

SUBSTITUTE FOR
HOUSE BILL NO. 4299

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~~ **Except as otherwise provided under**
2 **subsection (2), if** an honorably discharged member of the armed
3 forces of the United States who served for a period of not less
4 than 90 days of active service, or who is discharged under
5 honorable conditions after serving less than 90 days of active
6 service because of a service-connected disability, during a
7 period of time in which the United States was at war or during
8 the Vietnam conflict, or the ~~wife~~ **spouse** or ~~widow~~ **surviving**
9 **spouse** of a member of the armed forces of the United States, dies

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

20 **(2) On the effective date of the amendatory act that added**
21 **this subsection, the estate limit provided for under subsection**
22 **(1) shall be \$40,000.00. This subsection does not apply to a**
23 **county if the county board of commissioners passes a resolution**
24 **by majority vote that exempts the county from the requirements of**
25 **this subsection.**

26 **(3) If a county makes an election under subsection (2), the**
27 **county shall file a copy of the resolution with the department of**

1 management and budget. The department of management and budget
 2 shall report not less than annually to the legislature which
 3 counties, if any, have made an election under subsection (2).

4 (4) ~~-(2)-~~ As used in this act, "service" includes ~~persons~~
 5 ~~serving~~ **service** in the armed forces of the United States in a
 6 place of emergency, ~~when ordered to so serve by the government~~
 7 ~~of the United States,~~ as ~~defined~~ **described** in section 1 of
 8 ~~Act No. 190 of the Public Acts of 1965, as amended, being~~
 9 ~~section 35.61 of the Michigan Compiled Laws, including the~~
 10 ~~Vietnam conflict~~ 1965 PA 190, MCL 35.61, when ordered to do so
 11 by the government of the United States.

12 (5) ~~-(3)-~~ As used in this section: ~~,"estate"~~

13 (a) **"Estate"** means the ownership of ~~realty~~ **real** or
 14 ~~personalty~~ **personal property** at the time of death, the title to
 15 which ~~property~~ was held either in the sole name of the decedent
 16 or by the entirety, tenancy in common, or joint tenancy with
 17 the spouse, child, or parent of the decedent, but does not
 18 include ~~realty~~ **real property** owned by the decedent as the
 19 homestead of the decedent.

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

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

23 Enacting section 1. This amendatory act takes effect 30
 24 days after the date this amendatory act is enacted.