

HOUSE BILL No. 4299

February 27, 2003, Introduced by Reps. Shackleton, Meyer, Sheltroun, Vander Veen, Stahl, Rocca, Ehardt, Spade and Richardville and referred to the Committee on Veterans Affairs and Homeland Security.

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
4 honorable conditions after serving less than 90 days of active
5 service because of a service-connected disability, during a
6 period of time in which the United States was at war or during
7 the Vietnam conflict, or the ~~wife~~ **spouse** or ~~widow~~ **surviving**
8 **spouse** of a member of the armed forces of the United States, dies
9 ~~not~~ possessed of an estate, both real and personal, **not**

1 exceeding the sum of ~~-\$25,000.00~~ **\$38,000.00**, over and above all
2 encumbrances and was a resident of the state at the time of death
3 and a resident of the 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
7 administrator of the estate of the deceased person, or by the
8 person who incurred or advanced expenses in connection with the
9 burial of the honorably discharged member of the armed forces, or
10 the spouse of the honorably discharged member of the armed
11 forces, shall pay to the estate of the deceased person, or to the
12 person who incurred or advanced the burial expense, the sum of
13 \$300.00. If the investigation provided for in section 2 shows
14 that the deceased did not leave a dependent surviving, but did
15 leave an estate sufficient to meet lawful claims, including
16 burial expenses, then the county board of commissioners or the
17 board of county auditors shall not pay the expenses. The
18 application shall be submitted within 2 years after the date of
19 death of the 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 so serve by the government~~
23 ~~of the United States,~~ as ~~defined~~ **described** in section 1 of
24 ~~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, when ordered to do so**
27 **by the 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
8 homestead 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.