

HOUSE BILL No. 6137

September 9, 2004, Introduced by Reps. Farhat, Nofs, Steil, Garfield, Pappageorge, Mortimer, Woronchak, Casperson, Pumford, Richardville, Sheltroun, Hopgood and Law and referred to the Committee on Veterans Affairs and Homeland Security.

A bill to amend 1899 PA 214, entitled

"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,"

by amending the title and sections 1, 2, 3, 4, 5, and 7 (MCL 35.21, 35.22, 35.23, 35.24, 35.25, and 35.27), section 1 as amended by 1984 PA 168; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to provide ~~relief~~ **assistance** outside of the soldiers' home for honorably discharged ~~indigent~~ soldiers, sailors, marines, nurses, and members of women's auxiliaries and the indigent ~~wives~~ **spouses**, widows, and minor children of ~~such~~ indigent or deceased soldiers, sailors, marines, nurses, and members of women's auxiliaries; ~~—~~ and to repeal ~~certain~~

1 acts and parts of acts.

2 Sec. 1. (1) The county board of commissioners of each
3 county shall annually levy ~~—~~ a tax not exceeding 1/10 of a mill
4 on each dollar ~~—, to be levied and collected as provided by law,~~
5 upon the taxable property of each township and city, for their
6 respective counties, for the purpose of creating a **veterans'**
7 **relief** fund. ~~—for the relief of honorably discharged indigent~~
8 ~~members of the army, navy, air force, marine corps, coast guard,~~
9 ~~and women's auxiliaries of all wars or military expeditions in~~
10 ~~which the United States of America has been, is, or may hereafter~~
11 ~~be, a participant as prescribed in section 1 of Act No. 190 of~~
12 ~~the Public Acts of 1965, being section 35.61 of the Michigan~~
13 ~~Compiled Laws, and the indigent spouses, minor children, and~~
14 ~~parents of each such indigent or deceased member. Funds raised~~
15 ~~in accordance with the provisions of this section may be expended~~
16 ~~for the relief of indigent wives and children of active duty~~
17 ~~soldiers, sailors, marines, airmen, coast guardsmen, nurses, and~~
18 ~~members of the women's auxiliaries during the continuance of~~
19 ~~present hostilities and prior to their discharge. However, in~~
20 ~~any year which, in the opinion of the board, an emergency~~
21 ~~justifying the same exists, the board may appropriate a sum not~~
22 ~~to exceed 2/10 of a mill on each dollar for said purpose. The~~
23 ~~sums, when collected, shall be paid to the county treasurer of~~
24 ~~the county where such tax is levied in each of the counties in~~
25 ~~this state, to be paid out by the treasurer upon the order of the~~
26 ~~soldiers' relief commission duly signed by the chairperson and~~
27 ~~secretary of the commission. If any money in the fund is not~~

1 ~~necessary for the purpose for which it was raised, the money~~
2 ~~shall remain in the treasury of the county as a soldiers' relief~~
3 ~~fund, and shall be considered in raising future sums therefor.~~

4 (2) The veterans' relief fund shall be expended for the
5 assistance of wartime veterans who were discharged under
6 conditions other than dishonorable and for the assistance of the
7 indigent spouses, minor children, and parents of every deceased
8 member of the United States armed forces. The fund shall first
9 be expended for 1 or more of the following purposes:

10 (a) The provision of financial assistance for fund
11 beneficiaries.

12 (b) The provision of medical services for fund
13 beneficiaries.

14 (c) Job placement assistance for fund beneficiaries.

15 (d) Transportation for fund beneficiaries.

16 (e) Food for fund beneficiaries.

17 (f) Shelter for fund beneficiaries.

18 (g) Other assistance for fund beneficiaries.

19 (3) If excess funds exist after the expenditures authorized
20 in subsection (2), the fund shall be expended for the assistance
21 of all other veterans who were discharged under conditions other
22 than dishonorable. Fund expenditures under this subsection shall
23 be made for 1 or more of the following purposes:

24 (a) The provision of financial assistance for the fund
25 beneficiaries identified in this subsection.

26 (b) The provision of medical services for fund beneficiaries
27 identified in this subsection.

1 (c) The provision of job placement assistance for fund
2 beneficiaries identified in this subsection.

3 (d) The provision of transportation for fund beneficiaries
4 identified in this subsection.

5 (e) The provision of food for fund beneficiaries identified
6 in this subsection.

7 (f) The provision of shelter for fund beneficiaries
8 identified in this subsection.

9 (g) The provision of other assistance for fund beneficiaries
10 identified in this subsection.

11 (4) If excess funds exist after the expenditures authorized
12 in subsections (2) and (3), the fund may be expended to provide
13 assistance to indigent spouses and children of active duty
14 members of the United States armed forces, members of the United
15 States armed forces reserve who have been called to active duty
16 by the president of the United States or the United States
17 secretary of defense, or members of the Michigan national guard
18 called to active duty by the president of the United States or
19 the United States secretary of defense. Fund expenditures under
20 this subsection may be made for 1 or more of the following
21 purposes:

22 (a) The provision of financial assistance for beneficiaries
23 identified in this subsection.

24 (b) The provision of medical services for beneficiaries
25 identified in this subsection.

26 (c) The provision of job placement assistance for
27 beneficiaries identified in this subsection.

1 (d) The provision of transportation for beneficiaries
2 identified in this subsection.

3 (e) The provision of food for beneficiaries identified in
4 this subsection.

5 (f) The provision of shelter for beneficiaries identified in
6 this subsection.

7 (g) The provision of other assistance for beneficiaries
8 identified in this subsection.

9 (5) If the county board of commissioners decides that an
10 emergency exists, the county board of commissioners may
11 appropriate an additional 2/10 of a mill on each dollar for funds
12 to cover the emergency. All money under this section shall be
13 paid to the county treasurer in the county where the tax is
14 collected. The treasurer shall pay the money out upon the
15 written order of the commission or upon the order of the
16 department. The order shall be signed by the chairperson and
17 secretary of the commission or by the chairperson and secretary
18 of the department, whichever applies. If money is not expended
19 for the enumerated purposes of this section, the remaining money
20 paid into the veterans' relief fund shall remain in the treasury
21 of the county as a soldiers' relief fund and shall be considered
22 in raising sums for future years.

23 (6) The county board of commissioners of each county may
24 accept donations of money or items of value from any source for
25 deposit into the veterans' relief fund. Disposition of donations
26 shall be determined under this section.

27 (7) As used in this act:

1 (a) "Commission" means the soldiers' relief commission
2 created in this act.

3 (b) "Department" means the county department of veterans'
4 affairs created in 1953 PA 192, MCL 35.621 to 35.624.

5 (c) "Wartime veteran" means a person who served as a member
6 of the army, navy, air force, marine corps, coast guard, or
7 women's auxiliaries of all wars or military expeditions in which
8 the United States has been, is, or may be a participant as
9 described in section 1 of 1965 PA 190, MCL 35.61.

10 Sec. 2. (1) The judge of probate in each county shall
11 appoint 3 ~~persons,~~ residents of ~~such~~ **the** county, who shall be
12 honorably discharged soldiers, sailors, marines, nurses, or
13 members of the women's auxiliaries ~~—~~ of the United States army
14 and navy, volunteers or regulars, who served in a war in which
15 the United States has been, is, or may ~~hereafter~~ be ~~—~~ a
16 participant, at least 1 of whom shall have served in World War I,
17 to be known as the "soldiers' relief commission" of the county,
18 with the powers and duties ~~in this act~~ provided **in this act**.
19 If there is no World War I veteran who is willing to serve, a
20 veteran of a war as defined in ~~Act No. 190 of the Public Acts~~
21 ~~of 1965, as amended, being sections 35.61 and 35.62 of the~~
22 ~~Compiled Laws of 1948~~ **1965 PA 190, MCL 35.61 to 35.62**, may be
23 appointed to serve on the soldiers' relief commission.

24 (2) One ~~of such persons~~ **member** shall be appointed for a
25 term of 1 year, ~~—~~ 1 for a term of 2 years, ~~—~~ and 1 for a term
26 of 3 years, and at the expiration of ~~the~~ **each** term, ~~for which~~
27 ~~each of such persons was appointed,~~ **his or her** successor shall

1 be appointed for a term of 3 years. ~~thereafter.~~ ~~The persons so~~
2 ~~appointed~~ **Commission members** shall organize by the selection of
3 1 of their number as ~~chairman~~ **chairperson**, and 1 as secretary,
4 and in the event of the death, resignation, change of residence,
5 or other disability of any member of the commission ~~, creating~~
6 **that creates** a vacancy, the judge of probate shall fill ~~such~~
7 **the** vacancy by an appointment for the unexpired term. ~~The~~
8 ~~members shall each~~ **Each member shall** file the constitutional
9 oath of office with the probate court ~~,~~ and receive ~~the~~
10 ~~proper~~ a certificate of ~~their~~ **his or her** appointment. ~~They~~
11 **He or she** shall be entitled to reasonable compensation for
12 ~~their~~ **his or her** services, to be fixed and paid by the board of
13 supervisors of ~~their~~ **his or her** respective ~~counties~~ **county**.
14 The judge of probate shall have authority to remove any member of
15 ~~such~~ **the** commission for cause.

16 Sec. 3. ~~The supervisor of each township and ward in each~~
17 ~~of the counties of this state, and where there is no ward~~
18 ~~supervisor the aldermen of the several wards of every~~
19 ~~incorporated city in this state, shall, on or before the last~~
20 ~~Monday in September in each year, make and place in the hands of~~
21 ~~the soldiers' relief commission of the county, a list of all the~~
22 ~~persons entitled to relief under the provisions of this act, and~~
23 ~~the soldiers' relief commission, on the first Monday in October~~
24 ~~in each year, shall proceed to determine the amount necessary for~~
25 ~~aid and relief to be granted such persons under this act, which~~
26 ~~shall be then and there recorded in the books to be kept by the~~
27 ~~secretary of said soldiers' relief commission. The commission~~

1 ~~may determine not only the sum to be paid, but the manner of~~
2 ~~paying the same, and may discontinue the payment of such relief~~
3 ~~in their discretion. Appeal may be taken therefrom to the~~
4 ~~circuit court of such county, by certiorari by filing application~~
5 ~~therefor with the clerk within 15 days following the making of~~
6 ~~such decision. The court shall hear the case de novo and its~~
7 ~~decision shall be final. The commission or the department shall~~
8 ~~determine the amount necessary to grant assistance under section~~
9 ~~1. The amount shall be recorded by the secretary of the~~
10 ~~commission or the secretary of the department. The commission or~~
11 ~~department may determine the manner in which assistance is~~
12 ~~administered and may discontinue assistance at any time in the~~
13 ~~discretion of the commission or department, whichever is~~
14 ~~applicable. The commission or department shall not spend more~~
15 ~~than 5% of the total amount expended under section 1 for~~
16 ~~administration of this assistance.~~

17 Sec. 4. Whenever ~~any~~ **an** emergency ~~shall arise~~ **arises** in
18 **the** case of a sickness, accident, or death ~~, which,~~ **of a**
19 **beneficiary that,** in the opinion of ~~any~~ **a** supervisor or
20 alderman, needs relief, ~~such~~ **the** supervisor or alderman ~~, when~~
21 ~~inconvenient to consult any of the members of said commission,~~
22 shall have the power to draw an order on the county treasurer for
23 a sum not to exceed ~~10 dollars,~~ **\$10.00 without contacting the**
24 **soldiers' relief commission or county department of veterans'**
25 **affairs** and shall certify his **or her** action and the circumstances
26 of the case to ~~such soldiers' relief~~ **the** commission ~~, which~~
27 **or department. The commission or department shall ratify the**

1 ~~same~~ **decision**, and ~~such~~ **the** commission **or** department may
2 grant ~~such~~ further relief at any time ~~as it may deem~~
3 necessary ~~;~~ ~~Provided, however, That no~~ **unless a** claim for
4 relief ~~shall be allowed and paid which shall create~~ **creates a**
5 deficiency in the fund **when it is paid.**

6 Sec. 5. ~~Said soldiers' relief~~ **The** commission **or**
7 **department** shall make to the board of supervisors, at its October
8 session ~~in~~ each year, a full report of its ~~doings~~ **activities**
9 and the amount of ~~relief~~ money ~~on hand~~ **available in the fund,**
10 the amount expended during the ~~year~~ preceding **year,** ~~and~~ the
11 amount estimated for the **following** year, ~~ensuing,~~ and ~~such~~
12 **all** further information and suggestions as ~~they~~ **the commission**
13 **or the department** may consider necessary to the discharge of
14 ~~their~~ duties under this act.

15 Sec. 7. The ~~several~~ commissioners appointed under this
16 act shall have power to administer oaths in the execution of the
17 duties of their offices.

18 Enacting section 1. Section 6 of 1899 PA 214, MCL 35.26, is
19 repealed.