

HOUSE BILL No. 5548

April 13, 2016, Introduced by Reps. Whiteford, Barrett, Poleski, Inman, Howell, Glardon and Cole and referred to the Committee on Military and 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), as amended by 2003 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Except as otherwise provided under subsection (2),
2 if ~~an honorably discharged member of the armed forces of the United~~
3 ~~States who served for a period of~~ **A VETERAN AS DEFINED IN SECTION 1**
4 **OF 1965 PA 190, MCL 35.61, WHO IS DISCHARGED UNDER HONORABLE**
5 **CONDITIONS AFTER SERVING** not less than 90 days of active service,
6 or who is discharged under honorable conditions after serving less
7 than 90 days of active service because of a service-connected
8 disability, ~~during a period of time in which the United States was~~

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

22 (2) ~~On the effective date of the amendatory act that added~~
23 ~~this subsection,~~ **BEGINNING FEBRUARY 7, 2004,** the estate limit
24 provided for under subsection (1) shall be \$40,000.00. This
25 subsection does not apply to a county if the county board of
26 commissioners passes a resolution by majority vote that exempts the
27 county from the requirements of this subsection.

House Bill No. 5548 as amended April 28, 2016

(3) If a county makes an election under subsection (2), the county shall file a copy of the resolution with the department of **TECHNOLOGY**, management, and budget. The department of **TECHNOLOGY**, management, and budget shall report not less than annually to the legislature which counties, if any, have made an election under subsection (2).

(4) As used in this act, "service" ~~includes~~ **MEANS** service in the armed forces of the United States ~~in a place of emergency, as described in section 1 of 1965 PA 190, MCL 35.61, when ordered to do so by the government of the United States.~~ **DURING A PERIOD OF WAR**

AS DESCRIBED IN 38 CFR 3.2[, EXCEPT THAT FOR PURPOSES OF THIS SUBSECTION, "PERIOD OF WAR" FOR THE VIETNAM ERA MEANS THE FOLLOWING:

(A) FEBRUARY 28, 1961 THROUGH MAY 7, 1975 FOR A VETERAN WHO SERVED DURING THAT PERIOD.

(B) ON OR AFTER JANUARY 31, 1955 IN AN AREA OF HAZARDOUS DUTY FOR WHICH THE VETERAN RECEIVED AN ARMED FORCES EXPEDITIONARY MEDAL OR VIETNAM SERVICE MEDAL.]

(5) As used in this section:

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

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

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5332 of the 98th Legislature is enacted into law.