

HOUSE BILL No. 4201

February 13, 2001, Introduced by Reps. Schermesser, Bovin, O'Neil, Plakas, Wojno, Woodward, Jacobs, Anderson, Lockwood, Richardville, Dennis, Rich Brown, Hale, Rivet, Gielegem, Pestka, Spade and Sheltroun and referred to the Committee on Veterans Affairs.

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~~ \$30,000.00, over and above all encumbrances
2 and was a resident of ~~the~~ THIS state at the time of death and a
3 resident of ~~the~~ THIS state for a period of 6 months before
4 entering the service or for a period of 3 years immediately
5 before death, the county board of commissioners or the board of
6 county auditors, upon application by the executor or administra-
7 tor of the estate of the deceased person, or by the person who
8 incurred or advanced expenses in connection with the burial of
9 the honorably discharged member of the armed forces, or the
10 spouse of the honorably discharged member of the armed forces,
11 shall pay to the estate of the deceased person, or to the person
12 who incurred or advanced the burial expense, the sum of \$300.00.
13 If the investigation provided for in section 2 shows that the
14 deceased did not leave a dependent surviving, but did leave an
15 estate sufficient to meet lawful claims, including burial
16 expenses, then the county board of commissioners or the board of
17 county auditors shall not pay the expenses. The application
18 shall be submitted within 2 years after the date of death of the
19 deceased person.

20 (2) As used in this act, "service" includes ~~persons~~
21 ~~serving~~ SERVICE in the armed forces of the United States in a
22 place of emergency when ordered to DO so ~~serve~~ by the govern-
23 ment of the United States ~~—~~ as ~~defined~~ DESCRIBED in section 1
24 of ~~Act No. 190 of the Public Acts of 1965, as amended, being~~
25 ~~section 35.61 of the Michigan Compiled Laws, including the~~
26 ~~Vietnam conflict~~ 1965 PA 190, MCL 35.61.

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

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