

# HOUSE BILL No. 4871

June 7, 2005, Introduced by Reps. Farhat, Garfield, Caul, Pavlov, Moore and Mortimer 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~~

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1 indigent or deceased soldiers, sailors, marines, nurses, and  
2 members of women's auxiliaries; ~~—~~ and to repeal ~~certain~~ acts  
3 and parts of acts.

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

1 ~~secretary of the commission. If any money in the fund is not~~  
2 ~~necessary for the purpose for which it was raised, the money shall~~  
3 ~~remain in the treasury of the county as a soldiers' relief fund,~~  
4 ~~and shall be considered in raising future sums therefor.~~

5 (2) THE VETERANS' RELIEF FUND SHALL BE EXPENDED FOR THE  
6 ASSISTANCE OF WARTIME VETERANS WHO WERE DISCHARGED UNDER CONDITIONS  
7 OTHER THAN DISHONORABLE AND FOR THE ASSISTANCE OF THE INDIGENT  
8 SPOUSES, MINOR CHILDREN, AND PARENTS OF EVERY DECEASED MEMBER OF  
9 THE UNITED STATES ARMED FORCES. THE FUND SHALL FIRST BE EXPENDED  
10 FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

11 (A) THE PROVISION OF FINANCIAL ASSISTANCE FOR FUND  
12 BENEFICIARIES.

13 (B) THE PROVISION OF MEDICAL SERVICES FOR FUND 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 IN  
20 SUBSECTION (2), THE FUND SHALL BE EXPENDED FOR THE ASSISTANCE OF  
21 ALL OTHER VETERANS WHO WERE DISCHARGED UNDER CONDITIONS OTHER THAN  
22 DISHONORABLE. FUND EXPENDITURES UNDER THIS SUBSECTION SHALL BE MADE  
23 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 IN  
6 THIS SUBSECTION.

7 (F) THE PROVISION OF SHELTER FOR FUND BENEFICIARIES IDENTIFIED  
8 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 IN  
12 SUBSECTIONS (2) AND (3), THE FUND MAY BE EXPENDED TO PROVIDE  
13 ASSISTANCE TO INDIGENT SPOUSES AND CHILDREN OF ACTIVE DUTY MEMBERS  
14 OF THE UNITED STATES ARMED FORCES, MEMBERS OF THE UNITED STATES  
15 ARMED FORCES RESERVE WHO HAVE BEEN CALLED TO ACTIVE DUTY BY THE  
16 PRESIDENT OF THE UNITED STATES OR THE UNITED STATES SECRETARY OF  
17 DEFENSE, OR MEMBERS OF THE MICHIGAN NATIONAL GUARD CALLED TO ACTIVE  
18 DUTY BY THE PRESIDENT OF THE UNITED STATES OR THE UNITED STATES  
19 SECRETARY OF DEFENSE. FUND EXPENDITURES UNDER THIS SUBSECTION MAY  
20 BE MADE FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

21 (A) THE PROVISION OF FINANCIAL ASSISTANCE FOR BENEFICIARIES  
22 IDENTIFIED IN THIS SUBSECTION.

23 (B) THE PROVISION OF MEDICAL SERVICES FOR BENEFICIARIES  
24 IDENTIFIED IN THIS SUBSECTION.

25 (C) THE PROVISION OF JOB PLACEMENT ASSISTANCE FOR  
26 BENEFICIARIES IDENTIFIED IN THIS SUBSECTION.

27 (D) THE PROVISION OF TRANSPORTATION FOR BENEFICIARIES

1 IDENTIFIED IN THIS SUBSECTION.

2 (E) THE PROVISION OF FOOD FOR BENEFICIARIES IDENTIFIED IN THIS  
3 SUBSECTION.

4 (F) THE PROVISION OF SHELTER FOR BENEFICIARIES IDENTIFIED IN  
5 THIS SUBSECTION.

6 (G) THE PROVISION OF OTHER ASSISTANCE FOR BENEFICIARIES  
7 IDENTIFIED IN THIS SUBSECTION.

8 (5) IF THE COUNTY BOARD OF COMMISSIONERS DECIDES THAT AN  
9 EMERGENCY EXISTS, THE COUNTY BOARD OF COMMISSIONERS MAY APPROPRIATE  
10 AN ADDITIONAL 2/10 OF A MILL ON EACH DOLLAR FOR FUNDS TO COVER THE  
11 EMERGENCY. ALL MONEY UNDER THIS SECTION SHALL BE PAID TO THE COUNTY  
12 TREASURER IN THE COUNTY WHERE THE TAX IS COLLECTED. THE TREASURER  
13 SHALL PAY THE MONEY OUT UPON THE WRITTEN ORDER OF THE COMMISSION OR  
14 UPON THE ORDER OF THE DEPARTMENT. THE ORDER SHALL BE SIGNED BY THE  
15 CHAIRPERSON AND SECRETARY OF THE COMMISSION OR BY THE CHAIRPERSON  
16 AND SECRETARY OF THE DEPARTMENT, WHICHEVER APPLIES. IF MONEY IS NOT  
17 EXPENDED FOR THE ENUMERATED PURPOSES OF THIS SECTION, THE REMAINING  
18 MONEY PAID INTO THE VETERANS' RELIEF FUND SHALL REMAIN IN THE  
19 TREASURY OF THE COUNTY AS A SOLDIERS' RELIEF FUND AND SHALL BE  
20 CONSIDERED IN RAISING SUMS FOR FUTURE YEARS.

21 (6) THE COUNTY BOARD OF COMMISSIONERS OF EACH COUNTY MAY  
22 ACCEPT DONATIONS OF MONEY OR ITEMS OF VALUE FROM ANY SOURCE FOR  
23 DEPOSIT INTO THE VETERANS' RELIEF FUND. DISPOSITION OF DONATIONS  
24 SHALL BE DETERMINED UNDER THIS SECTION.

25 (7) AS USED IN THIS ACT:

26 (A) "COMMISSION" MEANS THE SOLDIERS' RELIEF COMMISSION CREATED  
27 IN THIS ACT.

1 (B) "DEPARTMENT" MEANS THE COUNTY DEPARTMENT OF VETERANS'  
2 AFFAIRS CREATED IN 1953 PA 192, MCL 35.621 TO 35.624.

3 (C) "WARTIME VETERAN" MEANS A PERSON WHO SERVED AS A MEMBER OF  
4 THE ARMY, NAVY, AIR FORCE, MARINE CORPS, COAST GUARD, OR WOMEN'S  
5 AUXILIARIES OF ALL WARS OR MILITARY EXPEDITIONS IN WHICH THE UNITED  
6 STATES HAS BEEN, IS, OR MAY BE A PARTICIPANT AS DESCRIBED IN  
7 SECTION 1 OF 1965 PA 190, MCL 35.61.

8 Sec. 2. (1) The judge of probate in each county shall appoint  
9 ~~3 persons,~~ residents of ~~such~~ **THE** county, who shall be honorably  
10 discharged soldiers, sailors, marines, nurses, or members of the  
11 women's auxiliaries ~~—~~ of the United States army and navy,  
12 volunteers or regulars, who served in a war in which the United  
13 States has been, is, or may ~~hereafter~~ be ~~—~~ a participant, at  
14 least 1 of whom shall have served in World War I, to be known as  
15 the "soldiers' relief commission" of the county, with the powers  
16 and duties ~~in this act~~ provided **IN THIS ACT**. If there is no World  
17 War I veteran who is willing to serve, a veteran of a war as  
18 defined in ~~Act No. 190 of the Public Acts of 1965, as amended,~~  
19 ~~being sections 35.61 and 35.62 of the Compiled Laws of 1948~~ **1965**  
20 **PA 190, MCL 35.61 TO 35.62**, may be appointed to serve on the  
21 soldiers' relief commission.

22 (2) One ~~of such persons~~ **MEMBER** shall be appointed for a term  
23 of 1 year, ~~—~~ 1 for a term of 2 years, ~~—~~ and 1 for a term of 3  
24 years, and at the expiration of ~~the~~ **EACH** term, ~~for which each of~~  
25 ~~such persons was appointed,~~ his **OR HER** successor shall be  
26 appointed for a term of 3 years. ~~thereafter. The persons so~~  
27 ~~appointed~~ **COMMISSION MEMBERS** shall organize by the selection of 1

1 of their number as ~~chairman~~ **CHAIRPERSON**, and 1 as secretary, and  
 2 in the event of the death, resignation, change of residence, or  
 3 other disability of any member of the commission ~~—, creating—~~ **THAT**  
 4 **CREATES** a vacancy, the judge of probate shall fill ~~—such—~~ **THE**  
 5 vacancy by an appointment for the unexpired term. ~~The members~~  
 6 ~~shall each—~~ **EACH MEMBER SHALL** file the constitutional oath of  
 7 office with the probate court ~~—,~~ and receive ~~the proper—~~ **A**  
 8 certificate of ~~—their—~~ **HIS OR HER** appointment. ~~—They—~~ **HE OR SHE**  
 9 shall be entitled to reasonable compensation for ~~—their—~~ **HIS OR HER**  
 10 services, to be fixed and paid by the board of supervisors of  
 11 ~~their—~~ **HIS OR HER** respective ~~—counties—~~ **COUNTY**. The judge of  
 12 probate shall have authority to remove any member of ~~—such—~~ **THE**  
 13 commission for cause.

14       Sec. 3. ~~The supervisor of each township and ward in each of~~  
 15 ~~the counties of this state, and where there is no ward supervisor~~  
 16 ~~the aldermen of the several wards of every incorporated city in~~  
 17 ~~this state, shall, on or before the last Monday in September in~~  
 18 ~~each year, make and place in the hands of the soldiers' relief~~  
 19 ~~commission of the county, a list of all the persons entitled to~~  
 20 ~~relief under the provisions of this act, and the soldiers' relief~~  
 21 ~~commission, on the first Monday in October in each year, shall~~  
 22 ~~proceed to determine the amount necessary for aid and relief to be~~  
 23 ~~granted such persons under this act, which shall be then and there~~  
 24 ~~recorded in the books to be kept by the secretary of said soldiers'~~  
 25 ~~relief commission. The commission may determine not only the sum to~~  
 26 ~~be paid, but the manner of paying the same, and may discontinue the~~  
 27 ~~payment of such relief in their discretion. Appeal may be taken~~

1 ~~therefrom to the circuit court of such county, by certiorari by~~  
 2 ~~filing application therefor with the clerk within 15 days following~~  
 3 ~~the making of such decision. The court shall hear the case de novo~~  
 4 ~~and its decision shall be final.~~ **THE COMMISSION OR THE DEPARTMENT**  
 5 **SHALL DETERMINE THE AMOUNT NECESSARY TO GRANT ASSISTANCE UNDER**  
 6 **SECTION 1. THE AMOUNT SHALL BE RECORDED BY THE SECRETARY OF THE**  
 7 **COMMISSION OR THE SECRETARY OF THE DEPARTMENT. THE COMMISSION OR**  
 8 **DEPARTMENT MAY DETERMINE THE MANNER IN WHICH ASSISTANCE IS**  
 9 **ADMINISTERED AND MAY DISCONTINUE ASSISTANCE AT ANY TIME IN THE**  
 10 **DISCRETION OF THE COMMISSION OR DEPARTMENT, WHICHEVER IS**  
 11 **APPLICABLE. THE COMMISSION OR DEPARTMENT SHALL NOT SPEND MORE THAN**  
 12 **5% OF THE TOTAL AMOUNT EXPENDED UNDER SECTION 1 FOR ADMINISTRATION**  
 13 **OF THIS ASSISTANCE.**

14       Sec. 4. Whenever ~~any~~ **AN** emergency ~~shall arise~~ **ARISES** in  
 15 **THE** case of **A** sickness, accident, or death ~~, which,~~ **OF A**  
 16 **BENEFICIARY THAT,** in the opinion of ~~any~~ **A** supervisor or alderman,  
 17 needs relief, ~~such~~ **THE** supervisor or alderman ~~, when~~  
 18 ~~inconvenient to consult any of the members of said commission,~~  
 19 shall have the power to draw an order on the county treasurer for a  
 20 sum not to exceed ~~10 dollars,~~ **\$10.00 WITHOUT CONTACTING THE**  
 21 **SOLDIERS' RELIEF COMMISSION OR COUNTY DEPARTMENT OF VETERANS'**  
 22 **AFFAIRS** and shall certify his **OR HER** action and the circumstances  
 23 of the case to ~~such soldiers' relief~~ **THE** commission ~~, which~~ **OR**  
 24 **DEPARTMENT. THE COMMISSION OR DEPARTMENT** shall ratify the ~~same~~  
 25 **DECISION,** and ~~such~~ **THE** commission **OR DEPARTMENT** may grant ~~such~~  
 26 further relief at any time ~~as it may deem~~ necessary ~~;~~ ~~Provided,~~  
 27 however, ~~That no~~ **UNLESS A** claim for relief ~~shall be allowed and~~



1 ~~paid which shall create~~ **CREATES** a deficiency in the fund **WHEN IT**  
2 **IS PAID.**

3       Sec. 5. ~~Said soldiers' relief~~ **THE** commission **OR DEPARTMENT**  
4 shall make to the board of supervisors, at its October session ~~in~~  
5 each year, a full report of its ~~doings~~ **ACTIVITIES** and the amount  
6 of ~~relief~~ money ~~on hand~~ **AVAILABLE IN THE FUND**, the amount  
7 expended during the ~~year~~ preceding **YEAR**, ~~and~~ the amount  
8 estimated for the **FOLLOWING** year, ~~ensuing,~~ and ~~such~~ **ALL** further  
9 information and suggestions as ~~they~~ **THE COMMISSION OR THE**  
10 **DEPARTMENT** may consider necessary to the discharge of ~~their~~  
11 duties under this act.

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

15       Enacting section 1. Section 6 of 1899 PA 214, MCL 35.26, is  
16 repealed.