



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 5332 (Substitute H-1 as passed by the House)  
House Bill 5333 (as passed by the House)  
House Bill 5334 (Substitute H-1 as passed by the House)  
House Bill 5335 (as passed by the House)  
House Bill 5336 (Substitute H-1 as passed by the House)  
House Bill 5337 (as passed by the House)  
House Bill 5338 (Substitute H-1 as passed by the House)  
House Bill 5339 (as passed by the House)  
House Bill 5340 (Substitute H-1 as passed by the House)  
House Bill 5341 (as passed by the House)  
House Bill 5342 (Substitute H-1 as passed by the House)  
House Bills 5343 and 5344 (as passed by the House)  
House Bill 5345 (Substitute H-1 as passed by the House)  
House Bill 5346 (Substitute H-1 as passed by the House)  
House Bill 5347 (Substitute H-1 as passed by the House)  
House Bill 5348 (Substitute H-1 as passed by the House)  
House Bills 5548 through 5551 (as passed by the House)  
Sponsor: Representative Tom Barrett (H.B. 5332 & 5551)  
Representative David C. Maturen (H.B. 5333)  
Representative David Rutledge (H.B. 5334)  
Representative Gary Glenn (H.B. 5335)  
Representative Holly Hughes (H.B. 5336 & 5550)  
Representative Laura Cox (H.B. 5337)  
Representative Hank Vaupel (H.B. 5338)  
Representative Peter J. Lucido (H.B. 5339)  
Representative John Bizon, M.D. (H.B. 5340 & 5341)  
Representative Lana Theis (H.B. 5342)  
Representative Robert L. Kosowski (H.B. 5343)  
Representative Jason M. Sheppard (H.B. 5344)  
Representative Larry C. Inman (H.B. 5345)  
Representative Lee Chatfield (H.B. 5346)  
Representative Triston Cole (H.B. 5347)  
Representative Eric Leutheuser (H.B. 5348)  
Representative Mary Whiteford (H.B. 5548)  
Representative Gary Howell (H.B. 5549)

House Committee: Military and Veterans Affairs  
Senate Committee: Veterans, Military Affairs and Homeland Security

Date Completed: 5-31-16

## **CONTENT**

**House Bill 5332 (H-1) would amend Public Act 190 of 1965, which provides for a system of uniformity of services for veterans, to revise the definition of "veteran". House Bills 5333 through 5348 (H-1) and 5548 through 5551 would amend various statutes to refer to the definition of "veteran" proposed by House Bill 5332 (H-1).**

House Bills 5333 through 5348 (H-1) and 5548 through 5551 are tie-barred to House Bill 5332. Each of the bills would take effect 90 days after its enactment.

### **House Bill 5332 (H-1)**

Public Act 190 of 1965 specifies that, in order to provide for the uniformity of service dates for veterans, certain dates and terms are applicable to all State acts relative to veterans. The Act defines "veteran" as a person, who served in the active military forces, during a period of war or who received the Armed Forces Expeditionary or other campaign service medal during an emergency condition and who was discharged or released under honorable conditions. The term includes an individual who died while on active duty in the U.S. Armed Forces.

The bill specifies instead that, for purposes of all acts of the State relative to veterans, "veteran" would mean 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 include a person who died while on active duty in the U.S. Armed Forces.

The bill would delete references to particular wars and the dates of those wars and to the period of future declarations of war or emergency conditions.

In addition, Public Act 190 states that veterans who served in more than one period of war service may combine their active duty days of service to "make the 90 days" required by veteran benefit statutes or acts. Under the bill, veterans could combine their days to "satisfy the length of active duty service" required by veteran benefit statutes or rules.

### **House Bill 5333**

The Veterans' Military Pay Act provides for a payment to be made to veterans who served during specific periods of service in the World War II and Korean War eras. ("Period of service" means the period between September 16, 1940, and June 30, 1946, and between June 27, 1950, and the termination of the state of national emergency that was proclaimed on December 16, 1950.)

The Act defines "veteran" as each man or woman who has served honorably and faithfully for more than 60 days in the military, naval, marine, or coast guard forces of the United States, at any time during the period of service, who was a resident of Michigan at the time of entering service and for at least six months before that, and who has not applied for or received similar payments from another state.

Under the bill, "veteran" instead would mean an individual who meets all of the following:

- Is a veteran as defined in Section 1 of Public Act 190 of 1965 (the section House Bill 5332 (H-1) would amend).
- Provided honorable and faithful service for more than 60 days during his or her period of service.
- Was a resident of Michigan at the time of entering service and for at least six months before entering service.

### **House Bill 5334 (H-1)**

The Vietnam Veteran Era Bonus Act provides for the payment of a service bonus to a veteran or combat veteran who served during a specific period of service in the Vietnam War era. ("Period of service" means the period between 12:01 a.m., January 1, 1961, and 12:01 a.m., September 1, 1973.)

The Act defines "veteran" as a person who completed at least 190 days of honorable service or is listed as missing in action or died during the period of service from service-connected causes in the Army, Navy, Air Force, Marines, or Coast Guard of the United States, was a resident of Michigan for at least six months before entering the service or, while on active duty, was a resident of Michigan for at least six months immediately before January 1, 1961, and has not applied for and received similar benefits from another state for the same period of service. "Combat veteran" means a veteran listed as missing in action, or a veteran eligible to wear the Vietnam Service Medal or the Armed Forces Expeditionary Medal if eligibility for the award occurred during the period of service.

Under the bill, "veteran" would mean a person who was a veteran as defined in Section 1 of Public Act 190 of 1965 and meets the current definition.

### **House Bill 5335**

The Korean Veterans' Military Pay Fund Act provides for a payment to a veteran who served during a specific period of service during the Korean War era. ("Period of service" means the period between June 27, 1950, and December 31, 1953.)

Under the Act, "veteran" means each man or woman who served honorably and faithfully for more than 60 days in the military, naval, marine, or coast guard forces of the United States, at any time during the period of service, and who was a resident of Michigan at the time of entering service or on June 27, 1950 and for at least six months immediately before that and has not applied for and received similar payments from another state.

Under the bill, "veteran" would mean a person who was a veteran as defined in Public Act 190 of 1965 (as it would be amended by House Bill 5332 (H-1)), and met the current definition described above.

### **House Bill 5336 (H-1)**

Public Act 222 of 1972 provides for the issuance of an official State identification card. An ID card must include a designation that the individual is a veteran, if requested by a veteran of the Armed Forces of Michigan, another state, or the United States, other than an individual who was dishonorably discharged from any of those forces. Under the bill, an ID card would have to include the veteran designation if requested by an individual who was a veteran as defined in Public Act 190 of 1965 (as it would be amended by House Bill 5332 (H-1)).

### **House Bill 5337**

The Management and Budget Act requires the Department of Technology, Management, and Budget, in awarding a contract, to give a preference of up to 10% of the amount of the contract to a qualified disabled veteran. The Act also states, "It is the goal of the department to award each year not less than 5% of its total expenditures for construction, goods, and services to qualified disabled veterans."

"Qualified disabled veteran" means a business entity that is 51% or more owned by one or more veterans with a service-connected disability. "Service-connected disability" means a disability incurred or aggravated in the line of duty in the active military, naval, or air service.

"Veteran" means a person who served in the Army, Air Force, Navy, Marine Corps, or Coast Guard and who was discharged or released from his or her service with an honorable or general discharge. Under the bill, "veteran" instead would mean a veteran as defined in Section 1 of Public Act 190 of 1965, who was released from his or her service with an honorable or general discharge.

### **House Bill 5338 (H-1)**

Under the Veteran Right to Employment Services Act, an agency or department that administers a federally or State-funded employment services or job training program must, to the extent permitted by Federal law, provide to a veteran who is a candidate for a program or service both of the following:

- Effective and equitable services, including employment and job training service.
- Referral assistance and a pamphlet that identifies employment services, job training services, and related benefits available to that veteran through other agencies or departments.

The Act defines "veteran" as any of the following:

- A person who served on active duty in the armed forces for a period of more than 180 days and separated from the armed forces in a manner other than a dishonorable discharge.
- A person discharged or released from active duty because of a service-related disability.
- A member of a reserve branch of the armed forces at the time he or she was ordered to active duty, who served on active duty during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from active duty in a manner other than a dishonorable discharge.

Under the bill, "veteran" instead would mean a veteran as defined in Section 1 of Public Act 190 of 1965, who served at least 180 days of active duty in the U.S. Armed Forces or has a service-connected disability as a result of service in the U.S. Armed Forces.

### **House Bill 5339**

Part 57 (Exposure to Chemical Herbicides) of the Public Health Code provides for certain toxicological and epidemiological studies involving certain veterans. Under Part 57, "veteran" means a person who served in the U.S. Armed Forces. Under the bill, "veteran" instead would mean a veteran as defined in Section 1 of Public Act 190 of 1965.

### **House Bill 5340 (H-1)**

The Private Employer's Veterans' Preference Policy Act allows a private employer to adopt and apply a veterans' preference employment policy. "Veteran" means an individual who meets one or more of the following:

- Has served on active duty with the U.S. Armed Forces for a period of more than 180 days and was discharged or released from active duty with other than a dishonorable discharge.
- Was discharged or released from active duty because of a service-connected disability.
- Was discharged or released from duty with other than a dishonorable discharge from service as a member of a reserve or National Guard component of the U.S. Armed Forces under an order to active duty, excluding active duty for training.

Under the bill, "veteran" instead would mean a veteran as defined in Section 1 of Public Act 190 of 1965, who either served at least 180 days of active duty in the U.S. Armed Forces or has a service-connected disability as a result of service in the U.S. Armed Forces.

### **House Bill 5341**

Public Act 214 of 1899 provides for county commissions to levy taxes for the creation of a fund for the relief of indigent honorably discharged veterans and their indigent spouses, minor children, and parents. The probate judge of each county must appoint to the county's

"soldiers' relief commission" three county residents who were honorably discharged soldiers, sailors, marines, nurses, or members of the women's auxiliaries who served in a war in which the United States has participated. The bill instead would require the probate judge of each county to appoint three veterans as that term is defined in Section 1 of Public Act 190 of 1965.

#### **House Bill 5342 (H-1)**

Public Act 106 of 1974 authorizes the issuance of general obligation bonds for the payment of service bonuses for veterans and combat veterans under the Vietnam Veteran Era Bonus Act (which House Bill 5334 (H-1) would amend). Public Act 106 defines "veteran" as the term is defined in that Act. Under the bill, "veteran" would mean an individual who is a veteran as defined in Section 1 of Public Act 190 of 1965 and meets the current definition in Public Act 106.

#### **House Bill 5343**

Under Public Act 27 of the First Extra Session of 1946, a person who is seeking license or qualification for a trade, occupation, or profession under Michigan law and whose period of training, study, apprenticeship, or practicable experience is interrupted by, or who has not entered training, study, apprenticeship, or practical experience because of war or emergency condition, and whose service is honorably terminated, is entitled to license or qualification under the laws covering qualification or licensing in force at the time of entrance into the armed forces.

Under the bill, this provision would apply to a "veteran", which would mean a veteran as defined in Section 1 of Public Act 190 of 1965, who was honorably discharged.

#### **House Bill 5344**

Under Public Act 205 of 1897, in every public department and upon the public works of the State and every county and municipal corporation, an honorably discharged veteran (as defined by Public Act 190 of 1965) must be preferred for appointment and employment. Under the bill, that preference would apply to a "veteran", which would mean a veteran as defined in Section 1 of Public Act 190 of 1965, who was honorably discharged.

#### **House Bill 5345 (H-1)**

Chapter 9 of the Income Tax Act allows eligible taxpayers to claim a refundable credit for a portion of the property taxes paid on the homestead they own or rent. The amount of the credit depends on various factors, including the taxpayer's total household resources, the value of the homestead, and whether the taxpayer is a senior citizen, a veteran, or meets other criteria.

"Veteran" means a person who meets all of the following:

- Was a resident of Michigan at least six months before entering the U.S. Armed Forces or was a resident of Michigan for at least five years before filing a claim under Chapter 9.
- Served in the armed forces during a period of war or conflict prescribed by or pursuant to Public Act 190 of 1965.
- Was discharged from service under honorable conditions or died while in service not as a result of his or her own misconduct.

Under the bill, "veteran" instead would mean an individual who meets all of the following:

- Is a veteran as defined in Section 1 of Public Act 190 of 1965.

- Was a resident of Michigan at least six months before entering the U.S. Armed Forces or was a resident of Michigan for at least five years before filing a claim under Chapter 9.
- Served in the armed forces during a period of war, except as described below concerning the Vietnam era.
- Was discharged from service under honorable conditions or died while in service not as a result of his or her own misconduct.

As described in Federal regulations (38 CFR 3.2), "period of war" for the Vietnam era would mean the following:

- February 28, 1961, through May 7, 1975, for a veteran who served during that period.
- On or after January 31, 1955, in an area of hazardous duty for which the veteran received an Armed Forces Expeditionary Medal or Vietnam Service Medal.

(The Federal regulation in 38 CFR 3.2 sets the beginning and ending dates of each war period of certain wars and provides for the setting of future periods of war. For the Vietnam era, it sets the period of war as beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period. In all other cases, the period of war for the Vietnam era begins on August 5, 1964, and ends on May 7, 1975.)

### **House Bill 5346 (H-1)**

Under Public Act 152 of 1885, the general supervision and government of the Michigan Veterans' Facility is vested in a board of managers consisting of seven members. Each member must have demonstrated knowledge, skills, and experience in public health, business, or finance. Members must be appointed as follows:

- One representative of the American Legion.
- One representative of the Veterans of Foreign Wars.
- One representative of the Disabled American Veterans.
- One representative of any other congressionally chartered veterans' organization.
- Three members who are veterans, who may or may not be a member of one or more congressionally chartered veterans' organizations but not representing such an organization.

"Veteran" means an honorably discharged member of the U.S. Armed Forces. Under the bill, "veteran" instead would mean a veteran as defined in Section 1 of Public Act 190 of 1965, who was honorably discharged.

### **House Bill 5347 (H-1)**

Public Act 359 of 1921 allows certain honorably discharged veterans to sell their own goods for direct personal benefit or gain, by procuring a license from the county clerk at no cost to the veteran. The provision applies to an honorably discharged member of the U.S. Armed Forces who served at least 180 days of active duty service and is a resident of Michigan.

The bill instead would authorize a "veteran" to secure a license without cost and sell his or her own goods. "Veteran" would mean an individual who meets all of the following:

- Is a veteran as defined in Section 1 of Public Act 190 of 1965.
- Served at least 180 days of active service in the U.S. Armed Forces or had a service-connected disability as a result of service in the U.S. Armed Forces.
- Was honorably discharged.
- Is a resident of Michigan.

### **House Bill 5348 (H-1)**

Chapter 12 of the Revised Judicature Act provides for and governs Veterans Treatment Courts. Under Chapter 12, "veteran" means any of the following:

- A person who served on active duty in the armed forces for a period of more than 180 days and separated from the armed forces in a manner other than a dishonorable discharge.
- A person discharged or released from active duty because of a service-related disability.
- A member of a reserve branch of the armed forces at the time he or she was ordered to active duty during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from active duty in a manner other than a dishonorable discharge.

Under the bill, "veteran" instead would mean an individual who is a veteran as defined in Section 1 of Public Act 190 of 1965 and served at least 180 days of active duty in the U.S. Armed Forces.

### **House Bill 5548**

Public Act 235 of 1911 provides for a county board of commissioners to pay \$300 to the estate of certain deceased veterans, or to a person who incurred or advanced burial expenses for the veteran. That provision applies when an honorably discharged member of the U.S. Armed Forces who served for at least 90 days of active service, or who was discharged under honorable conditions after serving less than 90 days of active service because of a service-oriented disability, during a period in which the United States was at war or during the Vietnam conflict, dies with an estate valued at \$40,000 or less.

The bill would refer instead to a veteran as defined in Section 1 of Public Act 190 of 1965, who was discharged under honorable conditions after serving at least 90 days of active service, or who was discharged under honorable conditions after serving less than 90 days of active service, because of a service connected disability. The bill would retain the \$40,000 estate limit. Under both the current and proposed provisions, the \$300 payment also applies to the death of a veteran's spouse or surviving spouse.

Under the Act, "service" includes service in the U.S. Armed Forces in a place of emergency, as described in Public Act 190 of 1965, when ordered to do so by the U.S. government. Under the bill, "service" instead would mean service in the U.S. Armed Forces during a period of war described in Federal regulations (38 CFR 3.2), except that "period of war" for the Vietnam era would mean the following:

- February 28, 1961, through May 7, 1975, for a veteran who served during that period.
- On or after January 31, 1955, in an area of hazardous duty for which the veteran received an Armed Forces Expeditionary Medal or Vietnam Service Medal.

### **House Bill 5549**

The Michigan Veterans' Trust Fund law provides for the oversight and disbursement of funds to provide assistance to veterans. A Michigan veteran, as defined by Public Act 190 of 1965, is a person whose legal residence immediately before entering the service was in Michigan, who entered upon or was in active service in the U.S. Armed Forces, at any time for at least 180 days after the date defined in Public Act 190 or the Vietnam era, whether by induction, enlistment, commission, warrant or otherwise, and who has been honorably discharged, retired, or separated or who has reverted to an inactive status under honorable conditions. Former members of the Women's Auxiliary Army Corps who refused to accept transfer to or induction into the Women's Army Corps are not considered to be veterans within the meaning

of that definition. A veteran who did not have legal residence in Michigan immediately before entering the military service may become eligible for benefits administered under the Act after having established a legal residence in Michigan. A veteran whose legal residence was in Michigan before entering military service loses his or her rights under the Act by leaving the State for a period exceeding two years. The bill would delete this description of a Michigan veteran.

The bill instead would define "veteran" as an individual who meets all of the following:

- Is a veteran as defined in Section 1 of Public Act 190 of 1965.
- Is a legal resident of Michigan or was a legal resident immediately before entering the U.S. Armed Forces.
- Served in active service in the U.S. Armed Forces during a period of war for at least 180 days and was honorably discharged from the U.S. Armed Forces.

A person whose legal residence was in Michigan before entering the U.S. Armed Forces would not meet the residency requirement if he or she left the State for a period exceeding two years.

The bill would delete references to specific wars and periods of war. Under the bill, "period of war" would mean that phrase as described in Federal regulations (38 CFR 3.2), except that "period of war" for the Vietnam era would mean the following:

- February 28, 1961, through May 7, 1975, for a veteran who served during that period.
- On or after January 31, 1955, in an area of hazardous duty for which the veteran received an Armed Forces Expeditionary Medal or Vietnam Service Medal.

#### **House Bill 5550**

Public Act 214 of 1899 provides for county commissions to levy taxes for the creation of a fund for the relief of indigent honorably discharged veterans and their indigent spouses, minor children, and parents.

The Act applies to honorably discharged indigent members of the Army, Navy, Air Force, Marine Corps, Coast Guard, and women's auxiliaries of all wars or military expeditions in which the United States has been, is, or may be, a participant as prescribed in Public Act 190 of 1965. Under the bill, Public Act 214 instead would apply to 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 as described in Federal regulations (38 CFR 3.2), except that "period of war" for the Vietnam era would mean the following:

- February 28, 1961, through May 7, 1975, for a veteran who served during that period.
- On or after January 31, 1955, in an area of hazardous duty for which the veteran received an Armed Forces Expeditionary Medal or Vietnam Service Medal.

#### **House Bill 5551**

The Michigan Vehicle Code requires a driver license to include a designation that the individual is a veteran, if requested by a veteran of the Armed Forces of Michigan, another state, or the United States, other than an individual who was dishonorably discharged from any of those forces. Under the bill, a driver license would have to include the veteran designation if requested by an individual who was a veteran as defined in Section 1 of Public Act 190 of 1965.

MCL 35.61 & 35.62 (H.B. 5332)  
35.922 (H.B. 5333)

Legislative Analyst: Patrick Affholter



35.1022 (H.B. 5334)  
35.972 (H.B. 5335)  
28.292 (H.B. 5336)  
18.1261 (H.B. 5337)  
35.1092 (H.B. 5338)  
333.5701 (H.B. 5339)  
35.1201 (H.B. 5340)  
35.22 (H.B. 5341)  
35.1001 (H.B. 5342)  
35.581 (H.B. 5343)  
35.401 (H.B. 5344)  
206.516 (H.B. 5345)  
36.2a (H.B. 5346)  
35.441 & 35.442 (H.B. 5347)  
600.1200 (H.B. 5348)  
35.801 (H.B. 5548)  
35.602 (H.B. 5549)  
35.21 (H.B. 5550)  
257.310 (H.B. 5551)

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker  
Joe Carrasco  
John Maxwell