

HOUSE BILL NO. 4803

June 26, 2019, Introduced by Reps. Guerra, Tyrone Carter, Manoogian, Chirkun, Sabo, Kennedy, Gay-Dagnogo, Wittenberg 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 sections 2, 7, and 11 (MCL 35.1022, 35.1027, 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~~ **includes both of the**
- 3 **following:**
- 4 (i) **That** period of time between 12:01 a.m., January 1, 1961,



1 and 12:01 a.m., September 1, 1973.

2 (ii) That period of time between 12:01 a.m., September 1, 1973
3 and 12:01 a.m., May 7, 1975.

4 (b) "Veteran" means an individual who meets both of the
5 following:

6 (i) Is a veteran as **that term is** defined in section 1 of 1965
7 PA 190, MCL 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, and has not applied for and received
16 similar benefits from another state for the same period of service.
17 The ~~190 days required~~ **190 days'** active duty **requirement** does not
18 include a period when assigned full time by the armed forces to a
19 civilian institution for a course substantially the same as a
20 course offered to civilians; or a period served as a cadet or
21 midshipman at a service academy, active duty for training ~~in~~ **during**
22 an enlistment in the Army or Air National Guard, or as a reserve
23 for service in the Army, Navy, Air Force, Marine Corps, or Coast
24 Guard Reserve, ~~with the exception of~~ **except for** those military
25 personnel who converted to active duty immediately upon completion
26 of the initial active duty for training as evidenced by
27 noninterruption in pay status from that of initial active duty for
28 training to that of active duty. The 190 days' active duty
29 requirement ~~shall~~ **does** not apply to ~~a person~~ **an individual** who died

1 or who received a medical discharge from active military service
 2 due to injuries **sustained** or disease ~~incurred~~**contracted** in the
 3 line of duty, as verified by the ~~veterans'~~**veteran's** records or by
 4 the Veterans' Administration.

5 (c) "Combat veteran" means a veteran listed as missing in
 6 action, or a veteran eligible to wear the Vietnam Service Medal or
 7 the Armed Forces Expeditionary Medal if ~~eligibility~~**the veteran**
 8 **became eligible** for the award ~~occurred~~ during the period of
 9 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 surviving spouse, child or children, or the dependent
 13 surviving mother or father **of a deceased veteran or veteran listed**
 14 **as missing in action, subject to section 14(2),** in the order named,
 15 ~~which~~**the** determination **of which** may be made by the probate court
 16 of the county of residence of the veteran at the time of death. A
 17 surviving parent of a veteran ~~shall be~~**is** eligible as a dependent
 18 of the veteran if ~~that person~~**the surviving parent** had a reasonable
 19 expectation of support in whole or in part from the veteran and
 20 that expectation is stated in the application.

21 (e) "Honorable service" means ~~that~~**honorable** service as
 22 evidenced by **either of the following:**

23 (i) Honorable or general discharge, or separation under
 24 honorable conditions.

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



(f) ~~Time~~ **Honorable service does not include time** lost while absent without leave, in desertion, in confinement while undergoing the sentence of a court-martial, or time lost while in a nonduty status because of disease contracted through the veteran's own misconduct. ~~shall not be construed as honorable service.~~

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

(h) ~~(g)~~ "Resident" means ~~a person~~ **an individual** who has ~~acquired a status as follows:~~ **meets any of the following conditions:**

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

(ii) ~~Was~~ **The individual was** born in ~~, but was~~ **this state and did not abandon his or her residence in this state while** temporarily living outside ~~this~~ **the** state ~~, not having abandoned residence in this state before entrance into~~ **entering** the ~~armed forces~~ **Armed Forces** of the United States. **Information appearing on the discharge documents of a veteran that shows a permanent address in another state for mailing purposes, an address in another state from which employment will be sought, or a home address in another state at the time the veteran entered service does not necessarily mean for purposes of this act that the veteran intended to abandon his or her residence in this state.**

(iii) ~~Had~~ **The individual** resided ~~within~~ **in** this state for at least ~~not less than~~ **6 months** immediately before ~~entrance into~~ **entering** military service or ~~, while on active duty, was a resident of~~ **while on active duty resided in** this state for not less than 6 months immediately before January 1, 1961, and ~~had, before or during this 6 months' period:~~ **either of the 6-month periods**



1 described in this subparagraph met any of the following conditions:

2 (A) ~~Registered~~ **The individual registered** to vote in this
3 state.

4 (B) ~~Lived~~ **The individual lived** with a parent or ~~person~~ **an**
5 **individual** standing in loco parentis who ~~had acquired a residence~~
6 ~~as set forth in~~ **was a resident of this state under any of the**
7 **residency requirements of** this subdivision, while an unemancipated
8 minor.

9 (C) If not registered to vote in this state, ~~was the~~
10 **individual did** not ~~registered~~ **register** to vote in another state, or
11 ~~had~~ **did** not ~~voted~~ **vote** in another state within 6 months before
12 entering service or **within 6 months** before January 1, 1961.

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

19 Sec. 7. (1) ~~Upon~~ **Except as otherwise provided in this**
20 **subsection, upon** submission to the adjutant general of satisfactory
21 proof that ~~the~~ **an** applicant is entitled to payment under this act,
22 the adjutant general shall compute the amount of payment due the
23 applicant, make a record ~~thereof,~~ **of that amount,** and transmit the
24 claim for payment directly to the department of treasury for
25 payment. Payment shall be made from the Vietnam veteran era bonus
26 fund. **Payment to an applicant based on an application filed under**
27 **section 11(b) or (c) is subject to an appropriation of funds for**
28 **that payment.** A claim for payment under this act ~~shall~~ **is** not be
29 assignable ~~or~~ subject to garnishment, attachment, or levy of



1 execution.

2 (2) If the proof ~~as to~~**of** eligibility for payment submitted by
3 an applicant either with or as a part of the applicant's initial
4 application, or ~~pursuant to~~**upon a** request of the adjutant general
5 after submission of the application, is not satisfactory to the
6 adjutant general, the adjutant general shall reject the claim.

7 (3) ~~Upon rejection of~~**If a claim is rejected**, the adjutant
8 general shall mail to the claimant a notice of the rejection. ~~the~~
9 **The** notice shall inform the claimant of the claimant's right to
10 file with the adjutant general a request for appeal to the state
11 court of claims within 6 months after the ~~mailing of the notice by~~
12 ~~the adjutant general~~ **mails the notice**.

13 ~~(4)~~ The notice shall also inform the claimant that a failure
14 to file a request for appeal to the court of claims within ~~the~~
15 ~~stipulated time shall~~**this 6-month period will** render the
16 determination of the adjutant general final without any further
17 right of ~~claimant to~~ appeal. ~~from same~~.

18 (4) ~~(5)~~ The claimant ~~shall have~~**has** 6 months ~~from the mailing~~
19 ~~by~~**after** the adjutant general ~~of a~~**mails the** notice of rejection in
20 ~~which to~~ appeal to the court of claims. ~~and upon failure by~~**If**
21 the claimant **fails** to file with the adjutant general a request for
22 appeal to the court of claims within this ~~6 months'~~**6-month** period,
23 the determination by the adjutant general in the claim ~~shall be~~**is**
24 final.

25 (5) ~~(6)~~ ~~Upon the filing of the~~**If a claimant files a** request
26 for appeal to the court of claims, the adjutant general shall
27 immediately certify the entire record of the claim to the court of
28 claims and shall furnish to the court **of claims any** additional
29 information in ~~or which may thereafter come~~**that comes** into the



1 adjutant general's possession ~~, or which may be~~ **that is** requested
2 by the court **of claims**.

3 (6) ~~(7)~~ Upon receipt of an order ~~by~~ **from** the court of claims
4 that a claimant ~~whose claim has been so certified as in this act~~
5 ~~provided~~ is entitled to payment, and upon the order becoming final,
6 **the adjutant general shall pay** the claim ~~shall be paid in the same~~
7 ~~manner~~ as provided in this act.

8 (7) ~~(8)~~ In each case in which the court of claims enters its
9 order allowing or denying a claim, and upon the order becoming
10 final, the files and records ~~on the~~ **for that** claim shall be
11 returned by the court of claims to the adjutant general. ~~, to be~~
12 ~~retained by the~~ **The adjutant general shall retain the files and**
13 **records** as permanent records.

14 (8) ~~(9)~~ A person who filed a claim under this act and whose
15 claim was rejected by either the adjutant general or the court of
16 claims solely because of a discharge ~~which~~ **that** was less than
17 honorable ~~, may~~ file a reapplication for benefits if the discharge
18 ~~which~~ **that** caused the disqualification for benefits has
19 subsequently been upgraded to a discharge indicating honorable
20 service. The reapplication shall be submitted and processed in the
21 same manner as an initial application.

22 Sec. 11. ~~An application for benefits under this act shall not~~
23 ~~be filed or received, except~~ **Except** for applications under section
24 5(2), ~~after June 30, 1980.~~ **an application for a service bonus under**
25 **this act must be filed before the following dates:**

26 (a) **For a veteran or combat veteran, July 1, 1980 if the**
27 **veteran or combat veteran met the requirements to receive a service**
28 **bonus under this act before July 1, 1980.**

29 (b) **For a veteran or combat veteran, January 1, 2020 if the**



1 veteran or combat veteran did not meet the requirements to receive
2 a service bonus under this act before July 1, 1980, but after the
3 effective date of the amendatory act that added section 2(a)(ii),
4 meets the requirements to receive a service bonus under this act.

5 (c) For a veteran, January 1, 2020 if all of the following
6 conditions are met:

7 (i) Before July 1, 1980, the veteran applied for and received a
8 service bonus under section 3(2) that was less than the maximum
9 amount of \$450.00 because the number of months served was
10 originally calculated based on the period of service under section
11 2(a)(i).

12 (ii) The veteran had completed additional months of service
13 during the period of service described under section 2(a)(ii) for
14 which the veteran did not receive a service bonus under section
15 3(2).

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

