

# HOUSE BILL NO. 5819

June 13, 2024, Introduced by Reps. Coffia, Conlin, Morgan, Brabec and Byrnes and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending sections 2, 3b, and 4b (MCL 35.602, 35.603b, and 35.604b), section 2 as amended by 2016 PA 217, section 3b as added by 2011 PA 282, and section 4b as added by 1995 PA 27; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2. As used in this act: ~~—"veteran"~~

2           **(a) "Board" means the Michigan veterans' trust fund board of**  
3 **trustees created in section 3b.**

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

6           **(i)** ~~(a)~~—Is a veteran as defined in section 1 of 1965 PA 190,  
7 MCL 35.61.

8           **(ii)** ~~(b)~~—Is a legal resident of this state or was a legal  
9 resident of this state immediately ~~prior to~~ **before** entering the  
10 United States Armed Forces. However, an individual whose legal  
11 residence was in this state ~~prior to~~ **before** entering the United  
12 States Armed Forces does not meet the requirement of this  
13 subdivision if ~~he or she~~ **the individual** leaves this state for a  
14 period of time exceeding 2 years.

15           **(iii)** ~~(c)~~ ~~He or she~~ **The individual** served in active service in  
16 the United States Armed Forces ~~during a period of war~~ for at least  
17 180 days and was honorably discharged from the United States Armed  
18 Forces. However, an individual who separated from the United States  
19 Armed Forces for reason of physical or mental disability incurred  
20 in the line of duty prior to the completion of 180 days' service is  
21 considered to meet the requirement of this subdivision. ~~As used in~~  
22 ~~this subdivision, "period of war" means that phrase as described in~~  
23 ~~38 CFR 3.2, except that for purposes of this subdivision, "period~~  
24 ~~of war" for the Vietnam era means the following:~~

25           ~~(i)~~ February 28, 1961 through May 7, 1975 for a veteran who  
26 served during that period.

27           ~~(ii)~~ On or after January 31, 1955 in an area of hazardous duty  
28 for which the veteran received an Armed Forces Expeditionary Medal

1 ~~or Vietnam Service Medal.~~

2       Sec. 3b. (1) ~~There is created a~~**The** Michigan veterans' trust  
3 fund board of trustees **is created**. Each member of the board ~~shall~~  
4 **must** be a veteran ~~. Each member appointed shall and~~ have  
5 demonstrated knowledge, skills, and experience in public service,  
6 business, or finance. Members shall be appointed as follows:

7       (a) One representative of the American ~~legion~~**Legion**.

8       (b) One representative of the ~~veterans~~**Veterans** of foreign  
9 ~~wars~~**Foreign Wars** of the United States.

10       (c) One representative of the ~~disabled~~**Disabled** American  
11 ~~veterans~~**Veterans**.

12       (d) One representative of ~~any other~~**a** congressionally  
13 chartered veterans' organization other than ~~those organizations~~**an**  
14 **organization** identified in subdivision (a), (b), or (c).

15       (e) Three independent members who may ~~or may not~~ be a member  
16 of 1 or more congressionally chartered veterans' organizations, but  
17 who ~~shall do~~ not represent any congressionally chartered veterans'  
18 organization of which they are a member.

19       (2) The **governor shall appoint the** members ~~shall be appointed~~  
20 ~~by the governor~~**of the board**. Each member shall hold office for  
21 the term of 3 years from the time of ~~his or her~~**that member's**  
22 appointment and shall continue to hold office at the pleasure of  
23 the governor. The **governor shall appoint the** members enumerated in  
24 subsection (1)(a), (b), (c), and (d) ~~shall be appointed by the~~  
25 ~~governor from the~~**an** original list of at least 3 individuals  
26 recommended by each respective organization named in subsection  
27 (1)(a), (b), (c), and (d).

28       (3) Each member of the board shall qualify by taking and  
29 filing the constitutional oath of office.

1 (4) The governor may remove any member of the board for  
2 misfeasance, malfeasance, or nonfeasance in office, after hearing.  
3 Missing 3 or more consecutive meetings ~~shall be~~ **is** considered  
4 malfeasance and is grounds for removal.

5 (5) If a vacancy occurs during the term of office of a member  
6 of the board, ~~of trustees,~~ the member's successor shall be selected  
7 from the same organization and in the same manner as the original  
8 appointment for the balance of the unexpired term.

9 (6) The department of technology, management, and budget shall  
10 furnish suitable offices for use of the board.

11 (7) The board may employ assistants and incur necessary  
12 expenses in carrying out this act. Members of the board shall serve  
13 without compensation, but ~~shall be~~ **are** entitled to actual and  
14 necessary expenses incurred in attending scheduled meetings of the  
15 board in accordance with the accounting laws of this state.

16 (8) As used in this act:

17 ~~(a) "Board" means the Michigan veterans' trust fund board of~~  
18 ~~trustees created in subsection (1).~~

19 ~~(b) "Veteran" section, "veteran"~~ means that term as defined in  
20 section 1 of 1965 PA 190, MCL 35.61.

21 Sec. 4b. **(1)** The board ~~of trustees~~ shall administer the  
22 Michigan veterans' trust fund established under section 37 of  
23 article IX of the state constitution of 1963.

24 **(2) Money in the Michigan veterans' trust fund must not be**  
25 **transferred, borrowed, expended, withdrawn, or otherwise**  
26 **distributed except as provided under this act and in sections 37**  
27 **and 39 of article IX of the state constitution of 1963.**

28 Enacting section 1. Section 4a of 1946 (1st Ex Sess) PA 9, MCL  
29 35.604a, is repealed.