FUNERAL EXPENSES OF VETERANS

Act 235 of 1911

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.

History: 1911, Act 235, Eff. Aug. 1, 1911 ;-- Am. 1944, 1st Ex. Sess., Act 24, Imd. Eff. Feb. 29, 1944 ;-- Am. 1974, Act 99, Imd. Eff. May 14, 1974

The People of the State of Michigan enact:

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35.801 Veterans' burial expenses; limitation; payment by county; amount; application; definitions.

Sec. 1.

(1) Except as otherwise provided under subsection (2), if a veteran as defined in section 1 of 1965 PA 190, MCL 35.61, who is discharged under honorable conditions after serving not less than 90 days of active service, or who is discharged under honorable conditions after serving less than 90 days of active service because of a service-connected disability, or the spouse or surviving spouse of a veteran described in this subsection dies possessed of an estate, both real and personal, not exceeding the sum of $25,000.00, over and above all encumbrances and was a resident of this state at the time of death and a resident of this state for a period of 6 months before entering the service or for a period of 3 years immediately before death, the county board of commissioners or the board of county auditors, upon application by the executor or administrator of the estate of the deceased person, or by the person who incurred or advanced expenses in connection with the burial of the honorably discharged member of the armed forces, or the spouse of the honorably discharged member of the armed forces, shall pay to the estate of the deceased person, or to the person who incurred or advanced the burial expense, the sum of $300.00. If the investigation provided for in section 2 shows that the deceased did not leave a dependent surviving, but did leave an estate sufficient to meet lawful claims, including burial expenses, then the county board of commissioners or the board of county auditors shall not pay the expenses. The application shall be submitted within 2 years after the date of death of the deceased person.

(2) Beginning February 7, 2004, the estate limit provided for under subsection (1) shall be $40,000.00. This subsection does not apply to a county if the county board of commissioners passes a resolution by majority vote that exempts the county from the requirements of this subsection.

(3) If a county makes an election under subsection (2), the county shall file a copy of the resolution with the department of technology, management, and budget. The department of technology, 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" means service in the armed forces of the United States during a period of war as described in 38 CFR 3.2, except that for purposes of this subsection, "period of war" for the Vietnam era means the following:

(a) February 28, 1961 through May 7, 1975 for a veteran who served during that period.

(b) On or after January 31, 1955 in an area of hazardous duty for which the veteran received an Armed Forces Expeditionary Medal or Vietnam Service Medal.

(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 sole name of the decedent or by the entireties, tenancy in common, or joint tenancy with the spouse, child, or parent of the decedent, but does not include real property owned by the decedent as the homestead of the decedent.

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

History: 1911, Act 235, Eff. Aug. 1, 1911 ;-- CL 1915, 1057 ;-- Am. 1919, Act 165, Eff. Aug. 14, 1919 ;-- Am. 1921, Act 125, Eff. Aug. 18, 1921 ;-- CL 1929, 927 ;-- Am. 1943, Act 122, Imd. Eff. Apr. 13, 1943 ;-- Am. 1944, 1st Ex. Sess., Act 24, Imd. Eff. Feb. 29, 1944 ;-- CL 1948, 35.801 ;-- Am. 1952, Act 121, Eff. Sept. 18, 1952 ;-- Am. 1955, Act 94, Eff. Oct. 14, 1955 ;-- Am. 1959, Act 235, Eff. Mar. 19, 1960 ;-- Am. 1968, Act 322, Imd. Eff. July 3, 1968 ;-- Am. 1969, Act 52, Imd. Eff. July 21, 1969 ;-- Am. 1973, Act 158, Eff. Mar. 29, 1974 ;-- Am. 1974, Act 99, Imd. Eff. May 14, 1974 ;-- Am. 1976, Act 186, Imd. Eff. July 8, 1976 ;-- Am. 1978, Act 374, Imd. Eff. July 27, 1978 ;-- Am. 2003, Act 290, Eff. Feb. 7, 2004 ;-- Am. 2016, Act 216, Eff. Sept. 20, 2016

Former Law: See Act 170 of 1885, being CL 1897, §§ 1693 to 1696, which was repealed by Act 242 of 1899. Act 242 of 1899 was repealed by Act 39 of 1905, which was amended by Act 163 of 1907. Act 252 of 1909 expressly repealed Act 39 of 1905. Act 252 of 1909 was repealed by section 5 of this act.

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35.802 Soldiers' relief commission; investigation of application for reimbursement, compensation.

Sec. 2.

It shall be the duty of the members of the soldiers' relief commission of each county, whenever application is made for reimbursement by the county for such funeral expenses paid or advanced, or incurred for the burial of such deceased person, to make an investigation of such claim and report their action to the clerk of the board of supervisors of the county, or to the clerk of the board of county auditors as the case may be, in all cases setting forth all the facts, together with the name, rank and command to which such soldier, sailor, marine, nurse or member of the women's auxiliary belonged, and in case of such wife or widow, the rank and command to which her husband or deceased husband belonged, the name and service rendered as such army nurse, the date of his or her death, place where buried, and his or her residence and occupation while living. They shall require such person or persons who paid, advanced or incurred such burial expenses for such deceased person to furnish the board of supervisors, or board of county auditors in counties having a board of county auditors, with a sworn itemized statement of the expense incurred in the burial of the deceased person mentioned in the application. The members of the commission, except where they are paid a salary, shall receive from the county the sum of $2.00 per day for the time actually and necessarily employed by them in the performance of their duties.

History: 1911, Act 235, Eff. Aug. 1, 1911 ;-- CL 1915, 1058 ;-- CL 1929, 928 ;-- Am. 1943, Act 122, Imd. Eff. Apr. 13, 1943 ;-- Am. 1944, 1st Ex. Sess., Act 24, Imd. Eff. Feb. 29, 1944 ;-- CL 1948, 35.802

35.803 Duties of county clerk; record of application and reimbursement; headstones.

Sec. 3.

It shall be the duty of the clerk of the board of supervisors or board of county auditors as the case may be upon receiving the report and statement of expenses provided for in the preceding section, to transcribe in a book kept for that purpose all the facts contained in said report respecting such deceased soldier, sailor or marine, or the deceased wife or widow of the same, or such deceased army nurse, and to report such application and statement to the board of supervisors or the board of county auditors, as the case may be, at the next meeting thereof. It shall be the further duty of said clerk upon the death and burial of any such soldier, sailor or marine, and upon request therefor, to make application to the proper authorities under the government of the United States for a suitable headstone as is now or may hereafter be provided by act of congress, and to cause the same to be placed at the head of the grave of such deceased soldier, sailor or marine. And also, to cause a suitable headstone to be placed at the head of the grave of the deceased wife or widow of such soldier, sailor or marine or army nurse if the same shall now or hereafter be provided by act of congress.

History: 1911, Act 235, Eff. Aug. 1, 1911 ;-- CL 1915, 1059 ;-- CL 1929, 929 ;-- CL 1948, 35.803

35.804 Veterans' funeral expenses; payment by county.

Sec. 4.

All expenses incurred in such burial as provided in this act, shall be audited and paid by the board of supervisors, or board of county auditors in counties having a board of county auditors, the same as other legal charges against the county.

History: 1911, Act 235, Eff. Aug. 1, 1911 ;-- CL 1915, 1060 ;-- CL 1929, 930 ;-- CL 1948, 35.804

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