

Legislative Analysis



UNIFORM DEFINITION OF "VETERAN" AND OTHER ACT REVISIONS

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House Bills 5332 (H-1) & 5551
Sponsor: Rep. Tom Barrett

House Bill 5333 as reported
Sponsor: Rep. David C. Maturen

House Bill 5334 (H-1)
Sponsor: Rep. David Rutledge

House Bill 5343
Sponsor: Rep. Robert L. Kosowski

House Bill 5335
Sponsor: Rep. Gary Glenn

House Bill 5344
Sponsor: Rep. Jason M. Sheppard

House Bill 5336 (H-1) & 5550
Sponsor: Rep. Holly Hughes

House Bill 5345 (H-1)
Sponsor: Rep. Larry C. Inman

House Bill 5337
Sponsor: Rep. Laura Cox

House Bill 5346
Sponsor: Rep. Lee Chatfield

House Bill 5338 (H-1)
Sponsor: Rep. Hank Vaupel

House Bill 5347 (H-1)
Sponsor: Rep. Triston Cole

House Bill 5339
Sponsor: Rep. Peter J. Lucido

House Bill 5348 (H-1)
Sponsor: Rep. Eric Leutheuser

House Bills 5340 (H-1) & 5341
Sponsor: Rep. John Bizon, M.D.

House Bill 5548
Sponsor: Rep. Mary Whiteford

House Bill 5342 (H-1)
Sponsor: Rep. Lana Theis

House Bill 5549
Sponsor: Rep. Gary Howell

Committee: Military and Veterans Affairs
REVISED ON 6-7-16

(Enacted as Public Acts 199-219 of 2016)

REVISED SUMMARY OF BILLS AS REPORTED FROM HOUSE COMMITTEE:

House Bill 5332 would amend Public Act 190 of 1965 to define the term "veteran" for purposes of all the state laws relative to veterans. The new definition would be: an individual who served in the United States armed forces, including the reserve components, and was discharged or released under conditions other than dishonorable." The term would also include an individual who died while on active duty in the United States Armed forces.

The bill would amend the title to that act to describe it as "An act to establish who is considered a veteran in this state; and to provide for a system of uniformity of service for veterans."

Generally speaking, each of the other bills would amend a different act dealing with veterans to make that definition from Public Act 190 a component of the definition used under that separate act.

House Bills 5333-5348 and House Bills 5548-5551 (introduced 4-13-16) are tie-barred to House Bill 5332, meaning the bills could not take effect unless House Bill 5332 is enacted into law.

A detailed explanation of each bill follows.

House Bill 5333 would amend the Veterans' Military Pay Act (MCL 35.922) to use the definition of veteran from Public Act 190, and also define a veteran as an individual who provided honorable and faithful service for more than 60 days during his or her period of service and was a resident of this state at the time of entering service for at least six months prior to that date.

House Bill 5334 would amend the Vietnam Veteran Era Bonus Act (MCL 35.922) to insert the definition of "veteran" from Public Act 190, and also say that a veteran would be defined to mean an individual who completed not less 190 days of honorable service or is listed as missing in action or died during the period of service from service-connected causes.

House Bill 5335 would amend the Korean Veterans' Military Pay Fund Act of 1955 (MCL 35.972). **House Bill 5336** amends Public Act 222 of 1972 (MCL 28.292), which deals with the official state identification card. **House Bill 5337** amends provisions in the Management and Budget Act dealing with preferences in contracting (MCL 18.1261); **House Bill 5338** would amend the Veteran Right to Employment Act (MCL 35.1092) to say that an individual is a veteran who meets the definition of MCL 35.61 and served 180 days of active duty in the armed services or has a service-connected disability as a result of service.

House Bill 5339 amends a section of the Public Health Code dealing with exposure to chemical herbicides (MCL 333.5701). **House Bill 5340** would amend the Private Employer's Veterans' Preference Policy Act (MCL 35.1201) to define a veteran as an individual who meets the definition of such in MCL 35.61 and served 180 days of active duty or has a service-connected disability as result of service in the armed services.

House Bill 5341 amends the act dealing with county soldiers' relief commissions (MCL 35.22).

House Bill 5342 would amend the act that authorizes the issuance of bonds to pay bonuses to Vietnam Veterans (MCL 35.1001).

House Bill 5343 amends Public Act 27 of the Extra Session of 1946 (MCL 35.581), which deals with occupational licensing and certification. Under this act, the veteran would also need to be honorably discharged.

House Bill 5344 would amend Public Act 205 of 1897, described as "an act to prefer honorably discharged members of the armed services for public employment." It also requires an honorable discharge.

House Bill 5345 would amend a section of the Income Tax Act dealing with homestead credits (MCL 206.516). It requires an honorable discharge or service-related death.

House Bill 5346 would amend the act dealing with the Michigan Veterans Facility. The definition also includes honorable discharge in addition to the new Public Act 190 definition.

House Bill 5347 would amend Public Act 359 of 1921, which grants licenses to veterans without cost, good for one year, to sell their own goods (MCL 35.441 and 35.442). This act requires an honorable discharge, applies only to state residents who served at least 180 days of active service in the armed forces or have a service-connected disability as a result of service.

House Bill 5348 would amend a section of the Revised Judicature Act dealing with veterans treatment courts for those dependent upon or abusing drugs or alcohol, or suffering from a mental illness (MCL 600.1200).

House Bill 5548 would amend Public Act 235 of 1911, which deals with payment and reimbursement of expenses incurred in the burial of honorably discharged members of the armed forces. The bill would include a reference to Public Act 190 but otherwise does not appear to change the requirements for assistance.

House Bill 5549 would amend Public Act 9 of 1946 (MCL 35.3602), which deals with the Michigan Veterans' Trust Fund. The definition of veteran would refer to Public Act 190 and also require a veteran to be an individual who is a legal resident of this state or have been a legal resident immediately prior to entering the armed services. However, an individual whose legal residence was in this state prior to entering the armed forces would not meet the requirement if he or she leaves the state for a time exceeding two years.

A veteran under the act also must have served in active service during a period of war (according to 38 CFR 3.2) for at least 180 days and was honorably discharged. However, an individual who separated from the armed forces for reasons of physical or mental disability incurred in the line of duty prior to completion of 180 days' service would also be considered to meet the requirements.

House Bill 5550 would amend Public Act 214 of 1899, which deals with the levying of a millage by counties "for the purpose of creating a fund for the relief of honorably discharged indigent members" of the Army, Navy, Air Force, Marine Corps, Coast Guard,

and women's auxiliaries who served during a period of war. No reference to Public Act 190 is made in this act, but the bill updates other references.

House Bill 5551 would amend Section 310 of the Michigan Vehicle Code (MCL 257.310), which deals with the issuance of operator licenses with the designation of veteran. The bill defines "veteran" by referring to the definition in Public Act 190.

FISCAL IMPACT:

The bills would appear to have no fiscal impact.

POSITIONS:

Department of Military and Veterans Affairs supports the bills. (4-14-16)

The following organizations have indicated support for the bills: American Legion, Disabled American Veterans, Military Order of Purple Heart, Vietnam Veterans of America.

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Fiscal Analyst: Kent Dell

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.