

FUNERAL EXPENSES OF VETERANS (EXCERPT)
Act 235 of 1911

***** 35.801.amended THIS AMENDED SECTION IS EFFECTIVE SEPTEMBER 20, 2016 *****

35.801.amended Veterans' burial expenses; limitation; payment by county; amount; application; definitions.

Sec. 1. (1) Except as otherwise provided under subsection (2), if a veteran as defined in section 1 of 1965 PA 190, MCL 35.61, who is discharged under honorable conditions after serving not less than 90 days of active service, or who is discharged under honorable conditions after serving less than 90 days of active service because of a service-connected disability, or the spouse or surviving spouse of a veteran described in this subsection dies possessed of an estate, both real and personal, not exceeding the sum of \$25,000.00, over and above all encumbrances and was a resident of this state at the time of death and a resident of this state for a period of 6 months before entering the service or for a period of 3 years immediately before death, the county board of commissioners or the board of county auditors, upon application by the executor or administrator of the estate of the deceased person, or by the person who incurred or advanced expenses in connection with the burial of the honorably discharged member of the armed forces, or the spouse of the honorably discharged member of the armed forces, shall pay to the estate of the deceased person, or to the person who incurred or advanced the burial expense, the sum of \$300.00. If the investigation provided for in section 2 shows that the deceased did not leave a dependent surviving, but did leave an estate sufficient to meet lawful claims, including burial expenses, then the county board of commissioners or the board of county auditors shall not pay the expenses. The application shall be submitted within 2 years after the date of death of the deceased person.

(2) Beginning February 7, 2004, the estate limit provided for under subsection (1) shall be \$40,000.00. This subsection does not apply to a county if the county board of commissioners passes a resolution by majority vote that exempts the county from the requirements of this subsection.

(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" means service in the armed forces 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.

History: 1911, Act 235, Eff. Aug. 1, 1911;—CL 1915, 1057;—Am. 1919, Act 165, Eff. Aug. 14, 1919;—Am. 1921, Act 125, Eff. Aug. 18, 1921;—CL 1929, 927;—Am. 1943, Act 122, Imd. Eff. Apr. 13, 1943;—Am. 1944, 1st Ex. Sess., Act 24, Imd. Eff. Feb. 29, 1944;—CL 1948, 35.801;—Am. 1952, Act 121, Eff. Sept. 18, 1952;—Am. 1955, Act 94, Eff. Oct. 14, 1955;—Am. 1959, Act 235, Eff. Mar. 19, 1960;—Am. 1968, Act 322, Imd. Eff. July 3, 1968;—Am. 1969, Act 52, Imd. Eff. July 21, 1969;—Am. 1973, Act 158, Eff. Mar. 29, 1974;—Am. 1974, Act 99, Imd. Eff. May 14, 1974;—Am. 1976, Act 186, Imd. Eff. July 8, 1976;—Am. 1978, Act 374, Imd. Eff. July 27, 1978;—Am. 2003, Act 290, Eff. Feb. 7, 2004;—Am. 2016, Act 216, Eff. Sept. 20, 2016.

Former law: See Act 170 of 1885, being CL 1897, §§ 1693 to 1696, which was repealed by Act 242 of 1899. Act 242 of 1899 was repealed by Act 39 of 1905, which was amended by Act 163 of 1907. Act 252 of 1909 expressly repealed Act 39 of 1905. Act 252 of 1909 was repealed by section 5 of this act.