

**Frequently used State Laws****Table of Contents**

<b>Title</b>	<b>Public Act</b>	<b>MCL</b>	<b>Page</b>
Management and Budget Act (contract preference for disabled veterans)	431 of 1984	18.1261	2-3
Local Councils of Veterans' Affairs	77 of 1945	35.11	4
Veterans' Relief Fund	214 of 1899	35.21-27	5-6
Record of Veterans' Discharges	83 of 1867	35.31-35	7-8
Uniformity of Service Dates	190 of 1965	35.61-62	9-10
High School Diploma Award to Military Veterans	181 of 2001	35.341-343	11
License to Sell Goods	359 of 1921	35.441-443	12-13
Veterans Trust Fund	9 of 1946 (1 <sup>st</sup> Ex. Sess)	35.601-610	14-19
County Department of Veterans' Affairs	192 of 1953	35.621-624	20-21
Funeral Expenses of Veterans	235 of 1911	35.801-803	22-23
Markers for Veterans' Graves	63 of 1915	35.831-833	24-25
Michigan Vietnam Veterans Memorial Act	234 of 1988	35.1051-1057	26-28
Military Family Relief Fund	363 of 2004	35.1211-1216	29-31
Michigan Veterans Facility	152 of 1885	36.1-12	32-36
Widows, Wives, and Mothers (eligibility for admission to Homes)	15 of 1921	36.31-32	37-38
Post and Posthumous Funds	313 of 1905	36.61	39
Income Tax Check-Off	281 of 1967	206.438	40
The General Property Tax Act (excerpt)	206 of 1893	211.7b	41
Natural Resources and Environmental Protection Act	451 of 1994	324.43537	42
Children of Veterans' Tuition Grant Act	248 of 2005	390.1341-1346	43-45
Armed Forces Commemoration Act	402 of 2004	435.341-342	46

**THE MANAGEMENT AND BUDGET ACT (EXCERPT)**  
**Act 431 of 1984**

**18.1261 Supplies, materials, services, insurance, utilities, third party financing, equipment, printing, and other items; definitions.**

Sec. 261.

(1) The department shall provide for the purchase of, the contracting for, and the providing of supplies, materials, services, insurance, utilities, third party financing, equipment, printing, and all other items as needed by state agencies for which the legislature has not otherwise expressly provided. In all purchases made by the department, all other things being equal, preference shall be given to products manufactured or services offered by Michigan-based firms, if consistent with federal statutes. The department shall solicit competitive bids from the private sector whenever practicable to efficiently and effectively meet the state's needs. The department shall first determine that competitive solicitation of bids in the private sector is not appropriate before it shall use any other procurement method for an acquisition.

(2) The department shall make all discretionary decisions concerning the solicitation, award, amendment, cancellation, and appeal of state contracts.

(3) The department shall utilize competitive solicitation for all purchases authorized under this act unless 1 or more of the following apply:

(a) Procurement of goods or services is necessary for the imminent protection of public health or safety or to mitigate an imminent threat to public health or safety, as determined by the director or his or her designated representative.

(b) Procurement of goods or services is for emergency repair or construction caused by unforeseen circumstances when the repair or construction is necessary to protect life or property.

(c) Procurement of goods or services is in response to a declared state of emergency or state of disaster under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421.

(d) Procurement of goods or services is in response to a declared state of emergency under 1945 PA 302, MCL 10.31 to 10.33.

(e) Procurement of goods or services is in response to a declared state of energy emergency under 1982 PA 191, MCL 10.81 to 10.89.

(f) Procurement of goods or services is within a state agency's purchasing authority delegated under subsection (4), and the state agency has established policies or procedures approved by the department to ensure that goods or services are purchased by the state agency at fair and reasonable prices.

(4) The department may delegate its procurement authority to other state agencies within dollar limitations and for designated types of procurements. The department may withdraw delegated authority upon a finding that a state agency did not comply with departmental procurement directives.

(5) The department may enter into lease purchases or installment purchases for periods not exceeding the anticipated useful life of the items purchased unless otherwise prohibited by law.

(6) The department shall issue directives for the procurement, receipt, inspection, and storage of supplies, materials, and equipment, and for printing and services needed by state agencies. The department shall provide standard specifications and standards of performance applicable to purchases.

(7) The department may enter into a cooperative purchasing agreement with 1 or more other states or public entities for the purchase of goods, including, but not limited to, recycled goods, and services necessary for state programs.

(8) In awarding a contract under this section, the department shall give a preference of up to 10% of the amount of the contract to a qualified disabled veteran. If the qualified disabled veteran otherwise meets the requirements of the contract solicitation and with the preference is the lowest bidder, the department shall enter into a procurement contract with the qualified disabled veteran under this act. If 2 or more qualified disabled veterans are the lowest bidders on a contract, all other things being equal, the qualified disabled veteran with the lowest bid shall be awarded the contract under this act.

(9) It is the goal of the department to award each year not less than 5% of its total expenditures for construction, goods, and services to qualified disabled veterans. The department may count toward its 5% yearly goal described in this subsection that portion of all procurement contracts in which the business entity that received the procurement contract subcontracts with a qualified disabled veteran. Each year, the department shall report to each house of the legislature on all of the following for the immediately preceding 12-month period:

(a) The number of qualified disabled veterans who submitted a bid for a state procurement contract.

(b) The number of qualified disabled veterans who entered into procurement contracts with this state and the total value of those procurement contracts.

(c) Whether the department achieved the goal described in this subsection.

(d) The recommendations described in subsection (10).

(10) Each year, the department shall review the progress of all state agencies in meeting the 5% goal with input from statewide veterans service organizations and from the business community, including businesses owned by qualified disabled veterans, and shall make recommendations to each house of the legislature regarding continuation, increases, or decreases in the percentage goal. The recommendations shall be based upon the number of businesses that are owned by qualified disabled veterans and on the continued need to encourage and promote businesses owned by qualified disabled veterans.

(11) To assist the department in reaching the goal described in subsection (9), the governor shall recommend to the legislature changes in programs to assist businesses owned by qualified disabled veterans.

(12) As used in this section:

(a) "Qualified disabled veteran" means a business entity that is 51% or more owned by 1 or more veterans with a service-connected disability.

(b) "Service-connected disability" means a disability incurred or aggravated in the line of duty in the active military, naval, or air service as described in 38 USC 101(16).

(c) "Veteran" means a person who served in the army, air force, navy, marine corps, or coast guard and who was discharged or released from his or her service with an honorable or general discharge.

**History:** 1984, Act 431, Eff. Mar. 29, 1985 ;-- Am. 1988, Act 504, Imd. Eff. Dec. 29, 1988 ;-- Am. 1993, Act 46, Imd. Eff. May 27, 1993 ;-- Am. 2005, Act 91, Imd. Eff. July 20, 2005 ;-- Am. 2006, Act 622, Imd. Eff. Jan. 3, 2007 ;-- Am. 2008, Act 133, Imd. Eff. May 21, 2008

**Popular Name:** Act 431

**Popular Name:** DMB

**LOCAL COUNCILS OF VETERANS' AFFAIRS (EXCERPT)**  
**Act 77 of 1945**

**35.11 Local councils of veterans' affairs; appropriations.**

Sec. 1.

Whenever any local council of veterans' affairs has been or shall be established in any county, city, village or township, or jointly, the legislative body of any such county, city, village or township is hereby authorized to appropriate, from time to time, such sums of money as it may determine, for the operation of any such local council of veterans' affairs.

**History:** 1945, Act 77, Imd. Eff. Apr. 11, 1945 ;-- CL 1948, 35.11 ;-- Am. 1949, Act 91, Imd. Eff. May 16, 1949

## VETERANS' RELIEF FUND

### Act 214 of 1899

AN ACT to provide relief outside of the soldiers' home for honorably discharged indigent soldiers, sailors, marines, nurses and members of women's auxiliaries and the indigent wives, widows and minor children of such indigent or deceased soldiers, sailors, marines, nurses and members of women's auxiliaries, and to repeal certain acts and parts of acts.

**History:** 1899, Act 214, Eff. Sept. 23, 1899 ;-- Am. 1944, 1st Ex. Sess., Act 23, Imd. Eff. Feb. 29, 1944

*The People of the State of Michigan enact:*

#### **35.21 Veterans' relief fund; levy and collection of annual tax; emergency appropriation; disposition.**

##### Sec. 1.

The county board of commissioners of each county shall annually levy, a tax not exceeding 1/10 of a mill on each dollar, to be levied and collected as provided by law, upon the taxable property of each township and city, for their respective counties, for the purpose of creating a fund for the relief of honorably discharged indigent members of the army, navy, air force, marine corps, coast guard, and women's auxiliaries of all wars or military expeditions in which the United States of America has been, is, or may hereafter be, a participant as prescribed in section 1 of Act No. 190 of the Public Acts of 1965, being section 35.61 of the Michigan Compiled Laws, and the indigent spouses, minor children, and parents of each such indigent or deceased member. Funds raised in accordance with the provisions of this section may be expended for the relief of indigent wives and children of active duty soldiers, sailors, marines, airmen, coast guardsmen, nurses, and members of the women's auxiliaries during the continuance of present hostilities and prior to their discharge. However, in any year which, in the opinion of the board, an emergency justifying the same exists, the board may appropriate a sum not to exceed 2/10 of a mill on each dollar for said purpose. The sums, when collected, shall be paid to the county treasurer of the county where such tax is levied in each of the counties in this state, to be paid out by the treasurer upon the order of the soldiers' relief commission duly signed by the chairperson and secretary of the commission. If any money in the fund is not necessary for the purpose for which it was raised, the money shall remain in the treasury of the county as a soldiers' relief fund, and shall be considered in raising future sums therefore.

**History:** 1899, Act 214, Eff. Sept. 23, 1899 ;-- CL 1915, 1692 ;-- Am. 1919, Act 370, Eff. Aug. 14, 1919 ;-- CL 1929, 854 ;-- Am. 1931, Act 257, Eff. Sept. 18, 1931 ;-- Am. 1943, Act 114, Eff. July 30, 1943 ;-- Am. 1944, 1st Ex. Sess., Act 23, Imd. Eff. Feb. 29, 1944 ;-- CL 1948, 35.21 ;-- Am. 1984, Act 168, Imd. Eff. June 29, 1984

#### **35.22 Soldiers' relief commission; membership, appointment, terms, officers, vacancies, oaths of office, compensation, powers and duties, removal.**

##### Sec. 2.

(1) The judge of probate in each county shall appoint 3 persons, residents of such county, who shall be honorably discharged soldiers, sailors, marines, nurses or members of the women's auxiliaries, of the United States army and navy, volunteers or regulars, who served in a war in which the United States has been, is or may hereafter be, a participant, at least 1 of whom shall have served in World War I, to be known as the "soldiers' relief commission" of the county, with the powers and duties in this act provided. If there is no World War I veteran who is willing to serve, a veteran of a war as defined in Act No. 190 of the Public Acts of 1965, as amended, being sections 35.61 and 35.62 of the Compiled Laws of 1948, may be appointed to serve on the soldiers' relief commission.

(2) One of such persons shall be appointed for a term of 1 year; 1 for a term of 2 years; and 1 for a term of 3 years, and at the expiration of the term for which each of such persons was appointed, his successor shall be appointed for a term of 3 years thereafter. The persons so appointed shall organize by the selection of 1 of their number as chairman, and 1 as secretary, and in the event of the death, resignation, change of residence or other disability of any member of the commission, creating a vacancy, the judge of probate shall fill such vacancy by an appointment for the unexpired term. The members shall each file the constitutional oath of office with the probate court, and receive the proper certificate of their appointment. They shall be entitled to reasonable compensation for their services, to be fixed and paid by the board of supervisors of their respective counties. The judge of probate shall have authority to remove any member of such commission for cause.

**History:** 1899, Act 214, Eff. Sept. 23, 1899 ;-- CL 1915, 1693 ;-- CL 1929, 855 ;-- Am. 1931, Act 257, Eff. Sept. 18, 1931 ;-- Am. 1943, Act 114, Eff. July 30, 1943 ;-- Am. 1944, 1st Ex. Sess., Act 23, Imd. Eff. Feb. 29, 1944 ;-- CL 1948, 35.22 ;-- Am. 1955, Act 225, Eff. Oct. 14, 1955 ;-- Am. 1969, Act 53, Imd. Eff. July 21, 1969

### **35.23 Soldiers' relief commission; determination of amounts to be granted and manner of payment; judicial review.**

Sec. 3.

The supervisor of each township and ward in each of the counties of this state, and where there is no ward supervisor the aldermen of the several wards of every incorporated city in this state, shall, on or before the last Monday in September in each year, make and place in the hands of the soldiers' relief commission of the county, a list of all the persons entitled to relief under the provisions of this act, and the soldiers' relief commission, on the first Monday in October in each year, shall proceed to determine the amount necessary for aid and relief to be granted such persons under this act, which shall be then and there recorded in the books to be kept by the secretary of said soldiers' relief commission. The commission may determine not only the sum to be paid, but the manner of paying the same, and may discontinue the payment of such relief in their discretion. Appeal may be taken therefrom to the circuit court of such county, by certiorari by filing application therefor with the clerk within 15 days following the making of such decision. The court shall hear the case de novo and its decision shall be final.

**History:** 1899, Act 214, Eff. Sept. 23, 1899 ;-- CL 1915, 1694 ;-- CL 1929, 856 ;-- Am. 1931, Act 257, Eff. Sept. 18, 1931 ;-- CL 1948, 35.23

### **35.24 Emergency relief provision; limitations.**

Sec. 4.

Whenever any emergency shall arise in case of sickness, accident or death, which, in the opinion of any supervisor or alderman, needs relief, such supervisor or alderman, when inconvenient to consult any of the members of said commission, shall have the power to draw an order on the county treasurer for a sum not to exceed 10 dollars, and shall certify his action and the circumstances of the case to such soldiers' relief commission, which shall ratify the same, and such commission may grant such further relief at any time as it may deem necessary: Provided, however, That no claim for relief shall be allowed and paid which shall create a deficiency in the fund.

**History:** 1899, Act 214, Eff. Sept. 23, 1899 ;-- CL 1915, 1695 ;-- CL 1929, 857 ;-- CL 1948, 35.24

### **35.25 Soldiers' relief commission; annual report, contents.**

Sec. 5.

Said soldiers' relief commission shall make to the board of supervisors, at its October session in each year, a full report of its doings and the amount of relief money on hand, the amount expended during the year preceding, and the amount estimated for the year ensuing, and such further information and suggestions as they may consider necessary to the discharge of their duties under this act.

**History:** 1899, Act 214, Eff. Sept. 23, 1899 ;-- CL 1915, 1696 ;-- CL 1929, 858 ;-- CL 1948, 35.25

### **35.26 Unexpended funds; transfer to general fund.**

Sec. 6.

In cases where moneys have heretofore been raised by any city or township under the provisions of the acts hereinafter repealed, the balance of such moneys unexpended on the first day of April, 1900, may, by vote of the common council or township board, be transmitted to, and made a part of the general fund of such city or township, as the case may be.

**History:** 1899, Act 214, Eff. Sept. 23, 1899 ;-- CL 1915, 1697 ;-- CL 1929, 859 ;-- CL 1948, 35.26

### **35.27 Soldiers' relief commission; administration of oaths.**

Sec. 7.

The several commissioners appointed under this act shall have power to administer oaths in the execution of the duties of their offices.

**History:** 1899, Act 214, Eff. Sept. 23, 1899 ;-- CL 1915, 1698 ;-- CL 1929, 860 ;-- CL 1948, 35.27

**RECORD OF VETERANS' DISCHARGES (EXCERPT)**  
**Act 83 of 1867**

**35.31 County record book for discharges from armed forces; provision.**

Sec. 1.

That the county clerks of the several counties in this state be and are hereby directed to procure, at the expense of the respective counties, suitable books in which to record discharges of members of the armed forces of the United States.

**History:** 1867, Act 83, Imd. Eff. Mar. 23, 1867 ;-- CL 1871, 545 ;-- How. 980 ;-- CL 1897, 1704 ;-- CL 1915, 1074 ;-- CL 1929, 896 ;-- Am. 1944, 1st Ex. Sess., Act 2, Imd. Eff. Feb. 16, 1944 ;-- CL 1948, 35.31

**35.32 County clerk to record and index discharges from armed forces; confidentiality; persons entitled to copies of discharge records; compensation of clerk; sworn statement as to discharges recorded; "seventy years old" defined.**

Sec. 2.

(1) A county clerk shall enter upon the record book all discharges of soldiers, sailors, marines, nurses, and members of women's auxiliaries that may be presented to the clerk for recording. The county clerk shall fully index the recorded information, and arrange the names of soldiers, sailors, marines, nurses, and members of women's auxiliaries alphabetically. The military service discharge record of a person is confidential and may be viewed or copied only pursuant to subsection (2).

(2) Each county clerk may do 1 or more of the following:

(a) Make available to the general public information in a record described in subsection (1) that is not less than 70 years old and that includes only the name, rank, unit of military service, dates of military service, and medals and awards conferred upon each individual identified in that record.

(b) Pursuant to the records media act, 1992 PA 116, MCL 24.401 to 24.403, provide for the viewing or reproduction of a military service discharge record of a veteran by any of the following:

(i) The veteran.

(ii) A person with the veteran's permission.

(iii) The surviving heirs of the veteran.

(iv) A veteran's service officer, the Michigan veterans trust fund, or a person employed by the county department of veterans' affairs who provides counseling for veterans, if access to that record is necessary to aid the veteran, or the surviving spouse or a dependent of the veteran in applying for benefits available to the veteran.

(c) Charge members of the public for discharge records of veterans discharged 70 or more years ago. However, a person described in subdivision (b) shall not be charged for the discharge records of that veteran.

(3) Counties in which the clerk is not on a salary basis shall compensate the clerk for the recording of a discharge under subsection (1) at a rate of not less than 50 cents nor more than \$1.00, as directed by the county board of commissioners, for each discharge recorded. The clerk shall make a sworn statement at the end of every 3 months in each calendar year as to the number of discharges recorded, and file that statement with the county treasurer.

(4) As used in this section, "70 years old" means 70 years from the date of the first discharge from military service of the individual identified in the record described in subsection (1).

**History:** 1867, Act 83, Imd. Eff. Mar. 23, 1867 ;-- CL 1871, 546 ;-- How. 981 ;-- CL 1897, 1705 ;-- CL 1915, 1075 ;-- Am. 1919, Act 374, Imd. Eff. May 13, 1919 ;-- CL 1929, 897 ;-- Am. 1944, 1st Ex. Sess., Act 2, Imd. Eff. Feb. 16, 1944 ;-- CL 1948, 35.32 ;-- Am. 1963, Act 49, Eff. Sept. 6, 1963 ;-- Am. 1975, Act 126, Imd. Eff. July 1, 1975 ;-- Am. 1977, Act 49, Imd. Eff. July 5, 1977 ;-- Am. 1998, Act 31, Imd. Eff. Mar. 18, 1998

**35.35 County record book for discharges from armed forces; certified copy admissible as evidence.**

Sec. 5.

Certified copies of such record, under the seal of the circuit court of the county in which such discharge is recorded, shall be received as evidence of the contents of the original discharge, in all cases where such evidence may be required.

**History:** 1867, Act 83, Imd. Eff. Mar. 23, 1867 ;-- CL 1871, 549 ;-- How. 984 ;-- CL 1897, 1708 ;-- CL 1915, 1078 ;-- CL 1929, 898 ;-- CL 1948, 35.35

**UNIFORMITY OF SERVICE DATES (EXCERPT)**  
**Act 190 of 1965**

**35.61 Uniformity of service dates for veterans; definitions, dates, and terms.**

Sec. 1.

In order to provide for the uniformity of service dates for veterans, the following dates and terms shall be applicable to all acts of the state relative to veterans:

- (a) "Veteran" means a person, who served in the active military forces, during a period of war or who received the armed forces expeditionary or other campaign service medal during an emergency condition and who was discharged or released therefrom under honorable conditions. "Veteran" also includes a person who died in active military forces.
- (b) "Spanish-American war" means the period beginning on April 21, 1898, and ending on July 4, 1902, includes the Philippine insurrection and the Boxer rebellion, and in the case of a veteran who served with the United States military forces engaged in hostilities in the Moro province, means the period beginning on April 21, 1898, and ending on July 15, 1903.
- (c) "World War I" means the period beginning on April 6, 1917, and ending on November 11, 1918, and in the case of a veteran who served with the United States military forces in Russia, means the period beginning on April 6, 1917, and ending on April 1, 1920.
- (d) "World War II" means the period beginning December 7, 1941, and ending December 31, 1946, both dates inclusive.
- (e) "Korean conflict" means the period between June 27, 1950, to January 31, 1955.
- (f) Civil war and confederate veterans who served between April 12, 1861, and May 26, 1865.
- (g) Indian wars. Since the Indian wars were fought intermittently over a period of years, the determination as to whether a person shall be considered as having rendered military service during these wars will be carefully considered by the state veterans' trust fund. January 1, 1817, through December 31, 1898, is considered Indian war period.
- (h) Mexican wars. Since there were several skirmishes involving the Mexican border, such as Mexican border troubles 1911-1916; Veracruz expedition April 21, 1914, to November 26, 1914; punitive expedition into Mexico, March 15, 1916, to February 5, 1917; therefore the persons rendering military service in any of these skirmishes shall be considered veterans of the Mexican wars between 1911 and February 5, 1917.
- (i) Future dates. The period beginning on the date of any future declaration of war by the congress or the beginning of an emergency condition recognized by the issuance of a presidential proclamation or a presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to presidential executive order and ending on a date prescribed by presidential proclamation or concurrent resolution of the congress.
- (j) Veterans of the Korean conflict and veterans having served after January 31, 1955, in an area of hazardous duty for which an armed forces expeditionary or Vietnam service medal was received or veterans having served in the Vietnam era, which is that period beginning February 28, 1961, and ending on May 7, 1975.

**History:** 1965, Act 190, Imd. Eff. July 15, 1965 ;-- Am. 1966, Act 99, Imd. Eff. June 16, 1966 ;-- Am. 1967, Act 169, Imd. Eff. June 30, 1967 ;-- Am. 1968, Act 145, Imd. Eff. June 12, 1968 ;-- Am. 1976, Act 15, Imd. Eff. Feb. 20, 1976 ;-- Am. 1997, Act 131, Imd. Eff. Nov. 14, 1997

**35.62 Combination of active duty service days.**

Sec. 2.

Veterans who served in more than 1 period of war service may combine their active duty days of service to make the 90 days required by veteran benefit statutes or acts.

**History:** 1965, Act 190, Imd. Eff. July 15, 1965

## HIGH SCHOOL DIPLOMA AWARD TO MILITARY VETERAN

### Act 181 of 2001

AN ACT to authorize the board of a school district to award high school diplomas to World War II veterans and Korean conflict veterans under certain circumstances; and to prescribe duties and responsibilities of certain state officers and officials.

**History:** 2001, Act 181, Imd. Eff. Dec. 21, 2001 ;-- Am. 2003, Act 203, Imd. Eff. Nov. 26, 2003

*The People of the State of Michigan enact:*

#### **35.341 High school diploma to qualified military veteran; “qualified military veteran” defined.**

Sec. 1.

- (1) The board of a school district may award a high school diploma to a qualified military veteran.
- (2) As used in this act, “qualified military veteran” means an individual who meets all of the following requirements:
  - (a) The military veteran is at least 65 years of age, if living, or had attained at least 65 years of age, if deceased.
  - (b) Before graduation from a high school, the military veteran enlisted in or was drafted into the armed forces of the United States during World War II between December 16, 1940 and December 31, 1946 or during the Korean conflict between June 27, 1950 and January 31, 1955.
  - (c) At the time he or she was drafted into or enlisted in the armed forces of the United States, the military veteran was enrolled in a high school in the school district to which the application is made.
  - (d) The military veteran did not graduate from high school.
  - (e) The military veteran served under honorable conditions during World War II or the Korean conflict.

**History:** 2001, Act 181, Imd. Eff. Dec. 21, 2001 ;-- Am. 2003, Act 203, Imd. Eff. Nov. 26, 2003

#### **35.342 Application; form; completion.**

Sec. 2.

- (1) The application form shall be prescribed by the veterans affairs directorate of the department of veterans and military affairs.
- (2) The application may be completed by the veteran or the veteran's spouse, brother or sister, children, or grandchildren.

**History:** 2001, Act 181, Imd. Eff. Dec. 21, 2001

#### **35.343 Notification to school district boards.**

Sec. 3.

The department of military and veterans affairs shall notify the board of each school district of this act and take steps to encourage each school district to meet the objective of this act.

**History:** 2001, Act 181, Imd. Eff. Dec. 21, 2001

## LICENSE TO SELL GOODS

### Act 359 of 1921

AN ACT to provide for the issuance of veterans' licenses without cost to former members of the armed forces of the United States to sell their own goods within this state; and to prescribe remedies.

**History:** 1921, Act 359, Eff. Aug. 18, 1921 ;-- Am. 1947, Act 11, Imd. Eff. Mar. 13, 1947 ;-- Am. 1989, Act 20, Imd. Eff. May 17, 1989

*The People of the State of Michigan enact:*

#### **35.441 Right of honorably discharged member of armed forces to sell goods; condition; license.**

##### Sec. 1.

Every honorably discharged member of the armed forces of the United States who served at least 180 days of active duty service in the armed forces or has a service connected disability as a result of that service and is a resident of this state has the right to sell his or her own goods within this state if the proceeds from the sale of the goods are to be used for the direct personal benefit or gain of that former member, by procuring a license for that purpose issued as provided in this act, which shall be valid for a period of 1 year.

**History:** 1921, Act 359, Eff. Aug. 18, 1921 ;-- CL 1929, 905 ;-- Am. 1947, Act 11, Imd. Eff. Mar. 13, 1947 ;-- CL 1948, 35.441 ;-- Am. 1989, Act 20, Imd. Eff. May 17, 1989

#### **35.442 Issuance of veteran's license by county clerk without cost; requirements; forms and books; record; assignment or transfer of license void; sign; statement; false representation prohibited; "veterans' organization" defined; violation as civil infraction; fine.**

##### Sec. 2.

(1) Upon the presentation to the clerk of any county, in which any former member of the armed forces resides, of a certificate of honorable discharge from the armed forces of the United States, showing that the person presenting it served at least 180 days of active duty service or upon the presentation to the clerk of a certificate from the United States department of veterans affairs certifying that the person has a service connected disability, the county clerk shall issue without cost to the former member a veteran's license certifying him or her to be entitled to the benefits of this act. The county clerk shall provide proper forms and books and shall keep a record of all licenses issued under this act. A license issued under this act is personal to the licensee. An assignment or transfer of the license is void.

(2) The licensee while engaged in selling goods under this act shall conspicuously display a sign at the place of sale that contains the following information in not less than 18-point boldfaced type:

(a) The name of the licensee.

(b) The license number.

(c) A statement in substantially the following form:

"The profit from the sale of this product is for my personal benefit".

(3) At the time of sale of goods under this act, a written statement of not less than 12-point boldfaced type shall be printed on or attached to the goods, in substantially the following form:

"The profit from the sale of this product is for my personal benefit".

(4) A person shall not knowingly make a false representation that the proceeds from goods sold under this act benefit a veterans' organization. As used in this subsection "veterans' organization" means any of the following:

(a) A veterans' organization chartered under federal law.

(b) An organization composed of veterans as defined in Act No. 190 of the Public Acts of 1965, being sections 35.61 to 35.62 of the Michigan Compiled Laws, that is organized for a bona fide fraternal, benevolent, educational, philanthropic, humane, patriotic, or charitable purpose.

(5) A person who violates subsection (2), (3), or (4) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$1,000.00.

**History:** 1921, Act 359, Eff. Aug. 18, 1921 ;-- CL 1929, 906 ;-- Am. 1947, Act 11, Imd. Eff. Mar. 13, 1947 ;-- CL 1948, 35.442 ;-- Am. 1989, Act 20, Imd. Eff. May 17, 1989 ;-- Am. 1996, Act 187, Imd. Eff. May 7, 1996

**35.443 Provisions of §§ 445.371 to 445.378 not contravened.**

Sec. 3.

Nothing in this act shall be construed as contravening the provisions of Act No. 51 of the Public Acts of 1925, being sections 445.371 to 445.378 of the Michigan Compiled Laws.

**History:** 1921, Act 359, Eff. Aug. 18, 1921 ;-- CL 1929, 907 ;-- CL 1948, 35.443 ;-- Am. 1989, Act 20, Imd. Eff. May 17, 1989

**Compiler's Notes:** Act 191 of 1901 and Act 294 of 1913, referred to in this section, were repealed by Act 51 of 1925. See now § 445.371 et seq.

## VETERANS' TRUST FUND

### Act 9 of 1946 (1st Ex. Sess.)

AN ACT to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946 ;-- Am. 1949, Act 306, Eff. Sept. 23, 1949 ;-- Am. 1958, Act 139, Imd. Eff. Apr. 18, 1958

**Popular Name:** Veterans' Trust Fund Act

**35.601 Repealed. 1995, Act 27, Eff. Dec. 21, 1997.**

**Compiler's Notes:** The repealed section pertained to creation and administration of Michigan veterans' trust fund.

**Popular Name:** Veterans' Trust Fund Act

**35.601a-35.601c Repealed. 2005, Act 250, Imd. Eff. Dec. 1, 2005.**

**Compiler's Notes:** The repealed sections pertained to transfer of assets from veterans' trust fund for nursing facilities and college tuition grants.

**Popular Name:** Veterans' Trust Fund Act

**35.601d Repealed. 1980, Act 403, Imd. Eff. Jan. 8, 1981.**

**Compiler's Notes:** The repealed section pertained to transfer of funds to special assessment revolving fund.

**Popular Name:** Veterans' Trust Fund Act

**35.601e, 35.601f Repealed. 2005, Act 250, Imd. Eff. Dec. 1, 2005.**

**Compiler's Notes:** The repealed sections pertained to transfer of appropriations to the general fund for veterans' facilities and appropriation for construction of Grand Rapids veterans' facility outpatient center.

**Popular Name:** Veterans' Trust Fund Act

**35.602 "Michigan veteran" defined; eligibility for benefits; period constituting World War II; validation of prior grants.**

Sec. 2.

For the purposes of the administration of this act, a Michigan veteran as defined by Act No. 190 of the Public Acts of 1965, as amended, shall be deemed to be a person, male or female, whose legal residence immediately prior to entering the service was in Michigan, who entered upon or was in active service in the armed forces of the United States, at any time for at least 180 days from and after the date as defined by Act No. 190 of the Public Acts of 1965, as amended, being sections 35.61 and 35.62 of the Michigan Compiled Laws or Vietnam era, as determined for the purposes of administration of this act, whether by induction, enlistment, commission, warrant, or otherwise, and who has been honorably discharged, retired, or separated therefrom, or who has reverted to an inactive status therefrom under honorable conditions. However, former members of the women's auxiliary army corps who refused to accept transfer to or induction into the women's army corps shall not be deemed to be veterans within the meaning of this definition. A veteran who did not have legal residence in Michigan immediately prior to entering the military service may become eligible to benefits administered under this act after having established a legal residence in Michigan. A veteran whose legal residence was in Michigan prior to entering military service will lose his rights under this act by leaving this state for a period of time exceeding 2 years. A person who shall have been separated for reason of physical or mental disability incurred in the line of duty prior to the completion of 180 days' service shall be considered a veteran for the purpose of the administration of this act. World War II shall be deemed to be that period from and after August 27, 1940, to the inclusive date of

June 30, 1946. Grants made to eligible Michigan veterans between June 30, 1946, and the effective date of this act are declared valid. A person otherwise qualified with at least 90 days of service during World War I, Spanish American War or Mexican Wars, as defined in Act No. 190 of the Public Acts of 1965, as amended, shall be deemed a veteran for the purposes of this act.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 35.602 ;-- Am. 1949, Act 306, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 123, Imd. Eff. June 1, 1951 ;-- Am. 1960, Act 102, Eff. Aug. 17, 1960 ;-- Am. 1968, Act 349, Imd. Eff. July 30, 1968 ;-- Am. 1969, Act 51, Imd. Eff. July 21, 1969 ;-- Am. 1975, Act 226, Imd. Eff. Aug. 27, 1975

**Popular Name:** Veterans' Trust Fund Act

### **35.602a Korean national emergency period; validation of grants.**

Sec. 2a.

The period of the state of national emergency beginning June 27, 1950, as proclaimed by the president of the United States December 16, 1950, shall be that period from and after June 27, 1950, to the inclusive date of December 31, 1953. All grants made between December 31, 1953 and the effective date of this act are declared valid.

**History:** Add. 1955, Act 95, Eff. Oct. 14, 1955

**Popular Name:** Veterans' Trust Fund Act

### **35.603 Michigan veterans' trust fund board of trustees; creation; appointment, qualifications, and terms of members; compensation and expenses; organizations eligible for representation on board; oath; removal of member; offices; assistants.**

Sec. 3.

There is created a Michigan veterans' trust fund board of trustees to consist of 2 representatives of the American Legion, 2 representatives of the Veterans of Foreign Wars of the United States, 1 representative of the Disabled American Veterans, and 1 representative of the American Veterans of World War II-Korean-Vietnam, to be appointed by the governor upon recommendation of the organizations named, for terms of 3 years each. Each member of the board shall be an honorably separated veteran as defined by Act No. 190 of the Public Acts of 1965, as amended. Members of the board shall serve without compensation, but shall be entitled to actual and necessary expenses incurred in carrying out their duties. An organization composed exclusively of honorably discharged veterans as defined by Act No. 190 of the Public Acts of 1965, as amended, which has attained a bona fide membership of not less than 7,500, and which has established not less than 40 posts in not less than 25 counties of the state, shall be eligible for representation on the board of trustees, under the same provisions as other representation on the board of trustees is attained. Each member of the board shall qualify by taking and filing the constitutional oath of office, and shall serve until the appointment and qualification of his successor. The governor may remove any member of the board for misfeasance, malfeasance, or nonfeasance in office, after hearing. The department of management and budget shall furnish suitable offices for use of the board. The board may employ assistants and incur expense necessary in carrying out this act.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 35.603 ;-- Am. 1954, Act 117, Eff. Aug. 13, 1954 ;-- Am. 1975, Act 226, Imd. Eff. Aug. 27, 1975

**Popular Name:** Veterans' Trust Fund Act

### **35.603a Conducting business at public meeting; exception; notice; availability of writings to public; "emergent need" defined.**

Sec. 3a.

(1) Except as provided in this section, the business which the Michigan veterans' trust fund board of trustees or a county or district committee may perform shall be conducted at a public meeting of the board or committee held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

(2) A writing prepared, owned, used, in the possession of, or retained by the Michigan veterans' trust fund board of trustees or a county or district committee in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(3) Act No. 267 of the Public Acts of 1976, as amended, shall not apply to the Michigan veterans' trust fund board of trustees or a county or district committee when the board of trustees or county or district committee is deliberating the merits of an emergent need. "Emergent need" means a situation which the board of trustees, by rules promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, determines requires immediate action.

**History:** Add. 1978, Act 158, Imd. Eff. May 22, 1978 ;-- Am. 1981, Act 160, Imd. Eff. Nov. 30, 1981

**Popular Name:** Veterans' Trust Fund Act

**Admin Rule:** R 35.621 et seq. of the Michigan Administrative Code.

### **35.604 Board of trustees; powers and duties.**

Sec. 4.

The board of trustees shall be a policy-making body, on the state level, and shall have the following powers and duties:

(a) To determine the purposes for which available moneys in the trust fund in excess of \$50,000,000 are to be allocated to the several veterans' county and district committees;

(b) To allocate part or all of available moneys in the trust fund in excess of \$50,000,000 to the several veterans' county and district committees, and to disburse said allocations from time to time on the basis of need;

(c) To prescribe rules governing the granting of assistance to Michigan veterans, their unremarried widows and dependents on the basis of need, including the prescribing of the necessary forms and the making of necessary reports and accounting; for the purposes of the administration of this act dependents shall be considered to be any persons legally entitled to look to the veteran for his or her support;

(d) To collect data and information as to the facilities and services available to Michigan veterans and disseminate the same to veterans' organizations and individual veterans: Provided, however, That in no event shall more than \$5,000.00 be expended for this purpose in any 1 year;

(e) To do all acts necessary in carrying out the provisions of this act;

(f) To receive and accept gifts and donations of property, real or personal, and shall hold, use and apply the property so received for purposes set forth in the instrument of gift and in accordance with the provisions of such instrument and subject to the conditions and limitations, if any, therein expressed, if the purposes limited by such gifts are within the purposes of this act;

(g) To submit to the governor a quarterly fiscal report and an annual report of operations and such other reports as may be requested by the governor covering the activities of the board;

(h) The Michigan veterans' trust fund board of trustees shall not be empowered to file application for or to prosecute the claim of any individual for any benefit accruing to such individual under the laws administered by the United States veterans' administration.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 35.604 ;-- Am. 1949, Act 306, Eff. Sept. 23, 1949

**Popular Name:** Veterans' Trust Fund Act

**Admin Rule:** R 35.1 et seq.; R 35.621 et seq.; R 35.631 et seq.; and R 35.651 et seq. of the Michigan Administrative Code.

### **35.604a Graves registration list.**

Sec. 4a.

The board of trustees shall compile and maintain a graves registration list of all burials of veterans in this state.

**History:** Add. 1974, Act 134, Imd. Eff. June 5, 1974

**Popular Name:** Veterans' Trust Fund Act

### **35.604b Administration of trust fund by board of trustees.**

Sec. 4b.

The board of trustees shall administer the Michigan veterans' trust fund established under section 37 of article IX of the state constitution of 1963.

**History:** Add. 1995, Act 27, Eff. Dec. 21, 1996

**Popular Name:** Veterans' Trust Fund Act

### **35.605 Earnings of Michigan veterans' trust fund; allocation; investment; accounting.**

Sec. 5.

(1) The earnings of the Michigan veterans' trust fund shall be allocated from time to time by the board of trustees as follows:

(a) The operating expenses of the fund shall be approved annually and funded from the surplus earnings.

(b) Fifty percent of the remaining surplus in and the earnings of the fund shall be allocated for distribution to county and district committees on the basis of need as determined by the board.

(c) The balance of the surplus in and earnings of the trust fund after allocations under subdivisions (a) and (b) shall be allocated in part or in whole to the several county and district committees on the basis of veteran population. The funds made available to the board of trustees for distribution to county and district committees on the basis of need as determined by the board of trustees shall be disbursed only for the same purposes of providing for needs of Michigan veterans as defined by 1965 PA 190, MCL 35.61 to 35.62, or their dependents as are the funds allocated to county and district committees on the basis of veteran population.

(2) The state treasurer shall direct the investment of the Michigan veterans' trust fund. The state treasurer shall have the same authority to invest the assets of the trust fund as is granted to an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140l. The trust fund shall be considered state funds and shall be protected by the official bond of the state treasurer.

(3) The state treasurer shall annually prepare an accounting of revenues and expenditures from the trust fund. This accounting shall specifically identify the interest and earnings of the trust fund, shall describe how the amount of interest and earnings has been affected by the expanded investment options provided for in subsection (2), and shall identify how the increased interest and earnings, if any, have been expended. This accounting shall be provided to the senate and house of representatives appropriations committees.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 35.605 ;-- Am. 1949, Act 197, Imd. Eff. May 27, 1949 ;-- Am. 1949, Act 306, Eff. Sept. 23, 1949 ;-- Am. 1954, Act 117, Eff. Aug. 13, 1954 ;-- Am. 1968, Act 349, Imd. Eff. July 30, 1968 ;-- Am. 1975, Act 226, Imd. Eff. Aug. 27, 1975 ;-- Am. 2002, Act 53, Eff. Sept. 21, 2002

**Popular Name:** Veterans' Trust Fund Act

**35.606 Veteran county and district committees; establishment; purpose; appointment and qualifications of members; removal of member; compensation and expenses; office space; appeal.**

Sec. 6.

The board of trustees shall establish in the several counties of the state representative veteran county committees for the administration of the allocated moneys on the local level, and may combine 2 or more counties into a district when, in the opinion of the board of trustees, a more efficient local administration may result therefrom. Each veteran county or district committee shall consist of 1 representative of the American Legion, 1 representative of the Veterans of Foreign Wars of the United States, 1 representative of the Disabled American Veterans, 1 representative of the American Veterans of World War II-Korean-Vietnam, to be appointed by the board of trustees upon recommendation of the organizations named. When in a county or district not more than 2 of the above named 4 organizations have organized and functioning local units, the 2 organizations existing in that county or district are empowered to jointly recommend the appointment of a third honorably discharged veteran as defined by Act No. 190 of the Public Acts of 1965, as amended, to serve on the county or district committee. The board of trustees may also appoint on a county or district committee a representative of a local veterans' organization now in existence or which may be hereafter organized, which has in its membership not less than 3% of all veterans originally entering the service from the territory covered by the county or district committee. Each member of a county or district committee shall be an honorably separated veteran as defined by Act No. 190 of the Public Acts of 1965, as amended. The board of trustees may remove a member of a county or district committee for misfeasance, malfeasance, or nonfeasance in office, after hearing. Members of county and district committees shall serve without compensation, but shall be entitled to actual and necessary expenses incurred in carrying out their duties, such expenses together with administration expenses to be paid from moneys allocated to county and district committees as provided in this act. The county boards of commissioners, or board of county auditors in counties having boards of county auditors, shall provide suitable office space for veteran county and district committees. A veteran who considers himself aggrieved at a decision rendered by a county or district committee in connection with a request for assistance may appeal to the board of trustees, and the decision of the board of trustees on an appeal referred to it shall be final and binding on the veteran and the county or district committee.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 35.606 ;-- Am. 1949, Act 306, Eff. Sept. 23, 1949 ;-- Am. 1954, Act 117, Eff. Aug. 13, 1954 ;-- Am. 1975, Act 226, Imd. Eff. Aug. 27, 1975

**Popular Name:** Veterans' Trust Fund Act

**35.607 Funds; distribution by state treasurer.**

Sec. 7.

Funds shall be distributed to the several county treasurers by the state treasurer at the direction of the board of trustees. The funds distributed shall be credited by the county treasurer to a county veterans' trust fund and shall be disbursed by the county treasurer on vouchers drawn by the county clerk based on orders filed by the county or district committee. Allocations to district committees shall be distributed to the several county treasurers of the counties composing the district. The veterans' trust fund shall be covered by the official bond of the county treasurer.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 35.607 ;-- Am. 2002, Act 153, Imd. Eff. Apr. 8, 2002

**Popular Name:** Veterans' Trust Fund Act

**35.608 Veterans' committees; regulation by state board of trustees; audit.**

Sec. 8.

The county and district committees shall be governed by the rules and regulations of the state board of trustees. The board of trustees, the veteran county or district committees, and the county treasurers shall be subject to audit in the same manner as provided under the accounting laws of this state for state departments and counties.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 35.608 ;-- Am. 2002, Act 153, Imd. Eff. Apr. 8, 2002

**Popular Name:** Veterans' Trust Fund Act

**Admin Rule:** R 35.1 et seq.; R 35.621 et seq.; R 35.631 et seq.; and R 35.651 et seq. of the Michigan Administrative Code.

**35.609 Obtaining or giving grant by fraud; penalty.**

Sec. 9.

Any person who shall knowingly, by fraudulent representations, obtain or allow to be obtained any payment or aid herein provided for shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not to exceed \$500.00 or imprisonment in the county jail not to exceed 6 months, or both such fine and imprisonment in the discretion of the court.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 35.609

**Popular Name:** Veterans' Trust Fund Act

**35.610 Appropriation.**

Sec. 10.

There is hereby appropriated from the general fund of the state the sum of \$50,000.00 to the board of trustees to defray expenses in carrying out the provisions of this act, to be disbursed in accordance with the accounting laws of the state.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 35.610

**Popular Name:** Veterans' Trust Fund Act

## COUNTY DEPARTMENT OF VETERANS' AFFAIRS

### Act 192 of 1953

AN ACT to create a county department of veterans' affairs in certain counties, and to prescribe its powers and duties; and to transfer the powers and duties of the soldiers' relief commission in such counties.

**History:** 1953, Act 192, Eff. Oct. 2, 1953

*The People of the State of Michigan enact:*

#### **35.621 County department of veterans' affairs; creation; administration; committee; appointment, qualifications, and terms of members; vacancies.**

Sec. 1.

The county board of commissioners may create a county department of veterans' affairs. The department shall be under the administration of a committee of 3 to 5 veterans, appointed by the county board of commissioners, who shall be residents of the county and who have served honorably on active duty in the United States armed forces or who served actively in the United States armed forces in a war or received an armed forces campaign or service medal, to be appointed upon the recommendation of the posts of each chartered veterans' organization within the county. If an opening on a committee of veterans occurs, the county board of commissioners shall provide notice of that opening to 1 or more newspapers within the county and to veteran service organizations within the county. Not more than 2 members shall be representative of a single war or conflict. Notwithstanding the provisions of any law of this state to the contrary, a member of the board of commissioners of a county shall be eligible for appointment. Members appointed by the board of commissioners shall be appointed for a term of 4 years each. However, the terms for members first appointed shall be staggered so that not more than 2 vacancies are scheduled to occur in a single year. Vacancies shall be filled in the same manner as original appointments for the unexpired terms.

**History:** 1953, Act 192, Eff. Oct. 2, 1953 ;-- Am. 1958, Act 156, Eff. Sept. 13, 1958 ;-- Am. 1968, Act 204, Imd. Eff. June 24, 1968 ;-- Am. 1973, Act 153, Imd. Eff. Dec. 6, 1973 ;-- Am. 1996, Act 108, Imd. Eff. Mar. 5, 1996 ;-- Am. 2004, Act 11, Imd. Eff. Feb. 26, 2004

#### **35.622 Soldiers' relief commission; abolition, transfer of powers and duties to county department of veterans' affairs.**

Sec. 2.

In any county in which the board of supervisors adopts the provisions of this act, section 2 of the act creating the soldiers' relief commission created under the provisions of Act No. 214 of the Public Acts of 1899, as amended, being section 35.22 of the Compiled Laws of 1948, is hereby declared to be inoperative and the powers and duties of commission are hereby transferred to the county department of veterans' affairs created under the provisions of this act, and wherever soldiers' relief commission is used in Act No. 214 of the Public Acts of 1899, as amended, and Act No. 235 of the Public Acts of 1911, as amended, being sections 35.801 to 35.804 of the Compiled Laws of 1948, it shall mean the county department of veterans' affairs herein created.

**History:** 1953, Act 192, Eff. Oct. 2, 1953 ;-- Am. 1958, Act 156, Eff. Sept. 13, 1958

#### **35.623 Administrative committee of county department; selection of officers, expenses; veterans' service officer, appointment; offices.**

Sec. 3.

The committee shall select a chairman and a secretary. The committee is authorized to incur such expense as shall be necessary in carrying out the provisions of this act within the budget set up by the board of supervisors. The members of the committee shall be entitled to receive the same per diem and mileage in attending meetings as members of the board of supervisors. The committee shall appoint a veterans' service officer and such other employees as shall be necessary from time to time to carry out the provisions of this act. In the selection of the veterans' service officer hereby authorized, the committee shall consult with and

request the assistance of any association or council of organized veterans in such county, and any recommendation from such association or council of veterans as to the personnel to be appointed by said committee under the provisions of this act, while not binding on said committee, shall be given the greatest consideration. The board of supervisors shall furnish, equip and maintain reasonably adequate office facilities for the county department of veterans' affairs.

**History:** 1953, Act 192, Eff. Oct. 2, 1953

**35.624 County department; powers and duties.**

Sec. 4.

The county department of veterans' affairs shall perform such duties and exercise such powers as shall be necessary in carrying out the provisions of this act and any and all other benefits to which veterans may be entitled as prescribed by the county department of veterans' affairs.

**History:** 1953, Act 192, Eff. Oct. 2, 1953

## FUNERAL EXPENSES OF VETERANS

### Act 235 of 1911

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.

**History:** 1911, Act 235, Eff. Aug. 1, 1911 ;-- Am. 1944, 1st Ex. Sess., Act 24, Imd. Eff. Feb. 29, 1944 ;-- Am. 1974, Act 99, Imd. Eff. May 14, 1974

#### **35.801 Veterans' burial expenses; payment by county; application; definitions.**

##### Sec. 1.

(1) Except as otherwise provided under subsection (2), if an honorably discharged member of the armed forces of the United States who served for a period of 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, during a period of time in which the United States was at war or during the Vietnam conflict, or the spouse or surviving spouse of a member of the armed forces of the United States, 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 the state at the time of death and a resident of the 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) On the effective date of the amendatory act that added this subsection, 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 management and budget. The department of 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 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.

(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

### **35.802 Soldiers' relief commission; investigation of application for reimbursement, compensation.**

#### Sec. 2.

It shall be the duty of the members of the soldiers' relief commission of each county, whenever application is made for reimbursement by the county for such funeral expenses paid or advanced, or incurred for the burial of such deceased person, to make an investigation of such claim and report their action to the clerk of the board of supervisors of the county, or to the clerk of the board of county auditors as the case may be, in all cases setting forth all the facts, together with the name, rank and command to which such soldier, sailor, marine, nurse or member of the women's auxiliary belonged, and in case of such wife or widow, the rank and command to which her husband or deceased husband belonged, the name and service rendered as such army nurse, the date of his or her death, place where buried, and his or her residence and occupation while living. They shall require such person or persons who paid, advanced or incurred such burial expenses for such deceased person to furnish the board of supervisors, or board of county auditors in counties having a board of county auditors, with a sworn itemized statement of the expense incurred in the burial of the deceased person mentioned in the application. The members of the commission, except where they are paid a salary, shall receive from the county the sum of \$2.00 per day for the time actually and necessarily employed by them in the performance of their duties.

**History:** 1911, Act 235, Eff. Aug. 1, 1911 ;-- CL 1915, 1058 ;-- CL 1929, 928 ;-- Am. 1943, Act 122, Imd. Eff. Apr. 13, 1943 ;-- Am. 1944, 1st Ex. Sess., Act 24, Imd. Eff. Feb. 29, 1944 ;-- CL 1948, 35.802

### **35.803 Duties of county clerk; record of application and reimbursement; headstones.**

#### Sec. 3.

It shall be the duty of the clerk of the board of supervisors or board of county auditors as the case may be upon receiving the report and statement of expenses provided for in the preceding section, to transcribe in a book kept for that purpose all the facts contained in said report respecting such deceased soldier, sailor or marine, or the deceased wife or widow of the same, or such deceased army nurse, and to report such application and statement to the board of supervisors or the board of county auditors, as the case may be, at the next meeting thereof. It shall be the further duty of said clerk upon the death and burial of any such soldier, sailor or marine, and upon request therefor, to make application to the proper authorities under the government of the United States for a suitable headstone as is now or may hereafter be provided by act of congress, and to cause the same to be placed at the head of the grave of such deceased soldier, sailor or marine. And also, to cause a suitable headstone to be placed at the head of the grave of the deceased wife or widow of such soldier, sailor or marine or army nurse if the same shall now or hereafter be provided by act of congress.

**History:** 1911, Act 235, Eff. Aug. 1, 1911 ;-- CL 1915, 1059 ;-- CL 1929, 929 ;-- CL 1948, 35.803

### **35.804 Veterans' funeral expenses; payment by county.**

#### Sec. 4.

All expenses incurred in such burial as provided in this act, shall be audited and paid by the board of supervisors, or board of county auditors in counties having a board of county auditors, the same as other legal charges against the county.

**History:** 1911, Act 235, Eff. Aug. 1, 1911 ;-- CL 1915, 1060 ;-- CL 1929, 930 ;-- CL 1948, 35.804

## MARKERS FOR VETERANS' GRAVES

### Act 63 of 1915

AN ACT to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed.

**History:** 1915, Act 63, Imd. Eff. Apr. 20, 1915 ;-- Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979 ;-- Am. 1988, Act 263, Imd. Eff. July 15, 1988

#### **35.831 Flag holders and United States flags for veterans' graves in cemetery belonging to city, village, municipality, or township; petition; expense; purpose.**

##### Sec. 1.

(1) The legislative body of a city, village, municipality, or township in this state, upon the petition of a local, or an affiliate of, a recognized veterans' organization or of 5 eligible voters of the city, village, municipality, or township, shall procure for and furnish to the petitioners, at the expense of the city, village, municipality, or township, a suitable flag holder and United States flag for the grave of each veteran who served in the armed forces of the United States and who is buried within the limits of a public or private cemetery located within the city, village, municipality, or township. The requirement to provide a suitable flag holder and United States flag for private cemeteries does not apply in the current fiscal year where an initial request for a suitable flag holder and United States flag exceeds 50 graves within a particular township, but would apply in the following fiscal year at that township.

(2) A flag holder and United States flag shall be placed on the grave of a veteran for the purpose of marking and designating the grave for memorial purposes.

**History:** 1915, Act 63, Imd. Eff. Apr. 20, 1915 ;-- CL 1915, 1062 ;-- CL 1929, 936 ;-- CL 1948, 35.831 ;-- Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979 ;-- Am. 1988, Act 263, Imd. Eff. July 15, 1988 ;-- Am. 2005, Act 26, Imd. Eff. May 23, 2005 ;-- Am. 2006, Act 627, Imd. Eff. Jan. 3, 2007

#### **35.831a Flag holder and United States flag; procurement by county; expense; purpose.**

##### Sec. 1a.

(1) The legislative body of a county in this state, upon petition of a local, or a local affiliate of, a recognized veterans' organization or of 5 eligible voters of the county, may procure for and furnish to the petitioners, at the expense of the county, a suitable flag holder and United States flag for the grave of each veteran who served in the armed forces of the United States and who is buried in any public or private cemetery located within the limits of the county.

(2) A flag holder and United States flag shall be placed on the grave of a veteran for the purpose of marking and designating the grave for memorial purposes.

**History:** Add. 2005, Act 27, Imd. Eff. May 23, 2005 ;-- Am. 2006, Act 627, Imd. Eff. Jan. 3, 2007

#### **35.832 Contents of petition.**

##### Sec. 2.

In a petition to the legislative body of a city, village, or township, the petitioners shall set forth the name of the airman, soldier, sailor, and marine whose grave has not been appropriately marked as contemplated in this act, together with the number of the graves at the time of petitioning, and the cemetery where the graves are located.

**History:** 1915, Act 63, Imd. Eff. Apr. 20, 1915 ;-- CL 1915, 1063 ;-- CL 1929, 937 ;-- CL 1948, 35.832 ;-- Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979

**35.832a United States flags for veterans' graves in privately owned cemetery; request; expense.**

Sec. 2a.

(1) A privately owned cemetery, upon the request of a family member of a veteran of the armed forces of the United States who is buried within the cemetery, shall provide a suitable United States flag not larger than 12 inches by 18 inches, at the cemetery's expense, for the grave of the veteran. The cemetery shall be responsible for the cost and maintenance of the United States flag.

(2) A privately owned cemetery shall provide the United States flags required under subsection (1) for placement during Memorial day, the fourth of July, and Veterans day, and may, but shall not be required to, provide the United States flags during any other times of the year.

(3) A request to a privately owned cemetery under this section shall include the location of the grave of the veteran for whom a United States flag is to be provided. The family member who makes the request is responsible for placing the United States flag on the grave of the veteran, and may supply and use, at his or her own expense, a suitable flag holder. The privately owned cemetery is not responsible for placing the United States flag or flag holder on the grave of the veteran. The privately owned cemetery may remove the flag and flag holder if they are not removed by the family member who made the request.

(4) In the case of a mausoleum or other burial chamber containing the graves of more than 1 veteran, a privately owned cemetery need only supply 1 United States flag for placement at the mausoleum or burial chamber to memorialize all of those veterans' graves.

**History:** Add. 1988, Act 263, Imd. Eff. July 15, 1988

**35.833 Taking down, destroying, defacing, carrying away, or possessing flag holder or flag as misdemeanor; penalty.**

Sec. 3.

A person who willfully takes down, destroys, defaces, or carries away or possesses a flag holder or other design or memorial flag placed at a grave for memorial purposes without authority from the owner of the cemetery or the person causing the flag holder or other design or memorial flag to be placed in the cemetery or at the grave is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$5.00 or more than \$500.00, or both.

**History:** 1915, Act 63, Imd. Eff. Apr. 20, 1915 ;-- CL 1915, 1064 ;-- CL 1929, 938 ;-- CL 1948, 35.833 ;-- Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979 ;-- Am. 1996, Act 281, Imd. Eff. June 17, 1996

## MICHIGAN VIETNAM VETERANS MEMORIAL ACT

### Act 234 of 1988

AN ACT to create the Vietnam veterans memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to designate the veterans memorial park; to provide for legislative oversight; and to provide for dissolution of the commission.

**History:** 1988, Act 234, Imd. Eff. July 8, 1988 ;-- Am. 2000, Act 470, Imd. Eff. Jan. 10, 2001 ;-- Am. 2002, Act 637, Imd. Eff. Dec. 23, 2002

*The People of the State of Michigan enact:*

#### **35.1051 Short title.**

Sec. 1.

This act shall be known and may be cited as the “Michigan Vietnam veterans memorial act”.

**History:** 1988, Act 234, Imd. Eff. July 8, 1988

#### **35.1052 Definitions.**

Sec. 2.

As used in this act:

- (a) “Commission” means the Michigan Vietnam veterans memorial monument fund commission established in section 4.
- (b) “Monument fund” means the Vietnam veterans memorial monument fund created in section 3.
- (c) “Vietnam veteran” means a veteran of the Vietnam era as prescribed in section 1 of 1965 PA 190, MCL 35.61.
- (d) “Veterans memorial park” means the veterans memorial park established in section 5a.

**History:** 1988, Act 234, Imd. Eff. July 8, 1988 ;-- Am. 2000, Act 470, Imd. Eff. Jan. 10, 2001

#### **35.1053 Vietnam veterans memorial monument fund; creation; federal tax status; money credited to fund; use of money.**

Sec. 3.

The Vietnam veterans memorial monument fund is created as a separate fund in the department of treasury. The state treasurer may receive money or other assets from any source for deposit into the monument fund. The state treasurer shall seek appropriate federal tax status for the monument fund. The state treasurer shall credit to the monument fund the money appropriated to the monument fund, money received for the monument fund under section 6, and all interest that accrues on money in the monument fund. The commission may use money in the monument fund for purposes of this act.

**History:** 1988, Act 234, Imd. Eff. July 8, 1988 ;-- Am. 1992, Act 121, Eff. July 9, 1992 ;-- Am. 2002, Act 637, Imd. Eff. Dec. 23, 2002

**35.1054 Vietnam veterans memorial monument fund commission; establishment; appointment and qualifications of members; meetings; quorum; conducting business at public meeting; availability of writings to public.**

Sec. 4.

(1) The Vietnam veterans memorial monument fund commission is established as the governing body of the monument fund. The commission consists of 9 members. The governor shall appoint 5 members of the commission, not less than 2 of whom shall be Vietnam veterans. The speaker of the house of representatives and the senate majority leader shall each appoint 2 members of the commission. Not less than 1 of each 2 shall be a Vietnam veteran.

(2) The commission shall initially convene within 6 months after the first deposit of money in the monument fund. The commission shall meet often enough to expedite the completion of the monument as prescribed in section 5. A majority of the members of the commission constitutes a quorum for conducting business.

(3) The commission shall conduct its business at public meetings held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** 1988, Act 234, Imd. Eff. July 8, 1988

**35.1055 Monument; financing and construction; design; inscription; location; criteria.**

Sec. 5.

(1) The commission shall oversee the financing and construction of a memorial monument dedicated to Vietnam veterans from Michigan who died or are listed as missing in action as a result of the Vietnam conflict. The commission shall solicit designs for the monument and shall select the final design.

(2) The names of each Michigan Vietnam veteran who died or is listed as missing in action as a result of the Vietnam conflict shall be inscribed on the Vietnam veterans memorial monument.

(3) The Vietnam veterans memorial monument shall be located within the veterans memorial park on a state owned site that is a 1-acre parcel of land measuring approximately 186.95 feet, in an east-west direction and approximately 233.00 feet, in a north-south direction, the west line of this parcel is 41.71 feet east of and parallel with the east right of way line of Butler Street and the north line of this parcel is 30.00 feet north of and parallel with the centerline of Michigan Avenue. The actual structure of the Vietnam Veterans Memorial Monument shall not be closer than 15.625 feet south of the center axis.

This parcel being more particularly described as beginning at a point that is 127.00 feet northerly on the west line of block 1, Bush, Butler and Sparrow's Addition, City of Lansing, Ingham County, Michigan and 41.71 feet easterly from the southwest corner of said block 1; thence northerly 233.00 feet parallel with the west line of said block 1; thence easterly 186.95 feet parallel with the centerline of Michigan Avenue; thence southerly 233.00 feet parallel with the west line of said block 1; thence westerly 186.95 feet parallel with the centerline of Michigan Avenue to the point of beginning, containing 1.00 acre, more or less.

**History:** 1988, Act 234, Imd. Eff. July 8, 1988 ;-- Am. 1992, Act 122, Eff. July 9, 1992 ;-- Am. 2000, Act 470, Imd. Eff. Jan. 10, 2001

**35.1055a Veterans memorial park; establishment; location.**

Sec. 5a.

(1) The veterans memorial park is established.

(2) The veterans memorial park consists of a 3.18-acre parcel of land measuring approximately 260.17 feet in an east-west direction and approximately 533 feet in a north-south direction, the westerly boundary being the easterly right of way of Butler Street and the northerly boundary being the southerly right of way of Ottawa Street, also being a part of Bush, Butler and Sparrow's Addition to the City of Lansing and a part of Claypool's Subdivision, City of Lansing, Ingham County, Michigan.

This parcel being more particularly described as beginning at the northwest corner of block 6, Claypool's Subdivision, City of Lansing, Ingham County, Michigan; thence easterly 260.17 feet on the north line of said block 6; thence southerly 330.37 feet parallel to the west line of said block 6 to a point on the E-W 1/4 line of section 17, T4N, R2W, Lansing Township, City of Lansing, Ingham County, Michigan and a point in the center of Michigan Avenue; thence southerly 203.00 feet parallel to the west line of block 1, of Bush, Butler and Sparrow's Addition, City of Lansing, Ingham County, Michigan; thence westerly 260.17 feet to said west line; thence northerly 203.00 feet on said west line extended to a point on the E-W 1/4 line of said section 17; thence northerly 330.00 feet on the west line of said block 6 of Claypool's Subdivision to the point of beginning.

**History:** Add. 2000, Act 470, Imd. Eff. Jan. 10, 2001 ;-- Am. 2006, Act 98, Imd. Eff. Apr. 4, 2006

**35.1056 Grants or gifts; disposition.**

Sec. 6.

The commission may accept on behalf of the monument fund grants or gifts from the federal government, an individual, a public or private corporation, organization, or foundation, or any other source. The acceptance and use of federal funds by the commission does not commit state money and does not obligate the legislature to continue the purposes for which federal money is made available. The commission shall transmit money received under this section to the state treasurer for deposit in the monument fund.

**History:** 1988, Act 234, Imd. Eff. July 8, 1988

**35.1057 Dissolution of commission; disposition and use of balance remaining in monument fund.**

Sec. 7.

(1) After the completion of the construction of the Vietnam veterans memorial monument pursuant to section 5 and payment of all amounts due in connection with the construction of the monument, the commission is dissolved.

(2) After the construction of the Vietnam veterans memorial monument under section 5 and the construction of the veterans memorial park under section 5a, any amount remaining in the monument fund shall remain in the monument fund.

(3) After the construction of the Vietnam veterans memorial monument under section 5 and the construction of the veterans memorial park under section 5a, the department of management and budget shall expend money from the fund, upon appropriation, only to maintain the Vietnam veterans memorial monument and the veterans memorial park.

(4) The state treasurer shall credit the money received from the secretary of state pursuant to section 217d(12) of the Michigan vehicle code, 1949 PA 300, MCL 257.217d, to the monument fund.

(5) Money in the monument fund at the close of the fiscal year shall remain in the fund and not lapse to the general fund.

**History:** 1988, Act 234, Imd. Eff. July 8, 1988 ;-- Am. 1992, Act 121, Eff. July 9, 1992 ;-- Am. 2002, Act 637, Imd. Eff. Dec. 23, 2002

## MILITARY FAMILY RELIEF FUND ACT

### Act 363 of 2004

AN ACT to establish the military family relief fund in the department of military and veterans affairs to provide assistance to families of certain members of the reserve components of the United States armed forces on active duty; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

**History:** 2004, Act 363, Imd. Eff. Oct. 6, 2004

#### 35.1211 Short title.

Sec. 1.

This act shall be known and may be cited as the "military family relief fund act".

**History:** 2004, Act 363, Imd. Eff. October 6, 2004

#### 35.1212 Definitions.

Sec. 2.

As used in this act:

- (a) "Department" means the department of military and veterans affairs.
- (b) "Family" or "families" means the military dependents as determined by the qualified individual's branch of service.
- (c) "Fund" means the military family relief fund created in section 3.
- (d) "Qualified individual" means an individual who meets all of the following criteria:
  - (i) The individual is or was a member of a reserve component of the United States armed forces based in this state or who is a resident of this state serving in a reserve component of the United States armed forces based in another state and is called to active duty by the president of the United States or the United States secretary of defense as a result of national response to September 11, 2001 or as a response to a national emergency declared by the president of the United States and for which funds are being spent by the federal government.
  - (ii) The individual's family can document the need for financial assistance for clothing, food, housing, utilities, medical services or prescriptions, insurance payments, vehicle payments, or other related necessities of daily living in either of the following situations:
    - (A) The need occurred during the time the individual is on active duty.
    - (B) The need occurred because the individual has incurred a line of duty injury or illness.
- (e) "Reserve components of the United States armed forces" means all of the following:
  - (i) The army national guard of the United States.
  - (ii) The army, naval, marine corps, air force, and coast guard reserves.

(iii) The air national guard of the United States.

**History:** 2004, Act 363, Imd. Eff. Oct. 6, 2004

**35.1213 Military family relief fund; creation as separate fund; expenditures; amounts credited; investment; availability of funds for disbursement; lapse.**

Sec. 3.

- (1) The military family relief fund is created as a separate fund in the department to offer grants to provide assistance to families of qualified individuals.
- (2) The military family relief fund shall be expended only as provided in this act.
- (3) The state treasurer shall credit to the fund all amounts designated for the fund pursuant to section 438 of the income tax act of 1967, 1967 PA 281, MCL 206.438.
- (4) The state treasurer shall direct the investment of the fund money in the same manner as other funds are invested. The state treasurer shall credit to the fund the interest and earnings from the fund.
- (5) Money deposited, funds granted, or funds received as gifts or donations to the fund shall be available for disbursement when deposited.
- (6) Money in the fund at the close of the state fiscal year shall remain in the fund and shall not lapse to the general fund.

**History:** 2004, Act 363, Imd. Eff. Oct. 6, 2004

**35.1214 Use of money.**

Sec. 4.

- (1) Each year that the contribution designation program under section 438 of the income tax act of 1967, 1967 PA 281, MCL 206.438, is in effect, an amount equal to the cumulative designations, plus interest and dividends earned, made under that section shall be appropriated from the general fund to the fund for use solely in support of the purposes provided in this act. No money from the fund shall be used for the purpose of administering the fund or implementing section 438 of the income tax act of 1967, 1967 PA 281, MCL 206.438.
- (2) The money in the fund shall not be used by the department to replace funds otherwise designated to support similar programs within the department.

**History:** 2004, Act 363, Imd. Eff. Oct. 6, 2004

**35.1215 Grant application; criteria; review; determination; notice; denial; distribution; maximum amount.**

Sec. 5.

- (1) A qualified individual or the individual's family shall apply to the department for a grant from the fund. A qualified individual or the individual's family may apply for more than 1 grant in any year.
- (2) At the time that a qualified individual or the individual's family applies for a grant from the fund, the department shall provide the applicant with copies of financial planning materials and information at no cost to the applicant.

- (3) The department shall determine criteria and review applications for grants from the fund.
- (4) The department shall determine if the applicant is eligible for a grant from the fund and shall determine the amount of the individual's grant.
- (5) Not more than 30 days after the department receives an application, the department shall notify the applicant of the receipt of the application and the status of the application which shall be 1 of the following:
- (a) The applicant is eligible for a grant, the date when the applicant will receive that grant, and the amount of the grant.
  - (b) The applicant is eligible for a grant but no funds are available and the application will be kept on file until money becomes available.
  - (c) The applicant is not eligible for a grant and the reasons why.
- (6) If an application is denied because the applicant is not eligible, the applicant is not prohibited from subsequently applying for a grant for that purpose or any other purpose.
- (7) Within the first 30 days of each calendar year, the department shall begin to distribute the money that was in the fund at the end of the immediately preceding state fiscal year to grant applicants until the money in the fund is exhausted.
- (8) The maximum total amount that any qualified individual and that qualified individual's family can receive in any 1 calendar year is \$2,000.00. If the department determines that the qualified individual or the qualified individual's family is in an emergency situation or their needs are extreme, the department may waive the maximum under this subsection.

**History:** 2004, Act 363, Imd. Eff. Oct. 6, 2004

**35.1216 Rules.**

Sec. 6.

The department may promulgate rules that it considers necessary to implement this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

**History:** 2004, Act 363, Imd. Eff. Oct. 6, 2004

## MICHIGAN VETERANS' FACILITY

### Act 152 of 1885

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.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885 ;-- Am. 1952, Act 123, Eff. Sept. 18, 1952 ;-- Am. 1958, Act 142, Imd. Eff. Apr. 18, 1958 ;-- Am. 1982, Act 391, Eff. Mar. 30, 1983

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

#### 36.1 State Veterans' Facility of Michigan; establishment.

##### Sec. 1.

That there shall be established in this state an institution under the name and style of the "State Veterans' Facility of Michigan," and whenever reference is made in the laws of this state to the "Michigan Soldiers' Home," reference shall be deemed to be made to the "Michigan Veterans' Facility."

**History:** 1885, Act 152, Imd. Eff. June 5, 1885 ;-- How. 1984a ;-- CL 1897, 2055 ;-- CL 1915, 1667 ;-- CL 1929, 782 ;-- Am. 1945, Act 94, Eff. Sept. 6, 1945 ;-- CL 1948, 36.1

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws. For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at § 36.71 of the Michigan Compiled Laws.

#### 36.2 Board of managers; appointment, qualifications, and terms of members; vacancy.

##### Sec. 2.

(1) The general supervision and government of the Michigan veterans' facility shall be vested in a board of managers to consist of 7 members who shall be appointed as follows:

- (a) Two representatives of the American legion.
- (b) Two representatives of the veterans of foreign wars of the United States.
- (c) One representative of the disabled American veterans.
- (d) One representative of the American veterans of world war II-Korea-Vietnam (AMVETS).
- (e) One veteran from veterans as defined by Act No. 190 of the Public Acts of 1965, as amended, being sections 35.61 and 35.62 of the Michigan Compiled Laws, except that the nominee veteran shall not be a representative of the American legion, the veterans of foreign wars of the United States, the disabled American veterans, or American veterans of world war II-Korea-Vietnam (AMVETS).

(2) The members shall be appointed by the governor by and with the advice and consent of the senate, the members shall each hold office for the term of 6 years from the time of their appointment, and until their successors shall be appointed and qualified. The members enumerated in subsection (1)(a), (b), (c), and (d) shall be appointed by the governor from the original list of at least 3 individuals recommended by each respective organization.

(3) If a vacancy occurs during the term of office of a member of the board of managers, the member's successor shall be selected from the same organization and in the same manner as the original appointment for the balance of the unexpired term.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885 ;-- How. 1984b ;-- CL 1897, 2056 ;-- CL 1915, 1668 ;-- CL 1929, 783 ;-- CL 1948, 36.2 ;-- Am. 1955, Act 196, Imd. Eff. June 17, 1955 ;-- Am. 1958, Act 142, Imd. Eff. Apr. 18, 1958 ;-- Am. 1977, Act 48, Imd. Eff. July 5, 1977

**Compiler's Notes:** Section 2 of Act 48 of 1977 provides: "Of the members appointed after the effective date of this amendatory act the first shall be a veteran as designated by section 2 (1)(e) and the remaining appointments shall be made to conform to this amendatory act as they become vacant." For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

### **36.6 Board of managers; compensation and expenses.**

#### Sec. 6.

Each of the members of the board shall be entitled to per diem compensation and reimbursement of expenses from the appropriations to the facility in accordance with the accounting laws of the state.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885 ;-- How. 1984f ;-- Am. 1889, Act 103, Imd. Eff. May 21, 1889 ;-- CL 1897, 2057 ;-- CL 1915, 1669 ;-- Am. 1925, Act 265, Imd. Eff. May 13, 1925 ;-- CL 1929, 784 ;-- CL 1948, 36.6 ;-- Am. 1952, Act 123, Eff. Sept. 18, 1952 ;-- Am. 1963, Act 101, Eff. Sept. 6, 1963 ;-- Am. 1975, Act 58, Imd. Eff. May 20, 1975

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

### **36.7 Board of managers; meetings; election and terms of officers; appointment and duties of adjutant; conducting business at public meeting; notice.**

#### Sec. 7.

(1) The members of the board of managers shall meet annually at the facility on the second Wednesday in March of each year, and at the annual meeting shall elect of their own body, a chairperson, a chairperson pro tempore, a secretary, a treasurer, and a clerk, who shall hold office for 1 year and until a successor is elected and qualified. However, instead of electing a treasurer and a clerk, the board may appoint the adjutant of the facility to perform the duties of the treasurer and the clerk and other duties as prescribed by the board.

(2) The business which the board of managers may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885 ;-- How. 1984g ;-- CL 1897, 2058 ;-- CL 1915, 1670 ;-- CL 1929, 785 ;-- CL 1948, 36.7 ;-- Am. 1952, Act 123, Eff. Sept. 18, 1952 ;-- Am. 1978, Act 157, Imd. Eff. May 22, 1978

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

### **36.8 Board of managers; quarterly meeting for formulation of governing rules and regulations.**

Sec. 8.

It shall be the duty of the board of managers to meet once in every 3 months on their own adjournment, and oftener if they shall deem it advisable, at which meeting they shall prepare and carefully digest and mature a system of government for said home, embracing all such rules, regulations, and general laws as they may deem necessary for preserving order, for enforcing discipline, for preserving the health of such disabled soldiers, sailors or marines as may be received at this home.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885 ;-- How. 1984h ;-- CL 1897, 2059 ;-- CL 1915, 1671 ;-- CL 1929, 786 ;-- CL 1948, 36.8

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

### **36.9 Board of managers; inspection of similar institutions, expenses.**

Sec. 9.

For the purpose of maturing said system of government and discipline, it shall be competent for said board to authorize 1 of its members to visit similar institutions now in operation and by personal inspection and investigation to acquire an insight into the principles and practical workings of said similar homes for the information and benefit of said board; the expense actually and necessarily incurred in any such visit and investigation to be charged against the appropriation hereinbefore made.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885 ;-- How. 1984i ;-- CL 1897, 2060 ;-- CL 1915, 1672 ;-- CL 1929, 787 ;-- CL 1948, 36.9

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

### **36.10 Commandant; appointment, eligibility, powers and duties.**

Sec. 10.

The board of managers shall appoint a commandant for the home, who shall be an ex-officer, soldier, sailor, or marine, whose salary shall be such amount as shall be appropriated by the legislature, and who shall nominate, for the action of the board of managers, all necessary subordinate officers, who shall also be ex-officers, soldiers, sailors, or marines, who may be dismissed by the commandant for inefficiency or misconduct. In case of every removal, a detailed statement of the case shall be reported to the board of managers by the commandant. No member or former member of the board of managers shall be eligible to election or appointment as commandant of the facility until the expiration of at least 1 year from the date of the end of his term as member of the board of managers or the date of his resignation as such member.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885 ;-- How. 1984j ;-- CL 1897, 2061 ;-- CL 1915, 1673 ;-- CL 1929, 788 ;-- CL 1948, 36.10 ;-- Am. 1955, Act 196, Imd. Eff. June 17, 1955 ;-- Am. 1958, Act 186, Eff. Sept. 13, 1958

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

**36.11 Veterans' facility; eligibility for admission; maintenance charges; dismissal; creation of veterans' facilities operation fund; credit of money to fund; expenditures; assignment of money to board of managers as condition of admission; expenditure of assigned money; creation of posthumous fund; expenditures.**

Sec. 11.

(1) All members of the armed forces of the United States who have been honorably discharged from the armed forces of the United States who have served in the armed forces of the United States not less than 90 days in the war of the rebellion, in the Mexican war, the Indian wars, the Spanish-American war, the war in the Philippines, the first world war, the second world war, or any other war, campaign, or expedition in which the armed forces of the United States have been, are, or may be, participants, and who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of their disability are incapable of earning their living and who would be otherwise dependent upon public or private charity, shall be entitled to be admitted to a facility, subject to such rules as promulgated by the board of managers pursuant to Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.315 of the Michigan Compiled Laws, to govern the admission of applicants to the facilities. Former members of the armed forces of the United States, otherwise qualified, who served less than 90 days and who were honorably discharged from service, and who, as a result of that service, acquired a service connected disability or disease, may be admitted. An applicant shall not be admitted to a facility unless he or she served in a Michigan regiment or has been accredited to this state or he or she has established residency in the state at the time of making his or her application for admission to the facility. Nothing in this section prevents the board of managers from admitting to membership in a facility any applicant otherwise qualified, but who has adequate means of support and is not dependent upon public or private charity, provided that the applicant, as a condition of admission, pays to the board of managers in advance, or at those times as may be fixed by the board of managers, for the use and benefit of the state a sum for his or her support as the board of managers determines to be proper. The board of managers shall annually determine the per diem expense of maintenance of members in the facilities and shall require any member who has adequate means of support or sufficient property or income, to pay the board of managers in full for the expenses of maintenance. All members in the facilities shall be charged in the first instance with the maintenance, which shall be collected either in whole or in part, if the member has sufficient property or income, but otherwise the board of managers may remit the per diem charge either in whole or in part. The maintenance charges as determined by the board of managers shall be paid to the adjutant of the facilities in advance not later than the fifth day of each month. Failure to comply with a condition shall be cause for dismissal from a facility.

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

(3) The board of managers of the facilities may make a condition for admission to a facility that all applicants shall assign to the board of managers any balance of money accumulated while a member of the facility, or due to the applicant or on deposit with any bank, trust company, corporation, or with any individual, at the time of the death of the applicant. All such sums shall first be expended to pay for all residual maintenance costs attributable to the deceased individual and shall then be paid to the wife, minor children, or dependent mother or father, in the order named. If no such relative shall be found within a period of 2 years, or if no claim for the sums has been made within a period of 2 years, the balance of the money shall be paid into the posthumous fund, which is hereby created by this subsection. The posthumous fund shall be expended as prescribed by Act No. 313 of the Public Acts of 1905, being section 36.61 of the Michigan Compiled Laws.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885 ;-- How. 1984k ;-- Am. 1891, Act 44, Imd. Eff. Apr. 29, 1891 ;-- CL 1897, 2062 ;-- Am. 1899, Act 62, Imd. Eff. May 2, 1899 ;-- Am. 1901, Act 25, Imd. Eff. Mar. 26, 1901 ;-- Am. 1907, Ex. Sess., Act 2, Imd. Eff. Oct. 24, 1907 ;-- Am. 1915, Act 49, Eff. Aug. 24, 1915 ;-- CL 1915, 1674 ;-- Am. 1919, Act 238, Eff. Aug. 14, 1919 ;-- CL 1929, 789 ;-- Am. 1931, Act 291, Imd. Eff. June 8, 1931 ;-- Am. 1933, Act 231, Imd. Eff. July 6, 1933 ;-- Am. 1934, 1st Ex. Sess., Act 17, Imd. Eff. Mar. 28, 1934 ;-- Am. 1945, Act 94, Eff. Sept. 6, 1945 ;-- CL 1948, 36.11 ;-- Am. 1952, Act 123, Eff. Sept. 18, 1952 ;-- Am. 1958, Act 186, Eff. Sept. 13, 1958 ;-- Am. 1982, Act 391, Eff. Mar. 30, 1983

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

**36.11a Repealed. 1982, Act 391, Eff. Mar. 30, 1983.**

**Compiler's Notes:** The repealed section pertained to gifts to veterans' facility.

**36.11b Creation of post fund; expenditures.**

Sec. 11b.

Each gift received by the board of managers and which specifically provides that the gift is not for the use and benefit of the state shall be paid into the post fund, which is hereby created by this section. The post fund shall be expended as prescribed by Act No. 313 of the Public Acts of 1905, being section 36.61 of the Michigan Compiled Laws.

**History:** Add. 1915, Act 49, Eff. Aug. 24, 1915 ;-- CL 1915, 1676 ;-- CL 1929, 791 ;-- CL 1948, 36.11b ;-- Am. 1952, Act 123, Eff. Sept. 18, 1952 ;-- Am. 1982, Act 391, Eff. Mar. 30, 1983

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

**36.11c Property of member; board may receive and hold in trust.**

Sec. 11c.

The board of managers or any officer or employee duly authorized by them may receive money, property or effects belonging to any member of the facility and hold same in trust, to be disposed of as directed by such member. Any balance of such money, property or effects remaining in trust at the time of his discharge from the facility shall be accounted for and paid to such member.

**History:** Add. 1952, Act 123, Eff. Sept. 18, 1952

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

**36.12 Method of drawing and accounting for money from state treasury prescribed.**

Sec. 12.

The method of drawing money from the state treasury and accounting for the same, shall be similar to that now in force with other state institutions as prescribed by the general law.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885 ;-- How. 1984-1 ;-- CL 1897, 2063 ;-- CL 1915, 1677 ;-- CL 1929, 792 ;-- CL 1948, 36.12

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

## WIDOWS, WIVES, AND MOTHERS

### Act 15 of 1921

AN ACT prescribing the qualifications for admission to the veterans' facility for the widows, widowers, former spouses, spouses, and parents of former members of the armed forces of the United States; and repealing all acts and parts of acts inconsistent herewith.

**History:** 1921, Act 15, Imd. Eff. Mar. 30, 1921 ;-- Am. 1952, Act 94, Eff. Sept. 18, 1952 ;-- Am. 1982, Act 180, Imd. Eff. June 14, 1982

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

### **36.31 Veterans' facility; qualifications and conditions for admission of widows, widowers, former spouses, and spouses of members of armed forces; admission of parents.**

#### Sec. 1.

(1) The qualifications for admission to residence in a veterans' facility for the widows, widowers, former spouses, and spouses of any member of the armed forces of the United States who was honorably discharged, shall be as follows: The widow, widower, former spouse, or spouse, of any member of the armed forces of the United States who was honorably discharged from the armed forces, who served in the Mexican war, the war of the rebellion, the Spanish-American war, the war in the Philippines, the first world war, the second world war, or in any other war, campaign, or expedition in which the armed forces of the United States have been, are, or may be, participants, for not less than 90 days shall be eligible for admission into a veterans' facility. However, in the case of the widows, widowers, former spouses, and spouses, the former spouse, spouse, widower, or widow shall be at least 60 years of age at the time of making application for admission. Any former spouse, spouse, widower, or widow of any of the veterans of any class mentioned who has established residency in this state at the time of making his or her application for admission and who is disabled or unable to earn a living may be eligible for admission notwithstanding the limitations otherwise provided for in this section. If any widow, widower, or former spouse who may be eligible for membership under his or her first spouse should remarry, he or she will forfeit all rights to a veterans' facility and cannot again claim membership under his or her first spouse.

(2) The board of managers of the veterans' facilities may prescribe as a condition for admission that all applicants be charged maintenance in the same manner as members who qualify for membership as former members of the armed forces of the United States, which maintenance shall be paid to the adjutant of the veterans' facilities in advance, not later than the fifth day of each month. Failure to comply with any condition shall be cause for dismissal from a veterans' facility. The money received shall be turned over to the state treasury and credited to the veterans' facilities operations fund. The board of managers of the veterans' facilities also may make a condition for admission to the veterans' facilities that all applicants shall assign to the board of managers any balance of money accumulated while a member of a facility or on deposit with any bank, trust company, corporation, or individual at the time of the death of the applicant. All sums shall be paid to the spouse, minor children, or dependent mother or father, in the order named, and, if no such relative shall be found within a period of 2 years, or if no claim has been made within a period of 2 years, the balance of any money shall be paid into a fund in the hands of the adjutant of the veterans' facilities to be expended under the direction of the board of managers to improve the service of the veterans' facilities.

(3) The parent of any member of the armed forces of the United States who was honorably discharged from the armed forces who served in any of the wars described in subsection (1) may be admitted upon the approval of the board of managers, under rules and conditions as the board may prescribe.

**History:** 1921, Act 15, Imd. Eff. Mar. 30, 1921 ;-- CL 1929, 797 ;-- Am. 1933, Act 232, Imd. Eff. July 6, 1933 ;-- CL 1948, 36.31 ;-- Am. 1952, Act 94, Eff. Sept. 18, 1952 ;-- Am. 1958, Act 188, Eff. Sept. 13, 1958 ;-- Am. 1982, Act 180, Imd. Eff. June 14, 1982 ;-- Am. 1982, Act 392, Eff. Mar. 30, 1983

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws. For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at § 36.71 of the Michigan Compiled Laws.

### **36.32 Construction of act.**

Sec. 2.

This act shall be construed as supplemental to any and all acts relating to the Michigan soldiers' home and to the home for the widows, wives and mothers established in connection therewith.

**History:** 1921, Act 15, Imd. Eff. Mar. 30, 1921 ;-- CL 1929, 798 ;-- CL 1948, 36.32

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws. For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at § 36.71 of the Michigan Compiled Laws.

## POST AND POSTHUMOUS FUNDS

### Act 313 of 1905

AN ACT to provide for the disposition of the money now or hereafter accumulated in the “post fund” and the “posthumous fund” of the Michigan soldiers' home.

**History:** 1905, Act 313, Imd. Eff. June 17, 1905

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

#### **36.61 Post fund and posthumous fund; expenditure by board of managers.**

Sec. 1.

The money on hand in the post fund and in the posthumous fund of the Michigan soldiers' home, and such money as may hereafter accumulate in said funds, may be expended by the board of managers of said home, in furnishing the new hospital, and for such other purposes for the benefit of the said home and the inmates thereof, as the said board of managers may, in its discretion, determine.

**History:** 1905, Act 313, Imd. Eff. June 17, 1905 ;-- CL 1915, 1691 ;-- CL 1929, 809 ;-- CL 1948, 36.61

**Compiler's Notes:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at § 36.71 of the Michigan Compiled Laws. For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at § 36.71 of the Michigan Compiled Laws.

**INCOME TAX ACT OF 1967 (EXCERPT)**  
**Act 281 of 1967**

**206.438 Designation of contribution to the military family relief fund.**

Sec. 438.

(1) For tax years that begin after December 31, 2003, a taxpayer may designate on his or her annual return that a contribution of \$1.00 or more of his or her refund be credited to the military family relief fund created in section 3 of the military family relief fund act, 2004 PA 363, MCL 35.1213. Notwithstanding any other provision in this section, for the tax years beginning on and after January 1, 2010, the contribution designation authorized under this section shall be offered and administered in accordance with section 435.

(2) If a taxpayer's refund is not sufficient to make a contribution under this section, the taxpayer may designate that the amount designated be added to the taxpayer's tax liability for the tax year.

(3) The contribution designation authorized in this section shall be clearly and unambiguously printed on the first page of all state individual income tax return forms, if practicable. Effective January 1, 2010, the contribution designation authorized in this section is no longer required to be printed on the first page of the state individual income tax return but shall be incorporated into the contributions schedule created by the department pursuant to section 435 and shall remain on the schedule until the contribution designation expires or is otherwise no longer available.

(4) Notwithstanding the other allocations and disbursements required by this act, and each year that the contribution designation is in effect, an amount equal to the cumulative designations made under this section, less the amount appropriated to the department of treasury for the purpose of implementing this section, shall be appropriated from the general fund and distributed each fiscal year to the department of military and veterans affairs to be used as follows:

(a) Twenty percent to the post fund and posthumous fund of the Michigan soldiers' home to be used as provided in 1905 PA 313, MCL 36.61.

(b) Eighty percent to the military family relief fund created in the military family relief fund act, 2004 PA 363, MCL 35.1211 to 35.1216.

(5) Money appropriated pursuant to this section to the department of military and veterans affairs shall be in addition to any allocations and appropriations and is intended to enhance appropriations from the general fund and not to replace or supplant those appropriations.

**History:** Add. 2004, Act 364, Imd. Eff. Oct. 6, 2004 ;-- Am. 2008, Act 151, Imd. Eff. June 5, 2008

**THE GENERAL PROPERTY TAX ACT (EXCERPT)**

**Act 206 of 1893**

**211.7b Exemption of real estate used and owned as homestead by soldier or sailor discharged with service connected disability; filing and inspection of certificate and affidavit; cancellation of taxes; local taxing unit to bear loss; death of soldier or sailor; continuation of exemption in favor of unremarried surviving spouse.**

Sec. 7b.

(1) Real estate used and owned as a homestead by a soldier or sailor who was discharged under honorable conditions with a service connected disability, and who has a certificate from the United States veterans' administration, or its successors, certifying the soldier or sailor is receiving or has received pecuniary assistance due to disability for specially adapted housing, shall be exempt from taxation. To obtain the exemption an affidavit, accompanied by the certificate, showing the facts required by this section and a description of the property shall be filed with the supervisor or other assessing officer. The affidavit and accompanying certificate shall be filed during the period beginning with the tax day for each year and ending at the time of the final adjournment of the local board of review. The affidavit and accompanying certificate when filed shall be open to inspection. The county treasurer is hereby authorized, pursuant to section 55, to cancel the taxes for any year in which a soldier or sailor has acquired title to real estate exempt under this section. Upon the granting of the exemption as allowed in this section, each local taxing unit shall bear the loss of their portion of the taxes upon which the exemption has been claimed and allowed.

(2) If a soldier or sailor entitled to the exemption permitted by this section dies, the exemption shall continue in favor of the unremarried surviving spouse of the soldier or sailor. The spouse shall comply with the requirements of subsection (1) and shall indicate on the affidavit that he or she is the surviving spouse of a soldier or sailor entitled to exemption by this section. The exemption shall continue as long as the surviving spouse remains unremarried.

**History:** Add. 1954, Act 179, Imd. Eff. May 5, 1954 ;-- Am. 1978, Act 261, Imd. Eff. June 28, 1978

**Popular Name:** Act 206

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

**324.43537 Restricted or senior all-species fishing license; eligibility of legally blind; proof of blindness; disabled veteran; eligibility for senior hunting or fishing license; disabled veterans firearm deer season; pilot project; proof of eligibility; processing licenses; appropriations; "disabled veteran" defined.**

Sec. 43537.

(1) A resident who is declared legally blind is eligible to purchase a senior restricted or senior all-species fishing license. The department may demand proof of blindness. The licensee, when fishing, shall possess proof of blindness and shall furnish the proof upon the request of a peace officer.

(2) A disabled veteran is eligible to purchase any senior hunting license described in section 43535 or any senior fishing license described in section 43536, or both.

(3) As a pilot project for 2007, there shall be a disabled veterans firearm deer season in at least 3 areas of this state, including Marquette county and deer management units 053 and 064. The disabled veterans firearm deer season shall correspond with the youth firearm deer hunting days, if any, established by order of the commission. A disabled veteran may take 1 deer during the disabled veterans firearm deer season. A disabled veteran taking deer during this season shall possess a current firearm deer license, combination deer license, or antlerless deer license or a deer management assistance permit authorizing the disabled veteran to take a deer with a firearm and issued for the area or land upon which the veteran is hunting. The same kind of deer may be taken during the disabled veterans firearm deer season as during the regular November firearm deer season. This subsection does not limit the authority of the commission under section 40113a to establish a special hunting season in any area of this state for veterans with disabilities or other classes of individuals.

(4) The department may demand proof of eligibility under subsection (2) or (3). The licensee, when hunting or taking aquatic species, as applicable, shall possess proof of his or her eligibility under subsection (2) or (3) and shall furnish the proof upon the request of a peace officer.

(5) The department shall process licenses issued under subsection (2) in the same manner as licenses issued to senior citizens for purposes of receiving appropriations from the legislature under section 43546.

(6) As used in this section, "disabled veteran" means either of the following:

(a) A resident who has been determined by the United States department of veterans affairs to be permanently and totally disabled as a result of military service and entitled to veterans' benefits at the 100% rate, for a disability other than blindness.

(b) A resident rated by the United States department of veterans affairs as individually unemployable.

**History:** Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 1996, Act 585, Eff. Mar. 1, 1997 ;-- Am. 2007, Act 60, Imd. Eff. Sept. 18, 2007

**Popular Name:** Act 451

**Popular Name:** NREPA

## CHILDREN OF VETERANS TUITION GRANT ACT

### Act 248 of 2005

AN ACT to establish an undergraduate tuition grant program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition grant program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

**History:** 2005, Act 248, Imd. Eff. Dec. 1, 2005

*The People of the State of Michigan enact:*

#### **390.1341 Short title.**

Sec. 1.

This act shall be known and may be cited as the "children of veterans tuition grant act".

**History:** 2005, Act 248, Imd. Eff. Dec. 1, 2005

#### **390.1342 Definitions.**

Sec. 2.

As used in this act:

- (a) "Academic year" means the period from August 1 of a calendar year to July 31 of the next calendar year.
- (b) "Authority" means the Michigan higher education assistance authority created by 1960 PA 77, MCL 390.951 to 390.961.
- (c) "Eligible institution" means a degree or certificate granting public or independent nonprofit college or university, junior college, or community college in this state.
- (d) "Eligible tuition" means the tuition charged by an eligible institution for an undergraduate class.
- (e) "Full-time student" means a student enrolled in at least 12 credit hours in an academic semester or its equivalent number of credit hours in a term or quarter, as determined by the authority.
- (f) "Michigan veteran" means an individual whose legal residence immediately before entering military service was in this state and who does not later reside outside of this state for a period of more than 2 years, or an individual who establishes legal residency in this state after entering military service.
- (g) "Part-time student" means a student who is not a full-time student, but is enrolled in at least the number of credit hours in a semester, term, or quarter that the authority defines as a 1/2-time course of study.
- (h) "Undergraduate class" means a class or course that provides a student with academic credit applicable toward a bachelor or associate degree from an eligible institution.

**History:** 2005, Act 248, Imd. Eff. Dec. 1, 2005

**390.1343 Children of veterans tuition grant program; creation; administration; duties of authority.**

Sec. 3.

The children of veterans tuition grant program is created, to be administered by the authority. The authority shall do all of the following:

- (a) Provide tuition grants to eligible students under this act.
- (b) Establish an application form and application timetable for eligible students to apply for tuition grants under this act.
- (c) Within 120 days after the effective date of this act, notify recipients of benefits under 1935 PA 245, MCL 35.111 to 35.112, of the repeal of that act and the availability of tuition grants under this act.
- (d) Promulgate rules to implement and administer this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The rules may include additional standards of eligibility for students to receive tuition grants under this act.

**History:** 2005, Act 248, Imd. Eff. Dec. 1, 2005

**390.1344 Tuition grant amount.**

Sec. 4.

(1) Subject to subsection (3), beginning in the 2005-2006 academic year, the authority shall provide a tuition grant in an amount determined under subsection (2) to any student who meets all of the following requirements:

- (a) Is enrolled in that academic year as a full-time or part-time student in undergraduate classes at an eligible institution.
- (b) Is a United States citizen or permanent resident of the United States.
- (c) Is more than 16 and less than 26 years of age.
- (d) Is the natural or adopted child of a Michigan veteran and the Michigan veteran meets or met any of the following:
  - (i) He or she was killed in action or died from another cause while serving in a war or war condition in which the United States was or is a participant.
  - (ii) The United States department of veterans affairs has determined that he or she died or is totally and permanently disabled as a result of a service-connected illness or injury.
  - (iii) The United States department of veterans affairs has determined he or she was permanently and totally disabled as a result of a service-connected illness or injury before death, and he or she died from any cause.
  - (iv) He or she is officially listed by the United States government as missing in action in a foreign country.
- (e) Has resided continuously in this state for the 12 months immediately preceding the date of his or her application and is not a resident of any other state.
- (f) Has maintained a cumulative grade point average of at least 2.25 in any undergraduate classes he or she completed at any eligible institution in any previous academic years.
- (g) Is in compliance with this act and the rules promulgated under this act.

(h) Has not been convicted of a felony involving an assault, physical injury, or death.

(i) Meets any other standards established in rules promulgated by the authority under section 3.

(2) Subject to subsection (3), the amount of a tuition grant described in subsection (1) in an academic year for a full-time student is \$2,800.00, or an amount equal to all of the student's eligible tuition in that academic year, whichever is less. The amount of the tuition grant for a part-time student is 1/2 of the amount of a full-time student as determined by the authority. The authority may reduce the amount of the tuition grants in any academic year on a pro rata basis to reflect the amount then available for the tuition grant program, but only after providing notice to the legislature under section 6(2).

(3) If a student receives tuition waiver assistance in the 2005-2006 academic year under the tuition waiver program provided in 1935 PA 245, MCL 35.111 to 35.112, is a person described in section 1(3) of 1935 PA 245, MCL 35.111, and meets the eligibility requirements of this act, the amount of the tuition grant under this act for that student in the 2005-2006 academic year shall be reduced by the amount of tuition waiver assistance that student received under 1935 PA 245.

(4) An individual shall not receive tuition grant assistance under this act or tuition waiver assistance under 1935 PA 245, MCL 35.111 to 35.112, or both, in more than 4 academic years.

**History:** 2005, Act 248, Imd. Eff. Dec. 1, 2005

**390.1345 Restricted account; establishment and administration by department of treasury; use; carrying over money to next fiscal year.**

Sec. 5.

(1) The department of treasury shall establish and administer a restricted account in the general fund for the children of veterans tuition grant program. The department of treasury shall credit to the account money appropriated or received from any source, including, but not limited to, amounts appropriated under section 437 of the income tax act of 1967, 1967 PA 281, MCL 206.437, and earnings on the account. The department of treasury shall use the money in the account only to provide money to the authority for tuition grants under this act.

(2) Money in the account described in subsection (1) at the end of a fiscal year shall not revert to the general fund but shall be carried over in the account to the next fiscal year.

**History:** 2005, Act 248, Imd. Eff. Dec. 1, 2005

**390.1346 Report.**

Sec. 6.

(1) By December 1 of each year, the authority shall annually submit a report to the state budget director, the house and senate appropriations subcommittees on higher education and community colleges, and the house and senate fiscal agencies for the preceding fiscal year on the children of veterans tuition grant program. The report shall include, but is not limited to, the total number of tuition grants paid by the authority in the preceding fiscal year, the total dollar amount of those tuition grants, and the number of students receiving grants and the total amount of those grants at each eligible institution.

(2) In any academic year, if the authority estimates that insufficient money will be available in that academic year from the account established in section 5 to pay a maximum grant under section 4(2) for a full-time student of \$2,800.00, the authority shall immediately report to the house and senate appropriations subcommittees on higher education and community colleges, the house and senate fiscal agencies, and the state budget director, regarding the estimated amount of additional money necessary to fund scholarships for all eligible students in that academic year at the maximum grant amounts under section 4(2).

**History:** 2005, Act 248, Imd. Eff. Dec. 1, 2005

## ARMED FORCES COMMEMORATION ACT

### Act 402 of 2004

AN ACT to commemorate the anniversary of the founding of the branches of the United States armed forces; and to prescribe the duties of certain state agencies and officials.

**History:** 2004, Act 402, Imd. Eff. Nov. 15, 2004

*The People of the State of Michigan enact:*

#### 435.341 Short title.

Sec. 1.

This act shall be known and may be cited as the "armed forces commemoration act".

**History:** 2004, Act 402, Imd. Eff. Nov. 15, 2004

#### 435.342 Commemoration dates.

Sec. 2.

In recognition of the men and women who served in the United States armed forces, specifically the United States army, the United States navy, the United States marines, the United States air force, and the United States coast guard, the dates of founding of each branch shall be commemorated. The commemoration dates shall include all of the following:

- (a) The United States army is commemorated on June 14.
- (b) The United States coast guard is commemorated on August 4.
- (c) The United States air force is commemorated on September 18.
- (d) The United States navy is commemorated on October 13.
- (e) The United States marine corps is commemorated on November 10.

**History:** 2004, Act 402, Imd. Eff. Nov. 15, 2004 ;-- Am. 2005, Act 9, Imd. Eff. Apr. 25, 2005

#### 435.343 Flags.

Sec. 3.

The flags of each branch shall be flown over the state capitol building in Lansing annually on the commemoration date for each branch identified in section 2.

**History:** 2004, Act 402, Imd. Eff. Nov. 15, 2004