

HOUSE BILL No. 6460

September 16, 2010, Introduced by Rep. Polidori and referred to the Committee on Military and Veterans Affairs and Homeland Security.

A bill to amend 1885 PA 152, entitled

"An act to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules,"

by amending section 11 (MCL 36.11), as amended by 1982 PA 391.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) ~~All members of the armed forces of the United~~
2 ~~States who have been honorably discharged from the armed forces of~~
3 ~~the United States who have served in the armed forces of the United~~
4 ~~States not less than 90 days in the war of the rebellion, in the~~
5 ~~Mexican war, the Indian wars, the Spanish American war, the war in~~
6 ~~the Philippines, the first world war, the second world war, or any~~
7 ~~other war, campaign, or expedition in which the armed forces of the~~
8 ~~United States have been, are, or may be, participants, and who are~~

~~1 disabled by disease, wounds, or otherwise, and who have no adequate~~
~~2 means of support, and by reason of their disability are incapable~~
~~3 of earning their living and who would be otherwise dependent upon~~
~~4 public or private charity, shall be entitled to be admitted to a~~
~~5 facility, subject to such rules as promulgated by the board of~~
~~6 managers pursuant to Act No. 306 of the Public Acts of 1969, being~~
~~7 sections 24.201 to 24.315 of the Michigan Compiled Laws, to govern~~
~~8 the admission of applicants to the facilities. Former members of~~
~~9 the armed forces of the United States, otherwise qualified, who~~
~~10 served less than 90 days and who were honorably discharged from~~
~~11 service, and who, as a result of that service, acquired a service~~
~~12 connected disability or disease, may be admitted. An applicant~~
~~13 shall not be admitted to a facility unless he or she served in a~~
~~14 Michigan regiment or has been accredited to this state or he or she~~
~~15 has established residency in the state at the time of making his or~~
~~16 her application for admission to the facility. A VETERAN OF THE~~
17 ARMED FORCES OF THE UNITED STATES ELIGIBLE FOR UNITED STATES
18 DEPARTMENT OF VETERANS AFFAIRS' HEALTH CARE OR FINANCIAL ASSISTANCE
19 FOR LONG-TERM NURSING OR DAY CARE MAY BE ADMITTED TO A VETERANS'
20 FACILITY IN THIS STATE THAT IS ESTABLISHED UNDER THIS ACT. Nothing
~~21 in this section prevents the board of managers from admitting to~~
~~22 membership in a facility any applicant otherwise qualified, but who~~
~~23 has adequate means of support and is not dependent upon public or~~
~~24 private charity, provided that the applicant, as a condition of~~
~~25 admission, pays to the board of managers in advance, or at those~~
~~26 times as may be fixed by the board of managers, for the use and~~
~~27 benefit of the state a sum for his or her support as the board of~~

1 managers determines to be proper. The board of managers shall
2 annually determine the per diem expense of maintenance of members
3 in the facilities and shall require any member who has adequate
4 means of support or sufficient property or income, to pay the board
5 of managers in full for the expenses of maintenance. All members in
6 the facilities shall be charged in the first instance with the
7 maintenance, which shall be collected either in whole or in part,
8 if the member has sufficient property or income, but otherwise the
9 board of managers may remit the per diem charge either in whole or
10 in part. The maintenance charges as determined by the board of
11 managers shall be paid to the adjutant of the facilities in advance
12 not later than the fifth day of each month. Failure to comply with
13 a condition shall be cause for dismissal from a facility.

14 (2) There is created a veterans' facilities operation fund in
15 the state treasury. Except as provided by subsection (3), money
16 received under this section and from the veterans' administration
17 in direct payment for services to members of the facilities
18 established under this act shall be turned over to the state
19 treasury and credited to the veterans' facilities operation fund.
20 Money in the veterans' facilities operation fund shall be expended
21 only for the operation of the facilities established under this
22 act.

23 (3) The board of managers of the facilities may make a
24 condition for admission to a facility that all applicants shall
25 assign to the board of managers any balance of money accumulated
26 while a member of the facility, or due to the applicant or on
27 deposit with any bank, trust company, corporation, or with any

1 individual, at the time of the death of the applicant. All such
2 sums shall first be expended to pay for all residual maintenance
3 costs attributable to the deceased individual and shall then be
4 paid to the wife, minor children, or dependent mother or father, in
5 the order named. If no such relative shall be found within a period
6 of 2 years, or if no claim for the sums has been made within a
7 period of 2 years, the balance of the money shall be paid into the
8 posthumous fund, which is hereby created by this subsection. The
9 posthumous fund shall be expended as prescribed by ~~Act No. 313 of~~
10 ~~the Public Acts of 1905, being section 36.61 of the Michigan~~
11 ~~Compiled Laws.1905 PA 313, MCL 36.61.~~