

HOUSE BILL NO. 4616

April 13, 2021, Introduced by Reps. O'Neal, Wozniak, Steckloff, Kuppa, Hood, Brabec, Weiss, Breen, Brixie, Brenda Carter, Whitsett and Jones and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1974 PA 370, entitled
"Vietnam veteran era bonus act,"
by amending section 2 (MCL 35.1022), as amended by 2016 PA 201.

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 an individual who meets both of the
- 5 following:

1 (i) Is a veteran as defined in section 1 of 1965 PA 190, MCL
2 35.61.

3 (ii) Has completed not less than 190 days of honorable service
4 or is listed as missing in action or died during the period of
5 service from service-connected causes in the ~~army, air, naval,~~
6 ~~marine, Army, Air, Naval, Marine, or coast guard~~ **Coast Guard** forces
7 of the United States including the auxiliary branches, was a
8 resident of this state for not less than 6 months before entering
9 the service or, while on active duty, was a resident of this state
10 for not less than 6 months immediately before January 1, 1961, and
11 has not applied for and received similar benefits from another
12 state for the same period of service. The 190 days required active
13 duty does not include a period when assigned full time by the armed
14 forces to a civilian institution for a course substantially the
15 same as a course offered to civilians; or a period served as a
16 cadet or midshipman at a service academy, active duty for training
17 in an enlistment in the Army or Air National Guard, or as a reserve
18 for service in the Army, Navy, Air Force, Marine Corps, or Coast
19 Guard Reserve, with the exception of those military personnel who
20 converted to active duty immediately upon completion of the initial
21 active duty for training, **or who converted to active duty from**
22 **inactive reserve service with military pay**, as evidenced by
23 noninterruption in pay status from that of initial active duty for
24 training, **or inactive reserve status**, to that of active duty. The
25 190 days' active duty requirement ~~shall~~ **does** not apply to ~~a person~~
26 **an individual** who died or who received a medical discharge from
27 active military service due to injuries or disease incurred in the
28 line of duty, as verified by the veterans' records or by the
29 Veterans' Administration.

1 (c) "Combat veteran" means a veteran listed as missing in
2 action, or a veteran eligible to wear the Vietnam Service Medal or
3 the Armed Forces Expeditionary Medal if eligibility for the award
4 occurred during the period of service.

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

15 (e) "Honorable service" ~~means that service as~~ **does not include**
16 **time lost while absent without leave, in desertion, or in**
17 **confinement while undergoing the sentence of a court-martial, or**
18 **time lost while in a nonduty status because of disease contracted**
19 **through the veteran's own misconduct. Honorable service must be**
20 **evidenced by 1 of the following:**

21 (i) Honorable or general discharge, or separation under
22 honorable conditions.

23 (ii) In the case of ~~a person~~ **an individual** who has not been
24 discharged, a certificate from the appropriate service authority
25 that ~~a person~~ **the individual** did qualify under subparagraph (i) as
26 if the veteran was being discharged or separated.

27 ~~Time lost while absent without leave, in desertion, in~~
28 ~~confinement while undergoing the sentence of a court-martial, or~~
29 ~~time lost while in a nonduty status because of disease contracted~~

1 ~~through the veteran's own misconduct shall not be construed as~~
2 ~~honorably service.~~

3 (f) "Adjutant general" means the adjutant general of this
4 state.

5 (g) "Resident" means ~~a person~~ **an individual** who has acquired a
6 status as follows:

7 (i) Was born in and lived in this state until entrance into the
8 ~~armed forces~~ **Armed Forces** of the United States.

9 (ii) Was born in, but was temporarily living outside this
10 state, not having abandoned residence in this state before entrance
11 into the ~~armed forces~~ **Armed Forces** of the United States.

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

17 (A) Registered to vote in this state.

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

21 (C) If not registered to vote in this state, was not
22 registered to vote in another state, or had not voted in another
23 state within 6 months before entering service or before January 1,
24 1961.

25 (iv) Information appearing on the discharge documents of the
26 veteran that shows a permanent address for mailing purposes, an
27 address from which employment will be sought, or a home address at
28 time of entry into service in another state, ~~shall~~ **must** not
29 necessarily be construed to mean that the veteran intended to

- 1 abandon his or her residence in this state for purposes of this
- 2 act.