

HOUSE BILL No. 4305

February 27, 2003, Introduced by Reps. Robertson, Caswell, Vander Veen, Voorhees and Pappageorge and referred to the Committee on Veterans Affairs and Homeland Security.

A bill to amend 1885 PA 152, entitled

"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,"

by amending section 11 (MCL 36.11), as amended by 1982 PA 391.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) All members of the armed forces of the United
2 States who have been honorably discharged from the armed forces
3 of the United States who have served in the armed forces of the
4 United States not less than 90 days in the war of the rebellion,
5 ~~in~~ the Mexican war, the Indian wars, the Spanish-American war,
6 the war in the Philippines, the first world war, the second world
7 war, or any other war, campaign, or expedition in which the armed
8 forces of the United States have been, are, or may be,
9 participants, **or in a hostile fire environment for which a**
10 **campaign medal signifying service has been awarded, or are**

1 **reservists or national guardsmen with at least 20 years of**
 2 **service,** and who are disabled by disease, wounds, or otherwise,
 3 and who have no adequate means of support, and by reason of their
 4 disability are incapable of earning their living and who would be
 5 otherwise dependent upon public or private charity, ~~shall be~~
 6 **are** entitled to be admitted to a facility, subject to ~~such the~~
 7 rules ~~as~~ promulgated by the board of managers ~~pursuant to Act~~
 8 ~~No. 306 of the Public Acts of 1969, being sections 24.201 to~~
 9 ~~24.315 of the Michigan Compiled Laws~~ **under the administrative**
 10 **procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328,** to
 11 govern the admission of applicants to the facilities. Former
 12 members of the armed forces of the United States, otherwise
 13 qualified, who served less than 90 days and who were honorably
 14 discharged from service, and who, as a result of that service,
 15 acquired a service connected disability or disease, may be
 16 admitted. An applicant shall not be admitted to a facility
 17 unless he or she served in a Michigan regiment or has been
 18 accredited to this state or he or she has established residency
 19 in the state at the time ~~of making his or her application~~ **he or**
 20 **she applies** for admission to the facility. ~~Nothing in this~~
 21 ~~section prevents the~~

22 **(2) The** board of managers ~~from admitting~~ **may admit** to
 23 membership in a facility any applicant otherwise qualified, but
 24 who has adequate means of support and is not dependent upon
 25 public or private charity, provided that the applicant, as a
 26 condition of admission, pays to the board of managers in advance,
 27 or at those times as may be fixed by the board of managers, for

1 the use and benefit of the state a sum for his or her support as
2 the board of managers determines to be proper.

3 **(3)** The board of managers shall annually determine the per
4 diem expense of maintenance of members in the facilities and
5 shall require any member who has adequate means of support or
6 sufficient property or income, to pay the board of managers in
7 full for the expenses of maintenance.

8 **(4)** All members in the facilities shall be charged in the
9 first instance with the maintenance, which shall be collected
10 either in whole or in part, if the member has sufficient property
11 or income, but otherwise the board of managers may remit the per
12 diem charge either in whole or in part. The maintenance charges
13 as determined by the board of managers shall be paid to the
14 adjutant of the facilities in advance not later than the fifth
15 day of each month. Failure to comply with a condition **of**
16 **admission** shall be cause for dismissal from a facility.

17 **(5)** ~~—(2)—~~ There is created a veterans' facilities operation
18 fund in the state treasury. Except as provided by subsection
19 ~~—(3)—~~ **(6)**, money received under this section and from the
20 veterans' administration in direct payment for services to
21 members of the facilities established under this act shall be
22 turned over to the state treasury and credited to the veterans'
23 facilities operation fund. Money in the veterans' facilities
24 operation fund shall be expended only for the operation of the
25 facilities established under this act.

26 **(6)** ~~—(3)—~~ The board of managers of the facilities may make a
27 condition for admission to a facility that all applicants shall

1 assign to the board of managers any balance of money accumulated
2 while a member of the facility, or due to the applicant or on
3 deposit with any bank, trust company, corporation, or with any
4 individual, at the time of the death of the applicant. All
5 ~~such~~ sums shall first be expended to pay for all residual
6 maintenance costs attributable to the deceased individual and
7 ~~shall~~ then be paid to the ~~wife~~ **spouse**, minor children, or
8 dependent mother or father, in the order named. If ~~no such a~~
9 relative ~~shall be~~ **is not** found within ~~a period of~~ 2 years, or
10 if no claim for the sums has been made within ~~a period of~~ 2
11 years, the balance of the money shall be paid into the posthumous
12 fund, which is hereby created by this subsection. The posthumous
13 fund shall be expended as prescribed by ~~Act No. 313 of the~~
14 ~~Public Acts of 1905, being section 36.61 of the Michigan Compiled~~
15 ~~Laws~~ **1905 PA 313, MCL 36.61.**