

HOUSE BILL No. 6389

August 30, 2006, Introduced by Reps. Kathleen Law, Hopgood, Condino, Sak, Anderson and Alma Smith and referred to the Committee on Local Government and Urban Policy.

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 not less than 90 days of active
4 service, or who is discharged under honorable conditions after
5 serving less than 90 days of active service because of a service-
6 connected disability, during a period of time in which the United
7 States was at war or during the Vietnam conflict, or the spouse or

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

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

27 (3) If a county makes an election under subsection (2), the

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

5 (4) ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
6 THIS SUBSECTION, THE BURIAL EXPENSE PAYMENT PROVIDED FOR IN
7 SUBSECTION (1) SHALL BE \$5,000.00. THIS SUBSECTION DOES NOT APPLY
8 TO A COUNTY IF THE COUNTY BOARD OF COMMISSIONERS PASSES A
9 RESOLUTION BY MAJORITY VOTE THAT EXEMPTS THE COUNTY FROM THE
10 REQUIREMENTS OF THIS SUBSECTION.

11 (5) IF A COUNTY MAKES AN ELECTION UNDER SUBSECTION (4), THE
12 COUNTY SHALL FILE A COPY OF THE RESOLUTION WITH THE DEPARTMENT OF
13 MANAGEMENT AND BUDGET. THE DEPARTMENT OF MANAGEMENT AND BUDGET
14 SHALL REPORT NO LESS THAN ANNUALLY TO THE LEGISLATURE WHICH
15 COUNTIES, IF ANY, HAVE MADE AN ELECTION UNDER SUBSECTION (4).

16 (6) ~~(4)~~ As used in this act, "service" includes service in
17 the armed forces of the United States in a place of emergency, as
18 described in section 1 of 1965 PA 190, MCL 35.61, when ordered to
19 do so by the government of the United States.

20 (7) ~~(5)~~ As used in this section:

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

27 (b) "Homestead" means a dwelling or a unit in a multiple unit

1 dwelling and includes a mobile home or trailer coach.