

HOUSE BILL No. 5251

January 19, 2012, 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 if an honorably discharged member of the armed forces of the United
3 States who served for a period of not less than ~~90~~180 days of
4 active **FEDERAL MILITARY** service, or who is discharged under
5 honorable conditions after serving less than ~~90~~180 days of active
6 **FEDERAL MILITARY** service because of a service-connected disability,
7 during a period of time in which the United States was at war or
8 during the Vietnam conflict, or the spouse or surviving spouse of a

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

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

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

~~—— (4) As used in this act, "service" includes service in the armed forces of the United States in a place of emergency, as described in section 1 of 1965 PA 190, MCL 35.61, when ordered to do so by the government of the United States.~~

(2) THE COUNTY BOARD OF COMMISSIONERS OR THE BOARD OF COUNTY AUDITORS IS NOT REQUIRED TO PAY THE BENEFIT DESCRIBED IN SUBSECTION (1) UNLESS THE COUNTY OR VETERANS COMMITTEE ESTABLISHED UNDER SECTION 6 OF 1946 (1ST EX SESS) PA 9, MCL 35.606, DETERMINES THAT THE BENEFIT SHALL BE PAID. A PERSON WHO MIGHT BE ENTITLED TO THE BENEFIT UNDER SUBSECTION (1) MAY APPLY TO THE COUNTY OR DISTRICT VETERANS COMMITTEE FOR THE BENEFIT. IF THE COUNTY OR DISTRICT VETERANS COMMITTEE DETERMINES THAT THE ECONOMIC CIRCUMSTANCES DESCRIBED IN THE APPLICATION INDICATE THAT THE BENEFIT IS NECESSARY TO AVOID ECONOMIC HARDSHIP, THE COUNTY OR DISTRICT VETERANS COMMITTEE SHALL NOTIFY THE COUNTY BOARD OF COMMISSIONERS OR THE BOARD OF COUNTY AUDITORS THAT THE APPLICATION FOR BENEFITS HAS BEEN APPROVED AND THE COUNTY BOARD OF COMMISSIONERS OR THE BOARD OF COUNTY AUDITORS SHALL PAY THE BENEFIT AS DESCRIBED IN SUBSECTION (1).

(3) ~~(5)~~ As used in this section:

(a) "Estate" means the ownership of real or personal property at the time of death, the title to which was held either in the

1 sole name of the decedent or by the entirety, tenancy in common,
2 or joint tenancy with the spouse, child, or parent of the decedent,
3 but does not include real property owned by the decedent as the
4 homestead of the decedent.

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