

Legislative Analysis



VETERANS-RELATED AMENDMENTS

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House Bills 5251-5253

Sponsor: Rep. Kurt Damrow

Committee: Military and Veterans Affairs and Homeland Security

Complete to 9-10-12

A SUMMARY OF HOUSE BILLS 5251-5253 AS INTRODUCED 1-19-12

House Bill 5251 would amend Public Act 235 of 1911 (MCL 35.801), which deals with the payment of burial expenses for veterans by counties.

The bill would specify that the county board of commissioners or the board of county auditors would not be required to pay the burial benefit described in the act unless the county or veterans committee determines that the benefit must be paid. A person who might be entitled to the benefit could make application to the county or district veterans committee for the benefit. If the county or committee determines that the economic circumstances described in the application indicate that the benefit is necessary to avoid economic hardship, the county or committee would notify the county board of commissioners or board of county auditors that the application for benefits had been approved and the commissioner or board of auditors must pay the benefit.

The statute currently provides for a burial expenses benefit of \$300, based on an assets test, for those who were honorably discharged after not less than 90 days of active service or who served less than that due to a service-connected disability. The bill would require at least 180 days of active federal military service as eligibility for the benefit (but would not affect those who suffered a service-connected disability). Applications for the benefit must currently be submitted within two years after the death of the veteran; the bill would require an application be submitted within six months after the death.

The statute contains two versions of the asset test. If a veteran dies possessed of an estate, both real and personal, not exceeding \$25,000, the family is eligible for the \$300 benefit. The amount was raised in 2003 to \$40,000, but counties can decide to retain the lesser amount. House Bill 5251 would eliminate the \$40,000 estate option.

House Bill 5252 would amend the Michigan Veterans Trust Fund (MCL 35.602) to remove references to veterans who served during World War I, Spanish American War, or Mexican War.

House Bill 5253 would amend Public Act 190 of 1965, an act to provide for a System of Uniformity of Service Dates for Veterans. In Section 1, the bill would replace current provisions to provide the following definition of "veteran":

*Served in the active military forces for 180 active federal service days.

*Was discharged or released from the active military forces under honorable conditions.

*Was a resident of this state for not less than six months before entering the active military forces or was a resident of the state for not less than three continuous years after discharge or release from the active military forces or during his or her service in the active military forces.

This definition would replace the current provisions which describe eligibility based on the beginning and ending dates of various wars, conflicts, and eras.

Currently, Section 2 allows veterans who served in more than one period of "war service" to combine their active duty days to make the 90 days required by veteran benefit statutes. Instead, the bill would allow veterans who served in the active military forces in more than one period of "time" to combine their active federal service to make the 180 active federal service days required for any veterans benefits provided by law.

FISCAL IMPACT:

A fiscal analysis is in process.

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