

# HOUSE BILL NO. 4349

April 11, 2023, Introduced by Reps. O'Neal, Scott, Wilson, Brenda Carter, Price, Neeley, Tyrone Carter, Conlin, DeSana, Coleman, Hood, Wegela, Steckloff, Hope, Dievendorf, McFall, Young, Hill, Rheingans, Liberati, Coffia and Aiyash 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 sections 2 and 11 (MCL 35.1022 and 35.1031), section 2 as amended by 2016 PA 201 and section 11 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~~ **1 of the following**  
3 **periods** of time, ~~between~~ **as applicable:**  
4           **(i) For an individual who enlisted before February 25, 1973,**  
5 **between** 12:01 a.m. ~~on~~ January 1, 1961 ~~and~~ 12:01 a.m. ~~on~~  
6 September 1, 1973.

1           (ii) For an individual who enlisted on or after February 25,  
2 1973, between 12:02 a.m. on September 1, 1973 and 12:01 a.m. on May  
3 7, 1975.

4           (b) "Veteran" means an individual who meets both of the  
5 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,  
11 marine, or coast guard forces of the United States including the  
12 auxiliary branches, was a resident of this state for not less than  
13 6 months before entering the service or, while on active duty, was  
14 a resident of this state for not less than 6 months immediately  
15 before January 1, 1961 **or, for an individual who enlisted on or**  
16 **after February 25, 1973, not less than 6 months immediately before**  
17 **February 25, 1973,** and has not applied for and received similar  
18 benefits from another state for the same period of service. The 190  
19 days required active duty does not include a period when assigned  
20 full time by the armed forces to a civilian institution for a  
21 course substantially the same as a course offered to civilians; or  
22 a period served as a cadet or midshipman at a service academy,  
23 active duty for training in an enlistment in the Army or Air  
24 National Guard, or as a reserve for service in the Army, Navy, Air  
25 Force, Marine Corps, or Coast Guard Reserve, with the exception of  
26 those military personnel who converted to active duty immediately  
27 upon completion of the initial active duty for training as  
28 evidenced by noninterruption in pay status from that of initial  
29 active duty for training to that of active duty. The 190 days'

1 active duty requirement ~~shall~~**does** not apply to ~~a person~~**an**  
 2 **individual** who died or who received a medical discharge from active  
 3 military service due to injuries or disease incurred in the line of  
 4 duty, as verified by the veterans' records or by the ~~Veterans'~~  
 5 ~~Administration~~**Department of Veterans Affairs**.

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

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

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

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

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

28 Time lost while absent without leave, in desertion, in  
 29 confinement while undergoing the sentence of a court-martial, or

1 time lost while in a nonduty status because of disease contracted  
 2 through the ~~veteran's~~**individual's** own misconduct ~~shall is~~ not be  
 3 ~~construed as~~ honorable service.

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

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

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

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

13 (iii) Had resided within this state for ~~at least~~**not less than** 6  
 14 months immediately before ~~entrance~~**entering** into military service  
 15 or, while on active duty, was a resident of this state for not less  
 16 than 6 months immediately before January 1, 1961, **or, for an**  
 17 **individual who enlisted on or after February 25, 1973, not less**  
 18 **than 6 months immediately before February 25, 1973,** and had, before  
 19 or during this 6 months' period:

20 (A) Registered to vote in this state.

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

24 (C) If not registered to vote in this state, was not  
 25 registered to vote in another state, or had not voted in another  
 26 state within 6 months before entering service or before January 1,  
 27 1961 **or, for an individual who enlisted on or after February 25,**  
 28 **1973, before February 25, 1973.**

29 (iv) Information appearing on the discharge documents of the

1 veteran that shows a permanent address for mailing purposes, an  
2 address from which employment will be sought, or a home address at  
3 time of entry into service in another state, ~~shall~~**does** not  
4 necessarily ~~be construed to mean~~ that the veteran intended to  
5 abandon ~~his or her~~**the veteran's** residence in this state for  
6 purposes of this act.

7       Sec. 11. ~~An application for benefits under this act shall not~~  
8 ~~be filed or received, except~~**Except** for applications ~~an application~~  
9 under section 5(2), ~~after June 30, 1980.~~**an application for a**  
10 **service bonus under this act for a veteran or combat veteran must**  
11 **be filed and received before the following dates:**

12       (a) July 1, 1980, if the veteran or combat veteran met the  
13 requirements to receive a service bonus under this act before July  
14 1, 1980.

15       (b) May 7, 2028, if the veteran or combat veteran did not meet  
16 the requirements to receive a service bonus under this act before  
17 July 1, 1980, but meets the requirements to receive a service bonus  
18 under this act after the effective date of the amendatory act that  
19 added this subdivision and satisfies both of the following  
20 conditions:

21       (i) Enlisted on or after February 25, 1973.

22       (ii) Served active duty during the time between 12:02 a.m. on  
23 September 1, 1973 and 12:01 a.m. on May 7, 1975.