

# HOUSE BILL No. 4079

January 31, 2001, Introduced by Reps. Shackleton, Gosselin, Bishop, Middaugh, Ruth Johnson, Kowall, Allen, Toy, Raczkowski, Mead, Mortimer, Bisbee, Garcia, Bovin, Meyer and Pappageorge and referred to the Committee on Local Government and Urban Policy.

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).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. (1) If an honorably discharged member of the armed  
2 forces of the United States who served for a period of not less  
3 than 90 days of active service, or who is discharged under honor-  
4 able conditions after serving less than 90 days of active service  
5 because of a service-connected disability, during a period of  
6 time in which the United States was at war or during the Vietnam  
7 conflict, or the ~~wife~~ SPOUSE or ~~widow~~ SURVIVING SPOUSE of a  
8 member of the armed forces of the United States, dies ~~not~~  
9 possessed of an estate, both real and personal, NOT exceeding the

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

19 (2) As used in this act, "service" includes ~~persons~~  
20 ~~serving~~ SERVICE in the armed forces of the United States in a  
21 place of emergency, ~~when ordered to so serve by the government~~  
22 ~~of the United States,~~ as ~~defined~~ DESCRIBED in section 1 of  
23 ~~Act No. 190 of the Public Acts of 1965, as amended, being sec-~~  
24 ~~tion 35.61 of the Michigan Compiled Laws, including the Vietnam~~  
25 ~~conflict~~ 1965 PA 190, MCL 35.61, WHEN ORDERED TO DO SO BY THE  
26 GOVERNMENT OF THE UNITED STATES.

1       (3) As used in this section: ~~-, "estate"~~

2       (A) "ESTATE" means the ownership of ~~realty~~ REAL or  
3 ~~personalty~~ PERSONAL PROPERTY at the time of death, the title to  
4 which ~~property~~ was held either in the sole name of the decedent  
5 or by the entirety, tenancy in common, or joint tenancy with  
6 the spouse, child, or parent of the decedent, but does not  
7 include ~~realty~~ REAL PROPERTY owned by the decedent as the home-  
8 stead of the decedent.

9       ~~-(4) As used in this section, "homestead"~~

10       (B) "HOMESTEAD" means a dwelling or A unit in a multiple  
11 unit dwelling and includes a mobile home or trailer coach.