

HOUSE BILL No. 4050

January 25, 2001, Introduced by Rep. Minore 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).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

HOUSE BILL No. 4050

1 Sec. 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 honor-
4 able conditions after serving less than 90 days of active service
5 because of a service connected disability, during a period of
6 time in which the United States was at war or during the Vietnam
7 conflict, or the ~~wife or widow~~ SPOUSE OR SURVIVING SPOUSE of a
8 member of the armed forces of the United States, dies ~~not~~
9 possessed of an estate, both real and personal, NOT exceeding the

1 sum of ~~-\$25,000.00-~~ \$37,500.00, over and above all encumbrances
2 and was a resident of the state at the time of death and a resi-
3 dent of the state for a period of 6 months before entering the
4 service or for a period of 3 years immediately before death, the
5 county board of commissioners or the board of county auditors,
6 upon application by the executor or administrator of the estate
7 of the deceased person, or by the person who incurred or advanced
8 expenses in connection with the burial of the honorably dis-
9 charged member of the armed forces, or the spouse of the honor-
10 ably discharged member of the armed forces, shall pay to the
11 estate of the deceased person, or to the person who incurred or
12 advanced the burial expense, the sum of ~~-\$300.00-~~ \$450.00. If
13 the investigation provided for in section 2 shows that the
14 deceased did not leave a dependent surviving, but did leave an
15 estate sufficient to meet lawful claims, including burial
16 expenses, then the county board of commissioners or the board of
17 county auditors shall not pay the expenses. The application
18 shall be submitted within 2 years after the date of death of the
19 deceased person.

20 (2) As used in this act, "service" includes ~~persons~~
21 ~~servicing~~ 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 in section 1 of Act No. 190 of~~
24 ~~the Public Acts of 1965, as amended, being section 35.61 of the~~
25 ~~Michigan Compiled Laws, including the Vietnam conflict~~ AS
26 DESCRIBED IN SECTION 1 OF 1965 PA 190, MCL 35.61, WHEN ORDERED TO
27 DO SO 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 entireties, 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 home-
8 stead of the decedent. ~~(4) As used in this section,~~
9 "homestead"

10 (B) "HOMESTEAD" means a dwelling or unit in a multiple unit
11 dwelling and includes a mobile home or trailer coach.