



HOUSE BILL No. 6161

November 12, 1996, Introduced by Rep. Gagliardi and referred to the Committee on Local Government.

A bill to amend section 1 of Act No. 235 of the Public Acts of 1911, entitled as amended

"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,"

being section 35.801 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 235 of the Public Acts of
2 1911, being section 35.801 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 1. (1) If an honorably discharged member of the armed
5 forces of the United States who served for a period of not less
6 than 90 days of active service, or who is discharged under
7 honorable conditions after serving less than 90 days of active
8 service because of a service-connected disability, during a

1 period of time in which the United States was at war or during
 2 the Vietnam conflict, or the ~~wife~~ SPOUSE or ~~widow~~ SURVIVING
 3 SPOUSE of a member of the armed forces of the United States, dies
 4 not possessed of an estate, both real and personal, exceeding the
 5 sum of ~~\$25,000.00~~ \$38,000.00, over and above all encumbrances
 6 and was a resident of the state at the time of death and a resi-
 7 dent of the state for a period of 6 months before entering the
 8 service or for a period of 3 years immediately before death, the
 9 county board of commissioners or the board of county auditors,
 10 upon application by the executor or administrator of the estate
 11 of the deceased person, or by the person who incurred or advanced
 12 expenses in connection with the burial of the honorably dis-
 13 charged member of the armed forces, or the spouse of the honor-
 14 ably discharged member of the armed forces, shall pay to the
 15 estate of the deceased person, or to the person who incurred or
 16 advanced the burial expense, the sum of \$300.00. If the investi-
 17 gation provided for in section 2 shows that the deceased did not
 18 leave a dependent surviving, but did leave an estate sufficient
 19 to meet lawful claims, including burial expenses, then the county
 20 board of commissioners or the board of county auditors shall not
 21 pay the expenses. The application shall be submitted within 2
 22 years after the date of death of the deceased person.

23 (2) As used in this act, "service" includes ~~persons~~
 24 ~~servicing~~ ATTENDANCE in the armed forces of the United States in a
 25 place of emergency when ordered to DO so ~~serve~~ by the govern-
 26 ment of the United States ~~as defined~~ DESCRIBED in section 1
 27 of Act No. 190 of the Public Acts of 1965, ~~as amended,~~ being

1 section 35.61 of the Michigan Compiled Laws. ~~, including the~~
2 ~~Vietnam conflict.~~

3 (3) As used in this section, "estate" means the ownership of
4 realty or personalty at the time of death, the title to which
5 property was held either in the sole name of the decedent or by
6 the entireties, tenancy in common, or joint tenancy with the
7 spouse, child, or parent of the decedent, but does not include
8 realty owned by the decedent as the homestead of the decedent.

9 (4) As used in this section, "homestead" means a dwelling or
10 A unit in a multiple unit dwelling and includes a mobile home or
11 trailer coach.