

HOUSE BILL No. 5335

February 10, 2016, Introduced by Reps. Glenn and Barrett and referred to the Committee on Military and Veterans Affairs.

A bill to amend 1955 PA 8, entitled "Korean veterans' military pay fund act of 1955," by amending section 2 (MCL 35.972).

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 June
3 27, 1950 ~~—~~and December 31, 1953.

4 (b) "Veteran" means ~~each man or woman who served~~ **AN INDIVIDUAL**
5 **WHO MEETS BOTH OF THE FOLLOWING:**

6 (i) **IS A VETERAN AS DEFINED IN SECTION 1 OF 1965 PA 190, MCL**
7 **35.61.**

8 (ii) **HAS SERVED** honorably and faithfully for more than 60 days
9 in the military, naval, marine or coast guard forces of the United
10 States, at any time during the period of service, and who was a
11 resident of ~~the~~ **THIS** state ~~of Michigan~~ at the time of entering such

1 service or on June 27, 1950, and for at least 6 months immediately
2 prior ~~thereto~~, **TO THAT DATE**, and who has not applied for and
3 received similar payments from another state.

4 (c) "Beneficiary" means, in relation to a deceased veteran,
5 the surviving husband or wife, child or children, or the surviving
6 mother, father, person standing in loco parentis, brothers and
7 sisters, in the order named, which determination may be made by the
8 probate court of the county of residence of the veteran at the time
9 of death on petition of the adjutant general.

10 (d) "Honorable and faithful service" shall be such service as
11 is evidenced by (1) an honorable discharge, or (2) in the case of
12 an officer, a certificate of service, or (3) in the case of a
13 veteran who has not been discharged, a certificate from appropriate
14 service authority that his service was honorable and faithful. Time
15 lost while absent without leave, in desertion, in confinement while
16 undergoing the sentence of a court martial or time lost while in a
17 non-duty status because of disease contracted through the veterans'
18 own misconduct shall not be construed as faithful service.

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

22 (f) "Domestic service" means military service by a veteran
23 during the period of service in any state of the United States and
24 the District of Columbia.

25 (g) "Adjutant general" means the adjutant general of ~~the~~ **THIS**
26 state. ~~of Michigan.~~

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

1 (i) "Resident" means a person who ~~has acquired a status as~~
 2 ~~follows:~~ **MEETS 1 OR MORE OF THE FOLLOWING:**

3 (i) ~~(1)~~ Was born in and lived in ~~the~~ **THIS** state of ~~Michigan~~
 4 until entrance into the armed forces of the United States. ~~;~~ ~~or~~

5 (ii) ~~(2)~~ Was born in, but was temporarily living outside ~~the~~
 6 **OF THIS** state, of ~~Michigan,~~ not having abandoned residence therein
 7 **IN THIS STATE** prior to entrance into the armed forces of the United
 8 States. ~~;~~ ~~or~~

9 (iii) ~~(3)~~ Was born elsewhere but had resided within ~~the~~ **THIS**
 10 state of ~~Michigan~~ for at least 6 months immediately prior to
 11 entrance into military service, or June 27, 1950, and had prior to
 12 or during such 6 months' period **MET 1 OR MORE OF THE FOLLOWING:**

13 (A) ~~(a)~~ Registered for voting in ~~the~~ **THIS** state. of ~~Michigan,~~
 14 ~~or~~

15 (B) ~~(b)~~ Being **WAS** an unemancipated minor, ~~who shall not be~~
 16 ~~emancipated as defined in section 27 of chapter 2 of Act No. 146 of~~
 17 ~~the Public Acts of 1925, being section 402.27 of the Compiled Laws~~
 18 ~~of 1948,~~ during such period of residence ~~had~~ **AND** lived with a
 19 parent or person standing in loco parentis who ~~had acquired a~~
 20 ~~residence~~ **WAS A RESIDENT** as set forth in ~~sub paragraphs (1), (2),~~
 21 ~~(3) (a), (3) (b) or (3) (c) of this subsection (i), or~~ **THIS**
 22 **SUBPARAGRAPH OR SUBPARAGRAPH (i) OR (ii).**

23 (C) ~~(c)~~ If not registered for voting in ~~the~~ **THIS** state, of
 24 ~~Michigan,~~ was not registered for voting in another state. ~~;~~
 25 ~~Provided, That~~ **HOWEVER,** applications filed under this act ~~which~~
 26 **THAT** have been rejected by the adjutant general because of
 27 noncompliance with the foregoing requirement shall be eligible for

1 allowance despite such noncompliance if the applicant had not voted
2 in another state within 6 months prior to entering the service, or
3 June 27, 1950, and had resided in ~~the~~**THIS** state ~~of Michigan~~ for at
4 least 6 months immediately prior to entrance into the armed forces
5 of the United States, or June 27, 1950. ~~or~~

6 (iv) ~~(4)~~—No information appearing on the discharge of the
7 veteran which shows "permanent address for mailing purposes",
8 "address from which employment will be sought", and "home address
9 at time of entry into service", in another state, shall necessarily
10 be construed to mean that the veteran ~~thereby~~ intended to abandon
11 his **OR HER** residence in ~~the~~**THIS** state ~~of Michigan~~ for the purpose
12 of this act.

13 (v) ~~(5)~~—In all other cases than those outlined under ~~sub~~
14 ~~paragraphs (1), (2) and (3) of this subsection (i)~~ **SUBPARAGRAPHS**
15 **(i), (ii), AND (iii)**, complies with the residence requirements set
16 forth in **FORMER** section 26 of article 10 of the state constitution
17 **OF 1908**, in accordance with the rules and regulations of the board.

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

20 Enacting section 2. This amendatory act does not take effect
21 unless Senate Bill No. ____ or House Bill No. 5332 (request no.
22 02698'15 *) of the 98th Legislature is enacted into law.