

HOUSE BILL NO. 5208

July 01, 2021, Introduced by Reps. Cherry and Rabhi 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

means the period of time between June 27, 1950 and the termination of the state of national emergency ~~, which state of national emergency~~ **that** was proclaimed on December 16, 1950.

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

(i) Is a veteran as **that term is** 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,~~ **spouse**, the child or children, or the surviving dependent ~~mother, dependent father,~~ **parent**, dependent person standing in loco parentis, or dependent brothers and sisters, in the order named, ~~which determination~~ **the determination of which** 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~~ **means** 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 **an** 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.

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

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

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

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

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

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

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

18 (A) Registered for voting in this state.

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

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

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

9 (iv) In all other cases than those outlined under subparagraph
 10 (i), (ii), or (iii), complies with the residence requirements set forth
 11 in former section 23[a] of article X of the state constitution of
 12 1908 in accordance with the rules and regulations of the board.

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

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

parent. Any person or persons claiming payment under this section shall ~~must~~ not be required to prove dependency. There is hereby appropriated from the general fund of the state the sum of \$200,000.00, to be credited to the veterans' military pay fund, to pay benefits under the provisions of this section.

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

Enacting section 1. This amendatory act does not take effect unless Senate Joint Resolution ____ or House Joint Resolution ____ (request no. 02344'21) of the 101st Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963.