this act prior to March 18, 1949 that have been rejected by the adjutant general because of noncompliance with the foregoing requirement are eligible for allowance despite that noncompliance if the applicant had not voted in another state within 6 months prior to entering service and had resided in this state for at least 6 months prior to entrance into the armed forces of the United States. Information appearing on the discharge of the veteran that shows "permanent address for mailing purposes", "address from which employment will be sought", and "home address at time of entry into service", in another state, shall not necessarily be construed to mean that the veteran intended to abandon his or her residence in this state for the purpose of this act.

(iv) In all other cases than those outlined under subparagraph (i), (ii), or (iii), complies with the residence requirements set forth in former section 23[a] of article X of the state constitution of 1908 in accordance with the rules and regulations of the board.

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

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5332 of the 98th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor