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LOCAL COUNCILS OF VETERANS' AFFAIRS

Act 77 of 1945

AN ACT to provide for local councils of veterans' affairs; and to authorize appropriations by counties, cities, villages and townships.

History: 1945, Act 77, Imd. Eff. Apr. 11, 1945 .

The People of the State of Michigan enact:

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 therefor.

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 .

Former Law: See Act 193 of 1889, being CL 1897, §§ 2074 to 2079.

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

Act 83 of 1867

AN ACT to authorize and require county clerks to record the discharges of members of the armed forces of the United States; and to limit the disclosure of those discharge records.

History: 1867, Act 83, Imd. Eff. Mar. 23, 1867 ;--Am. 1944, 1st Ex. Sess., Act 2, Imd. Eff. Feb. 16, 1944 ;--Am. 1975, Act 126, Imd. Eff. July 1, 1975 .

The People of the State of Michigan enact:

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

Act 190 of 1965

AN ACT to provide for a system of uniformity of service for veterans.

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

The People of the State of Michigan enact:

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 .

EDUCATION OF CHILDREN OF VETERANS

Act 245 of 1935

AN ACT to provide educational opportunities for the children of certain members of the armed forces of the United States.

History: 1935, Act 245, Eff. Sept. 21, 1935 ;--Am. 1937, Act 84, Imd. Eff. June 15, 1937 ;--Am. 1943, Act 38, Eff. July 30, 1943 ;--Am. 1974, Act 44, Imd. Eff. Mar. 19, 1974 .

The People of the State of Michigan enact:

35.111 Child of deceased, disabled, or missing Michigan veteran; admission to state educational or training institution of undergraduate or college grade; limitation on attendance; tuition not required.

Sec. 1.

(1) A person greater than 16 years of age and less than 26 years of age who has been a resident of this state for the preceding 12 months, and who is a child of a Michigan veteran who was killed in action or died from other cause during a war or war condition in which the United States has been, is, or may be a participant, or who as a result of service connected illness or injury has since died or is totally disabled, or who as a result of service connected illness or injury was totally disabled before death from any cause, or who is officially listed by the United States government as missing in action in a foreign country, may, as provided in this act, attend an educational or training institution of an undergraduate college grade in this state.

(2) A person's attendance at an institution located in this state pursuant to this act shall not exceed 36 month's full-time equated college undergraduate education.

(3) A person admitted to a Michigan tax supported institution or accepted into the state paid tuition program for a Michigan tax supported institution under this act before October 1, 1996 is not required to pay tuition or any other fee that takes the place of tuition charges during the time in which that person is a college undergraduate grade student at the institution.

(4) A person described in subsection (1) who is either of the following before October 1, 1996 is not required to pay the first \$2,800.00 per year of tuition or any other fee that takes the place of tuition charges during the time in which that person is a college undergraduate student at an institution as described in subsection (1):

(a) Admitted under this act to an institution that is not a Michigan tax supported institution.

(b) Accepted into the state paid tuition program for an institution that is not Michigan tax supported.

(5) A person admitted to an institution located in this state pursuant to this act on or after October 1, 1996 is not required to pay the first \$2,800.00 per year of tuition or any other fee that takes the place of tuition charges during the time in which that person is a full-time college undergraduate student at the institution.

History: 1935, Act 245, Eff. Sept. 21, 1935 ;--Am. 1937, Act 84, Imd. Eff. June 15, 1937 ;--Am. 1943, Act 38, Eff. July 30, 1943 ;--CL 1948, 35.111 ;--Am. 1963, Act 128, Imd. Eff. May 10, 1963 ;--Am. 1965, Act 371, Eff. Mar. 31, 1966 ;--Am. 1974, Act 44, Imd. Eff. Mar. 19, 1974 ;--Am. 1977, Act 224, Imd. Eff. Nov. 30, 1977 ;--Am. 1980, Act 27, Imd. Eff. Mar. 7, 1980 ;--Am. 1984, Act 216, Imd. Eff. July 12, 1984 ;--Am. 1996, Act 335, Imd. Eff. June 26, 1996 .

35.111a "Michigan veteran" defined.

Sec. 1a.

As used in this act, "Michigan veteran" means a person whose legal residence immediately before entering service was in this state. A veteran who did not have legal residence in this state before entering the military service shall be considered a Michigan veteran for purposes of this act after having established a legal residence in this state. A veteran whose legal residence was in this state before entering military service shall not be considered a Michigan veteran for purposes of this act if the person leaves this state for more than 2 years.

History: Add. 1977, Act 224, Imd. Eff. Nov. 30, 1977 .

35.112 Determination of eligibility by Michigan veterans' trust fund board of trustees; compensation for services prohibited; rules; appropriations; notice of eligibility; reapplication for benefits.

Sec. 2.

(1) The Michigan veterans' trust fund board of trustees shall determine the eligibility of a person who may make application for the benefits provided in section 1 and shall satisfy itself of the attendance and progress of that person at the institution and of the accuracy of the charge or charges submitted to the board by the authorities of the institution on account of the person's attendance at the institution. A member of the board or the secretary shall not receive compensation for the services. The board of trustees shall promulgate rules 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, to provide uniform consideration of persons who are eligible for the benefits of this act. The appropriations provided to the institutions or state board of education for this purpose shall be made to the Michigan veterans' trust fund board of trustees.

(2) The Michigan veterans' trust fund board of trustees shall notify each person who, before the effective date of this subsection, was determined to be ineligible for benefits provided in section 1 because the person was the child of a veteran who, as the result of wartime service, had been totally disabled, but had died before the person made his or her application. The notice shall advise the person that he or she may be eligible for and may reapply for benefits provided in section 1.

History: 1935, Act 245, Eff. Sept. 21, 1935 ;--CL 1948, 35.112 ;--Am. 1963, Act 128, Imd. Eff. May 10, 1963 ;--Am. 1965, Act 371, Eff. Mar. 31, 1966 ;--Am. 1977, Act 224, Imd. Eff. Nov. 30, 1977 ;--Am. 1980, Act 27, Imd. Eff. Mar. 7, 1980 .

Admin Rule: R 35.651 et seq. of the Michigan Administrative Code.

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 .

Former Law: See Act 191 of 1901, being CL 1915, §§ 6984 to 7000, and Act 294 of 1913, being CL 1915, §§ 7001 to 7009, which were repealed by section 9 of Act 51 of 1925.

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 Note: 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

The People of the State of Michigan enact:

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

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

Popular Name: Veterans' Trust Fund Act

35.601a Veterans' trust fund; transfer of assets; sale; reimbursement; appropriations; nursing facility.

Sec. 1a.

The state treasurer is hereby authorized to transfer, with the approval of the state administrative board, all or part of the United States treasury bonds, notes and other evidences of indebtedness in the Michigan veterans' trust fund to the general fund. From time to time, as necessary to meet the cash requirements of the general fund, the state treasurer, with the approval of the state administrative board, shall sell the bonds so transferred and deposit the proceeds in the general fund.

To reimburse the Michigan veterans' trust fund for the bonds transferred pursuant to the provisions of this section, there is hereby appropriated from the general fund:

- (1) For the fiscal year beginning July 1, 1959, and for each fiscal year thereafter, the sum of \$1,200,000.00 less any sums earned from investments of the fund.
- (2) For each of the fiscal years beginning July 1, 1961 and 1962, in addition, the sum of \$1,000,000.00.
- (3) For each of the fiscal years beginning July 1, 1963 and 1964, in addition, the sum of \$2,000,000.00.
- (4) For each of the fiscal years beginning July 1, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974 and 1975, in addition, the sum of \$4,000,000.00.
- (5) For the fiscal year beginning July 1, 1976, in addition, a sum sufficient which, when taken with sums previously appropriated and other investments of the fund, will restore the fund to a principal sum of \$50,000,000.00.

The appropriations made in subdivision (1) of this section shall be deemed "income" as the term is used in this act and shall be disbursed by the board of trustees in the manner and for the purposes prescribed in this act. The appropriations made in subdivisions (2), (3), (4) and (5) of this section shall be invested as directed by the state administrative board pursuant to the provisions of this act.

The board of trustees may grant or loan to the state for the purpose of the construction of a nursing facility for the use of members of the veterans' facility at Grand Rapids established under Act No. 152 of the Public Acts of 1885, as amended, being sections 36.1 to 36.12 of the Compiled Laws of 1948, portions of the principal and earnings of the Michigan veterans' trust fund not allocated under the provisions of this act.

History: Add. 1959, Act 277, Eff. Dec. 22, 1959 ;--Am. 1970, Act 50, Imd. Eff. July 10, 1970 .

Popular Name: Veterans' Trust Fund Act

35.601b Veterans' trust fund; transfer of funds for construction of nursing care facility; reimbursement.

Sec. 1b.

The state treasurer shall transfer to the general fund such portions of the principal of the veterans' trust fund as are required to support appropriations in the general fund capital outlay appropriation acts for the construction of a nursing care facility authorized by Act No. 46 of the Public Acts of 1970 for the use of members of the veterans' facility at Grand Rapids. Such transfers shall not exceed the authorized cost less federal aid. To reimburse the Michigan veterans' trust fund for the transfers made pursuant to this section, the legislature shall appropriate from the general fund for the fiscal year after the fund has been restored as provided in section 1a a sum sufficient which when taken with sums previously appropriated and other investments of the fund, will restore the fund to a principal sum of \$50,000,000.00.

History: Add. 1971, Act 59, Imd. Eff. July 20, 1971 .

Popular Name: Veterans' Trust Fund Act

35.601c Transfer of bonds, notes, and other evidences of indebtedness from trust fund to general fund; sale of bonds; disposition of proceeds; appropriations to reimburse trust fund, to provide for administration of act, and to furnish college tuition grants for children of disabled or deceased veterans.

Sec. 1c.

(1) The state treasurer is hereby authorized to transfer, with the approval of the state administrative board, all or part of the United States treasury bonds, notes, and other evidences of indebtedness in the Michigan veterans' trust fund to the general fund. The state treasurer, with the approval of the state administrative board, shall sell the bonds transferred and deposit the proceeds in the general fund.

(2) To reimburse the Michigan veterans' trust fund for the bonds, notes, and other evidences of indebtedness transferred pursuant to this section, to provide for the administration of this act, to furnish college tuition grants for children of disabled or deceased veterans, there is hereby appropriated from the general fund:

(a) For the fiscal year beginning October 1, 1976, a sum of \$3,100,000.00; and for each fiscal year thereafter, a sum to be determined by the appropriations committees of the senate and house, based on the interest as determined by the department of treasury which would have been earned from investment of the trust fund principal amount of \$50,000,000.00; less interest earned by investment of the principal amount repaid. The annual rate of interest is to be determined by the department of treasury and forwarded in writing on August 1 of each year to the department of management and budget and the appropriations committees of the house and senate.

(b) For the fiscal year beginning in 1979, in addition to the amount appropriated in subdivision (a), the sum of \$2,000,000.00 shall be paid to reestablish the principal of the Michigan veterans' trust fund.

(c) For the fiscal year beginning in 1980, in addition to the amount appropriated in subdivision (a), the sum of \$200,000.00 shall be paid to reestablish the principal of the Michigan veterans' trust fund.

(d) For each fiscal year beginning in 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, and 1991, in addition to the amount appropriated in subdivision (a), the sum of \$4,000,000.00 shall be paid to reestablish the principal of the Michigan veterans' trust fund.

(e) For any fiscal year that is modified to be more than or less than a 12-month period, the sums appropriated in this subsection shall be prorated to assure payment in lieu of interest and repayment of principal, as intended in this subsection.

(f) For the fiscal year beginning in 1992, in addition, a sum sufficient which, when taken with sums previously appropriated and other investments of the fund, will restore the fund to a principal sum of \$49,000,000.00.

(3) The appropriations made in subsection (2)(a) shall be deemed "income" as the term is used in this act and shall be disbursed by the board of trustees in the manner and for the purposes prescribed in this act. The appropriations made in subsection (2)(b), (c), (d), (e), and (f) shall be vested as directed by the state administrative board pursuant to this act.

History: Add. 1976, Act 119, Eff. June 10, 1976 ;--Am. 1980, Act 353, Imd. Eff. Dec. 29, 1980 .

Popular Name: Veterans' Trust Fund Act

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

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

Popular Name: Veterans' Trust Fund Act

35.601e Transfer of appropriation to general fund for veterans' facilities; appropriations to reimburse trust fund for amount transferred; determination of interest; prorating sums appropriated.

Sec. 1e.

(1) Of the \$2,000,000.00 appropriated from the general fund in the fiscal year beginning in 1979 to reimburse the Michigan veterans' trust fund, the state treasurer is authorized by this section to transfer \$1,700,000.00 to the general fund for veterans' facilities as provided in the full fiscal year appropriation bill for the department of public health for the fiscal year beginning October 1, 1980.

(2) To reimburse the Michigan veterans' trust fund for the \$1,700,000.00 transferred pursuant to this section, there is appropriated by this section from the general fund, \$425,000.00 in the fiscal years beginning in 1981, 1982, 1983, and 1984. In addition, there is appropriated by this section from the general fund in the fiscal years beginning in 1981, 1982, 1983, and 1984, a sum to be determined by the appropriations committees of the senate and house, based on the interest as determined by the department of treasury which would have been earned from investment of the trust fund principal amount of \$1,700,000.00, less interest earned by investment of the principal amount repaid. The annual rate of interest is to be determined by the department of treasury and forwarded in writing on August 1 of each year to the department of management and budget and the appropriations committees of the house and senate.

(3) For any fiscal year that is modified to be more than or less than a 12-month period, the sums appropriated in this section shall be prorated to assure payment as intended in this section.

History: Add. 1980, Act 353, Imd. Eff. Dec. 29, 1980 .

Popular Name: Veterans' Trust Fund Act

35.601f Grand Rapids veterans' facility outpatient center; appropriation for construction; condition to initiation of construction; appropriation as loan; repayment; pursuit of usual funding channels; crediting other income to veterans' facilities operation fund.

Sec. 1f.

(1) There is appropriated to the department of public health to supplement former appropriations for the fiscal year ending September 30, 1988, \$3,000,000.00 from the principal of the veterans' trust fund for the purpose of construction of the Grand Rapids veterans' facility outpatient center.

(2) Construction of the Grand Rapids veterans' facility outpatient center shall not be initiated until the project and rental support has been authorized, in writing, by the United States veterans administration.

(3) The appropriation of \$3,000,000.00 in subsection (1) shall be considered a loan from the veterans' trust fund and shall be repaid, at a rate of interest equal to the earnings of the trust, to be determined annually by the department of treasury. The rental income received by the department of public health from the United States veterans administration for use of the facility shall be used to repay the principal and interest on the loan from the veterans' trust fund.

(4) As soon as possible, the departments of public health and management and budget will pursue the usual funding channels for the construction of such hospital-related projects, and repay the \$3,000,000.00 to the Michigan veterans' trust fund. Notwithstanding interest payments due, lump sum payments shall be paid annually in the amount of \$500,000.00 when said funding is secured.

(5) Other income received from the United States veterans administration shall be credited to the veterans' facilities operation fund in the state treasury in accordance with section 11 of Act No. 152 of the Public Acts of 1885, being section 36.11 of the Michigan Compiled Laws.

History: Add. 1988, Act 266, Imd. Eff. July 15, 1988 .

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 .

Transfer of Power: See § 16.206.

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 .

The People of the State of Michigan enact:

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 .

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

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 .

The People of the State of Michigan enact:

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

Sec. 1.

The legislative body of a city, village, or township in this state, upon the petition of 5 eligible voters of the city, village, or township, shall procure for and furnish to the petitioners, at the expense of the city, village, 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 cemetery belonging to the city, village, or township. The flag holder and United States flag shall be placed on the grave of each 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 .

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 2.50-acre parcel of land measuring approximately 260.17 feet in an east-west direction and approximately 419.75 feet in a north-south direction, the westerly boundary being the easterly right of way of Butler Street and the southerly boundary being the northerly right of way of Allegan 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 southwest corner of block 1, Bush, Butler and Sparrow's Addition, City of Lansing, Ingham County, Michigan; thence northerly 330.00 feet on the west line of said block 1 extended 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 northerly 89.75 feet on the extended west line of block 6, Claypool's Subdivision, City of Lansing, Ingham County, Michigan; thence easterly 260.17 feet, parallel with the south line of said block 6; thence southerly 89.75 feet, parallel with the west line of said block 6 to a point on the E-W 1/4 line of said section 17; thence southerly 330.00 feet parallel to the west line of said block 1, Bush, Butler and Sparrow's Addition to a point on the south line of said block 1; thence westerly 260.17 feet on said south line to the point of beginning, containing 2.50 acres, more or less.

History: Add. 2000, Act 470, Imd. Eff. Jan. 10, 2001 .

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

©*The People of the State of Michigan enact:*

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 Note: 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 Note: 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.

Transfer of Power: See § 16.528.

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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 Note: 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 and before January 1, 2008, 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.

(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.

(4) Notwithstanding the other allocations and disbursements required by this act, 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 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.

(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

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

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 14.
- (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

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