

HOUSE BILL No. 5199

December 6, 2011, Introduced by Rep. Damrow and referred to the Committee on Military and Veterans Affairs and Homeland Security.

A bill to amend 1911 PA 235, entitled

"An act to provide for the payment and reimbursement by counties, in certain cases upon application therefor, of expenses incurred in the burial of the bodies of honorably discharged members of the armed forces of the United States, or their spouses, and to repeal certain acts or parts of acts,"

by amending section 1 (MCL 35.801), as amended by 2003 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Except as otherwise provided under ~~subsection (2),~~
2 **SUBSECTIONS (2) AND (4)**, if an honorably discharged member of the
3 armed forces of the United States who served for a period of not
4 less than 90 days of active service, or who is discharged under
5 honorable conditions after serving less than 90 days of active
6 service because of a service-connected disability, during a period
7 of time in which the United States was at war, ~~or~~ during the
8 Vietnam conflict, **OR DURING ANOTHER PERIOD OF SERVICE DEFINED UNDER**

1 **SECTION 1 OF 1965 PA 190, MCL 35.61**, or the spouse or surviving
2 spouse of a member of the armed forces of the United States, dies
3 possessed of an estate, both real and personal, not exceeding the
4 sum of \$25,000.00, over and above all encumbrances, and was a
5 resident of the state at the time of death and a resident of the
6 state for a period of 6 months before entering the service or for a
7 period of 3 years immediately before death, the county board of
8 commissioners or the board of county auditors **OF THE COUNTY IN**
9 **WHICH THE DECEASED PERSON RESIDED AT THE TIME OF HIS OR HER DEATH**,
10 upon application by the executor or administrator of the estate of
11 the deceased person, or by the person who incurred or advanced
12 expenses in connection with the burial of the honorably discharged
13 member of the armed forces, or the spouse of the honorably
14 discharged member of the armed forces, shall pay to the estate of
15 the deceased person, or to the person who incurred or advanced the
16 burial expense, the sum of \$300.00. If the investigation provided
17 for in section 2 shows that the deceased did not leave a dependent
18 surviving, but did leave an estate sufficient to meet lawful
19 claims, including burial expenses, then the county board of
20 commissioners or the board of county auditors shall not pay the
21 expenses. The application shall be submitted within 2 years after
22 the date of death of the deceased person.

23 (2) ~~On the effective date of the amendatory act that added~~
24 ~~this subsection,~~ **BEGINNING FEBRUARY 7, 2004**, the estate limit
25 provided for under subsection (1) shall be \$40,000.00. This
26 subsection does not apply to a county if the county board of
27 commissioners passes a resolution by majority vote that exempts the

1 county from the requirements of this subsection.

2 (3) If a county makes an election under subsection (2), the
3 county shall file a copy of the resolution with the department of
4 **TECHNOLOGY**, management, and budget. The department of **TECHNOLOGY**,
5 management, and budget shall report not less than annually to the
6 legislature which counties, if any, have made an election under
7 subsection (2).

8 (4) **FOR A DECEASED PERSON DESCRIBED IN SUBSECTION (1) FOR WHOM**
9 **THE QUALIFYING SERVICE WAS DURING THE COLD WAR, AS DEFINED IN**
10 **SECTION 1 OF 1965 PA 190, MCL 35.61, WITHOUT ANY QUALIFYING SERVICE**
11 **DURING ANOTHER PERIOD DEFINED IN THAT SECTION, THE COUNTY BOARD OF**
12 **COMMISSIONERS OR THE BOARD OF COUNTY AUDITORS IS NOT REQUIRED TO**
13 **PAY THE BENEFIT DESCRIBED IN SUBSECTION (1) UNLESS THE COUNTY OR**
14 **DISTRICT VETERANS COMMITTEE ESTABLISHED UNDER SECTION 6 OF 1946**
15 **(1ST EX SESS) PA 9, MCL 35.606, DETERMINES THAT THE BENEFIT SHALL**
16 **BE PAID. A PERSON WHO MIGHT BE ENTITLED TO THE BENEFIT UNDER**
17 **SUBSECTION (1) MAY APPLY TO THE COUNTY OR DISTRICT VETERANS**
18 **COMMITTEE FOR THE BENEFIT. IF THE COUNTY OR DISTRICT VETERANS**
19 **COMMITTEE DETERMINES THAT THE ECONOMIC CIRCUMSTANCES DESCRIBED IN**
20 **THE APPLICATION INDICATE THAT THE BENEFIT IS NECESSARY TO AVOID**
21 **ECONOMIC HARDSHIP, THE COUNTY OR DISTRICT VETERANS COMMITTEE SHALL**
22 **NOTIFY THE COUNTY BOARD OF COMMISSIONERS OR THE BOARD OF COUNTY**
23 **AUDITORS THAT THE APPLICATION FOR BENEFITS HAS BEEN APPROVED AND**
24 **THE COUNTY BOARD OF COMMISSIONERS OR THE BOARD OF COUNTY AUDITORS**
25 **SHALL PAY THE BENEFIT AS DESCRIBED IN SUBSECTION (1).**

26 (5) ~~(4)~~As used in this act, "service" includes service in the
27 armed forces of the United States ~~in a place of emergency, as~~

1 ~~described~~ **DURING A PERIOD DEFINED** in section 1 of 1965 PA 190, MCL
2 35.61, when ordered to do so by the government of the United
3 States.

4 (6) ~~(5)~~—As used in this section:

5 (a) "Estate" means the ownership of real or personal property
6 at the time of death, the title to which was held either in the
7 sole name of the decedent or by the entirety, tenancy in common,
8 or joint tenancy with the spouse, child, or parent of the decedent,
9 but does not include real property owned by the decedent as the
10 homestead of the decedent.

11 (b) "Homestead" means a dwelling or a unit in a multiple unit
12 dwelling and includes a mobile home or trailer coach.