MILITARY FAMILY RELIEF FUND ACT

Act 363 of 2004

AN ACT to establish the military family relief fund in the department of military and veterans affairs to provide assistance to families of certain members of the reserve components of the United States armed forces on active duty; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

History: 2004, Act 363, Imd. Eff. Oct. 6, 2004

The People of the State of Michigan enact:

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35.1211 Short title.

Sec. 1.

This act shall be known and may be cited as the "military family relief fund act".

History: 2004, Act 363, Imd. Eff. October 6, 2004

35.1212 Definitions.

Sec. 2.

As used in this act:

(a) "Department" means the department of military and veterans affairs.

(b) "Family" or "families" means the military dependents as determined by the qualified individual's branch of service.

(c) "Fund" means the military family relief fund created in section 3.

(d) "Need" means an unforeseen situation that causes a temporary or short-term financial emergency or hardship that a grant under this act will resolve and for which an applicant can demonstrate the ability to meet expenses in the future.

(e) "Qualified individual" means an individual who meets all of the following criteria:

(i) The individual is or was a member of a reserve component of the United States armed forces or the United State coast guard based in this state or is a resident of this state serving in a reserve component of the United States armed forces or the United States coast guard based in another state and is called to active duty by the president of the United States or the United States secretary of defense as a result of national response to September 11, 2001 or as a response to a national emergency declared by the president of the United States and for which funds are being spent by the federal government.

(ii) The individual's family can document the need for financial assistance for clothing, food, housing, utilities, medical services or prescriptions, insurance payments, vehicle payments, or other related necessities of daily living in either of the following situations:

(A) The need occurred after a unit received an alert order for active federal service or within 6 months after a unit returned from active federal service.

(B) The need occurred because the individual has incurred a line of duty injury or illness.

(f) "Reserve components of the United States armed forces" means all of the following:

(i) The army national guard of the United States.

(ii) The army, naval, marine corps, air force, and coast guard reserves.

(iii) The air national guard of the United States.

(g) "Unit" means a mobilized unit in which the qualified individual is in active federal service.

History: 2004, Act 363, Imd. Eff. Oct. 6, 2004 ;-- Am. 2014, Act 62, Imd. Eff. Mar. 27, 2014

35.1213 Military family relief fund; creation as separate fund; expenditures; amounts credited; investment; availability of funds for disbursement; lapse.

Sec. 3.

(1) The military family relief fund is created as a separate fund in the department to offer grants to provide assistance to families of qualified individuals.

(2) The military family relief fund shall be expended only as provided in this act.

(3) The state treasurer shall credit to the fund all amounts designated for the fund pursuant to section 438 of the income tax act of 1967, 1967 PA 281, MCL 206.438.

(4) The state treasurer shall direct the investment of the fund money in the same manner as other funds are invested. The state treasurer shall credit to the fund the interest and earnings from the fund.

(5) Money deposited, funds granted, or funds received as gifts or donations to the fund shall be available for disbursement when deposited.

(6) Money in the fund at the close of the state fiscal year shall remain in the fund and shall not lapse to the general fund.

History: 2004, Act 363, Imd. Eff. Oct. 6, 2004

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35.1214 Use of money; limitation.

Sec. 4.

(1) Each year that the contribution designation program administered under section 435 of the income tax act of 1967, 1967 PA 281, MCL 206.435, is in effect, an amount equal to the cumulative designations, plus interest and dividends earned, made under that section shall be appropriated from the general fund to the fund for use solely in support of the purposes provided in this act. Except as otherwise provided in this subsection, no money from the fund shall be used for the purpose of administering the fund or implementing section 438 of the income tax act of 1967, 1967 PA 281, MCL 206.438. Not more than $50,000.00 shall be allocated annually from the fund to be used for advertising, marketing, and promoting the goals of the fund to the public.

(2) The money in the fund shall not be used by the department to replace funds otherwise designated to support similar programs within the department.

History: 2004, Act 363, Imd. Eff. Oct. 6, 2004 ;-- Am. 2014, Act 62, Imd. Eff. Mar. 27, 2014

35.1215 Grant application; criteria; review; determination; notice; denial; distribution; maximum amount.

Sec. 5.

(1) A qualified individual or the individual's family shall apply to the department for a grant from the fund. A qualified individual or the individual's family may apply for more than 1 grant in any year.

(2) At the time that a qualified individual or the individual's family applies for a grant from the fund, the department shall provide the applicant with copies of financial planning materials and information at no cost to the applicant.

(3) The department shall determine criteria and review applications for grants from the fund.

(4) The department shall determine if the applicant is eligible for a grant from the fund and shall determine the amount of the individual's grant.

(5) Not more than 30 days after the department receives an application, the department shall notify the applicant

of the receipt of the application and the status of the application which shall be 1 of the following:

(a) The applicant is eligible for a grant, the date when the applicant will receive that grant, and the amount of the grant.

(b) The applicant is eligible for a grant but no funds are available and the application will be kept on file until money becomes available.

(c) The applicant is not eligible for a grant and the reasons why.

(6) If an application is denied because the applicant is not eligible, the applicant is not prohibited from subsequently applying for a grant for that purpose or any other purpose.

(7) Within the first 30 days of each calendar year, the department shall begin to distribute the money that was in the fund at the end of the immediately preceding state fiscal year to grant applicants until the money in the fund is exhausted.

(8) The maximum total amount that any qualified individual and that qualified individual's family can receive in any 1 calendar year is $2,000.00. If the department determines that the qualified individual or the qualified individual's family is in an emergency situation or their needs are extreme, the department may waive the maximum under this subsection.

History: 2004, Act 363, Imd. Eff. Oct. 6, 2004

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35.1216 Rules.

Sec. 6.

The department may promulgate rules that it considers necessary to implement this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 2004, Act 363, Imd. Eff. Oct. 6, 2004