

HOUSE BILL NO. 4786

June 15, 2023, Introduced by Reps. Fitzgerald and Morgan and referred to the Committee on Government Operations.

A bill to amend 1947 PA 12, entitled "Veterans' military pay act," by amending sections 2, 4, 4a, and 5 (MCL 35.922, 35.924, 35.924a, and 35.925), section 2 as amended by 2016 PA 200.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:
2 (a) "Period of service" means the period of time between
3 September 16, 1940 and June 30, 1946 and, for purposes of former
4 section 25 of article X of the state constitution of 1908, also
5 means the period of time between June 27, 1950 and the termination

1 of the state of national emergency ~~, which state of national~~
 2 ~~emergency~~**that** was proclaimed on December 16, 1950.

3 (b) "Veteran" means an individual who meets all of the
 4 following:

5 (i) Is a veteran as **that term is** defined in section 1 of 1965
 6 PA 190, MCL 35.61.

7 (ii) Provided honorable and faithful service for more than 60
 8 days during ~~his or her~~**the individual's** period of service.

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

11 (c) "Beneficiary" means, in relation to a deceased veteran,
 12 the surviving ~~husband or wife,~~**spouse**, the child or children, or
 13 the surviving dependent ~~mother, dependent father,~~**parent**, dependent
 14 ~~person~~**individual** standing in loco parentis, or dependent ~~brothers~~
 15 ~~and sisters,~~**siblings**, in the order named, ~~which determination~~**the**
 16 **determination of which** may be made by the probate court of the
 17 county of residence of the veteran at the time of death on petition
 18 of the adjutant general.

19 (d) "Honorable and faithful service" ~~shall be such~~**means**
 20 service ~~as is~~ evidenced by 1 or more of the following:

21 (i) An honorable discharge.

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

23 (iii) In the case of a veteran who has not been discharged, a
 24 certificate from **an** appropriate service authority that ~~his or her~~
 25 **the veteran's** service was honorable and faithful.

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

29 (f) "Domestic service" means military service by a veteran

1 during the period of service in 1 or more states of the United
2 States or in the District of Columbia.

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

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

6 (i) "Resident" means ~~a person~~ **an individual** who meets 1 or
7 more of the following:

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

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

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

17 (A) Registered for voting in this state.

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

22 (C) If not registered for voting in this state, was not
23 registered for voting in another state. However, applications filed
24 under this act ~~prior to~~ **before** March 18, 1949 that have been
25 rejected by the adjutant general because of noncompliance with ~~the~~
26 ~~foregoing requirement~~ **this sub-subparagraph** are eligible for
27 allowance despite that noncompliance if the applicant had not voted
28 in another state within 6 months ~~prior to~~ **before** entering service
29 and had resided in this state for at least 6 months ~~prior to~~ **before**

1 entrance into the ~~armed forces~~ **Armed Forces** of the United States.
 2 Information appearing on the discharge of the veteran that shows
 3 "permanent address for mailing purposes", "address from which
 4 employment will be sought", and "home address at time of entry into
 5 service", in another state, ~~shall~~ **must** not necessarily be construed
 6 to mean that the veteran intended to abandon ~~his or her~~ **the**
 7 **veteran's** residence in this state for the purpose of this act.

8 (iv) In all other cases than those outlined under subparagraph
 9 (i), (ii), or (iii), complies with the residence requirements set forth
 10 in former section 23[a] of article X of the state constitution of
 11 1908 in accordance with the rules and regulations of the board.

12 Sec. 4. There ~~shall~~ **must** be paid on application to the
 13 beneficiary of ~~each a~~ veteran heretofore ~~formerly~~ or hereafter ~~in~~
 14 **the future** deceased from service connected causes arising during
 15 the period of service a sum equal to the difference between any
 16 payments received by the veteran or ~~his~~ **the** beneficiary under
 17 section 3 and the sum of \$500.00. In the event the veteran or ~~his~~
 18 **the** beneficiary has not received payment under section 3 the entire
 19 sum of \$500.00 ~~shall~~ **must** be paid to the beneficiary.

20 Sec. 4a. There ~~shall~~ **must** be paid on application of the ~~mother~~
 21 ~~and father,~~ **parents**, or the surviving parent, of ~~each a~~ veteran
 22 heretofore ~~formerly~~ or hereafter ~~in the future~~ deceased from
 23 service connected causes arising during the period of service a sum
 24 equal to the difference between any payments received by the
 25 veteran or ~~his~~ **the** beneficiary under section 3 and the sum of
 26 \$500.00. In the event the veteran or ~~his~~ **the** beneficiary has not
 27 received payment under section 3, the entire sum of \$500.00 ~~shall~~
 28 **must** be paid to the ~~mother and father,~~ **parents**, or the surviving
 29 parent. Any ~~person or persons~~ **individual** claiming payment under

1 this section ~~shall~~**must** not be required to prove dependency. There
 2 is hereby appropriated from the general fund of ~~the~~**this** state the
 3 sum of \$200,000.00, to be credited to the veterans' military pay
 4 fund, to pay benefits under the provisions of this section.

5 Sec. 5. ~~Each~~**A** veteran or ~~his~~ beneficiary entitled to payment
 6 shall make application to the adjutant general upon ~~such~~**a** form as
 7 may be prescribed by ~~him~~: ~~Provided, That if~~ **the adjutant general.**
 8 **If** the veteran ~~be~~**is** incompetent, or ~~his~~**if the** beneficiary ~~be~~**is**
 9 incompetent or a minor, **the** application ~~shall be~~**must be** made by
 10 ~~his~~**the** guardian **of the veteran or beneficiary.** ~~Each~~**An** application
 11 ~~shall~~**must** be accompanied by a certified copy of honorable
 12 discharge as ~~defined~~**described** in section 2, or by ~~such~~ evidence of
 13 honest and faithful service during the period of service as ~~shall~~
 14 ~~be~~ prescribed by ~~said~~**the** adjutant general. ~~Each~~**An** application
 15 ~~shall~~**must** be subscribed and sworn to by the applicant before
 16 witnesses in ~~such~~**a** manner as ~~shall be~~ prescribed by the adjutant
 17 ~~general~~: ~~Provided, That the~~ **general.** **The** adjutant general shall
 18 provide by regulation for an endorsement on the evidence of service
 19 required in section ~~2d~~**2(d)** that **an** application for payment has
 20 been made.

21 Enacting section 1. This amendatory act does not take effect
 22 unless Senate Joint Resolution ____ or House Joint Resolution F
 23 (request no. 00367'23) of the 102nd Legislature becomes a part of
 24 the state constitution of 1963 as provided in section 1 of article
 25 XII of the state constitution of 1963.