

Introduced by Senator KnightDecember 19, 2014

An act to amend Section 980 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 56, as introduced, Knight. Veterans: benefits.

Existing law defines "veteran" for the purposes of the various programs bestowing benefits upon veterans.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 980 of the Military and Veterans Code
2 is amended to read:
3 980. (a) As used in this chapter, "veteran" means any of the
4 following:
5 (1) Any citizen of the United States who served in the active
6 military, naval, or air service of the United States on or after April
7 6, 1917, and prior to November 12, 1918, and who received an
8 honorable discharge or was released from active duty under
9 honorable conditions.
10 (2) Any person who did all of the following:
11 (A) Served in the active military, naval, or air service of the
12 United States for a period of not less than 90 consecutive days or

1 was discharged from the service due to a service-connected
2 disability within that 90-day period.

3 (B) Received an honorable discharge or was released from active
4 duty under honorable conditions.

5 (C) Performed any portion of that service during any of the
6 following periods:

7 (i) On or after December 7, 1941, and prior to January 1, 1947,
8 including, but not limited to, members of the Philippine
9 Commonwealth Army, the Regular Scouts (“Old Scouts”), and
10 the Special Philippine Scouts (“New Scouts”).

11 (ii) On or after June 27, 1950, and prior to February 1, 1955.

12 (iii) On or after February 28, 1961, and prior to August 5, 1964,
13 in the case of a veteran who served in the Republic of Vietnam
14 during that period.

15 (iv) On or after August 5, 1964, and prior to May 8, 1975.

16 (v) On or after August 2, 1990, to and including the date on
17 which the territories in and around the Arabian Peninsula cease to
18 be designated as a place where the armed forces of the United
19 States are engaged in combat, as described in Executive Order
20 12744 of the President of the United States. It is the intent of the
21 Legislature, in enacting this clause, that the benefits provided by
22 this chapter shall be available to all veterans who were on active
23 duty in the armed forces of the United States or who were called
24 to active duty in the reserves or National Guard during the
25 pendency of the deployment of forces for Operation Desert Shield
26 or Desert Storm, which resulted in Executive Order 12744,
27 irrespective of whether these veterans served overseas or in the
28 United States.

29 (vi) At any time, in a campaign or expedition for service in
30 which a medal has been authorized by the government of the
31 United States, regardless of the number of days served on active
32 duty.

33 (vii) At any time in Somalia, or in direct support of the troops
34 in Somalia, including, but not limited to, persons stationed on ships
35 of the United States armed forces conducting support activities
36 offshore in the vicinity of Somalia, during Operation Restore Hope,
37 regardless of the number of days served.

38 (3) Any member of the reserves or National Guard who does
39 all the following:

1 (A) Is called to, and released from, active duty or active service,
2 regardless of the number of days served.

3 (B) Is called during any period when a presidential executive
4 order specifies the United States is engaged in combat or homeland
5 defense.

6 (C) Has received an honorable discharge or was released from
7 active duty or active service under honorable conditions.

8 (4) Any person who did all of the following:

9 (A) Served in the Merchant Marine Service of the United States.

10 (B) Has been granted veteran status by the United States
11 Secretary of Defense under Title IV of the GI Improvement Act
12 of 1977 (Public Law 95-202, as amended).

13 (5) Any person who qualifies under federal laws for revenue
14 bond or unrestricted funds (26 U.S.C. Sec. 143) and did all of the
15 following:

16 (A) Served in the active military, naval, or air service of the
17 United States for a period of not less than 90 consecutive days.

18 (B) Received an honorable discharge or was released from active
19 duty or active service under honorable conditions.

20 (6) Any person who qualifies for funds made available from a
21 qualified mortgage revenue bond issued pursuant to 26 U.S.C.
22 Section 143 and is, at the time of application for Cal-Vet benefits,
23 a member of the California National Guard or a reserve component
24 of any branch of the United States armed forces who has enlisted
25 or been commissioned in that service for a period of not less than
26 six years and has completed a minimum of one year of satisfactory
27 service.

28 (b) For purposes of this chapter, “veteran” ~~does~~ *shall* not include
29 any of the following:

30 (1) A person who was separated from the armed forces under
31 other than honorable conditions.

32 (2) A person who was separated from the armed forces on
33 account of alienage.

34 (3) A person who performed no military duty whatever or
35 refused to wear the uniform.

36 (4) A person who served only in an auxiliary or reserve
37 component of the armed forces whose service therein did not
38 provide an exemption from the operation of the Selective Training
39 and Service Act of 1940 (54 Stat. 885, as amended).

1 (5) A person whose service with the armed forces was due to
2 temporary active duty orders for the sole purpose of training duty,
3 processing, or a physical examination, except as provided for in
4 paragraph (6) of subdivision (a).

5 (6) A person whose only service was as a student at a military
6 academy and who, for any reason, failed to complete the course
7 of study and subsequently did not serve on active duty.

8 (c) For purposes of this section, “active duty” or “active service”
9 is defined as provided in 10 U.S.C. Section 101(d).