

## Chapter 35

### VETERANS AND MEMBERS OF ARMED FORCES

#### OFFICE OF VETERANS' AFFAIRS

##### Act 26 of 1944 (1st Ex. Sess.)

35.1-35.7 Repealed. 1949, Act 306, Eff. Sept. 23, 1949.

#### 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; "period of war" defined; 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 and the indigent spouses, minor children, and parents of each indigent or deceased member who served during a period of war as described in 38 CFR 3.2, except that for purposes of this section, "period of war" for the Vietnam era means the following:

(a) February 28, 1961 through May 7, 1975 for a veteran who served during that period.

(b) On or after January 31, 1955 in an area of hazardous duty for which the veteran received an Armed Forces Expeditionary Medal or Vietnam Service Medal. Funds raised in accordance with 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 exists, the board may appropriate a sum not to exceed 2/10 of a mill on each dollar for the purposes of this section. The money, when collected, shall be paid to the county treasurer of the county where the 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 if 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 for this purpose.

**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 ;-- Am. 2016, Act 218, Eff. Sept. 20, 2016

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

**35.22 Soldiers' relief commission; membership; appointment; terms; chairperson; secretary; vacancy; oath of office; compensation; removal.**

Sec. 2.

(1) The judge of probate in each county shall appoint 3 veterans as that term is defined in 1965 PA 190, MCL 35.61 to 35.62, who are residents of the county and who were honorably discharged soldiers, sailors, marines, nurses, or members of the women's auxiliaries of the United States Armed Forces, to a commission to be known as the "soldiers' relief commission" of the county, with the powers and duties as provided in this act.

(2) Of the persons appointed under subsection (1), 1 of the 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 the persons was appointed, his or her successor shall be appointed for a term of 3 years. The persons so appointed shall organize by the selection of 1 of their number as chairperson 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 the 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 are entitled to reasonable compensation for their services, to be fixed and paid by the county board of commissioners of their respective counties. The judge of probate may remove any member of the 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 ;-- Am. 2016, Act 208, Eff. Sept. 20, 2016

**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; 70 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

## **TRANSCRIPTS OF CERTAIN RECORDS**

### **Act 243 of 1919**

AN ACT to require the issuance, without fee or charge therefor, of transcripts, under seal, of any records of the offices of secretary of state, adjutant general, judges of probate, county clerks and justices of the peace, pertaining to pensions, insurance payments or annuities, to soldiers, sailors and marines of the several wars of the United States and to their widows or other dependents, either in person or by attorney.

**History:** 1919, Act 243, Eff. Aug. 14, 1919

*The People of the State of Michigan enact:*

### **35.41 Veterans; transcripts of certain records issued without fee.**

#### **Sec. 1.**

Upon request, either in person or by attorney, transcripts, under seal, of any records of the offices of secretary

of state, adjutant general, judges of probate, county clerks and justices of the peace, pertaining to pensions, insurance payments or annuities, shall, without charge or fee therefor, be issued to soldiers, sailors and marines of the several wars of the United States and to their widows or other dependents.

**History:** 1919, Act 243, Eff. Aug. 14, 1919 ;-- CL 1929, 899 ;-- CL 1948, 35.41

## **FEES FOR OATHS AND CERTIFICATES**

### **Act 161 of 1871**

35.51-35.53 Repealed. 1983, Act 39, Imd. Eff. May 12, 1983.

## **UNIFORMITY OF SERVICE DATES**

### **Act 190 of 1965**

AN ACT to establish who is considered a veteran in this state; and to provide for a system of uniformity of service for veterans.

**History:** 1965, Act 190, Imd. Eff. July 15, 1965 ;-- Am. 2016, Act 199, Eff. Sept. 20, 2016

*The People of the State of Michigan enact:*

#### **35.61 "Veteran" defined.**

##### **Sec. 1.**

For purposes of all acts of the state relative to veterans, "veteran" means an individual who served in the United States Armed Forces, including the reserve components, and was discharged or released under conditions other than dishonorable. Veteran includes an individual who died while on active duty in the United States Armed Forces.

**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 ;-- Am. 2016, Act 199, Eff. Sept. 20, 2016

#### **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 satisfy the length of active duty service required by veteran benefit statutes or acts.

**History:** 1965, Act 190, Imd. Eff. July 15, 1965 ;-- Am. 2016, Act 199, Eff. Sept. 20, 2016

# UNIFORM VETERANS' GUARDIANSHIP ACT

## Act 321 of 1937

AN ACT concerning the guardianship of incompetent veterans, orphans of deceased veterans and other incompetent and minor beneficiaries of the veterans administration; to provide penalties for the violation of the provisions of this act; to declare the effect of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937

*The People of the State of Michigan enact:*

### 35.71 Definitions.

#### Sec. 1.

Definitions. As used in this act:

The term "person" includes a partnership, corporation or an association.

The term "veterans administration" means the United States veterans administration, its predecessors or successors.

The terms "estate" and "income" shall include only moneys received by the guardian from the veterans administration, all earnings, interest, and profit derived therefrom and all property acquired therewith.

The term "benefits" shall mean all moneys paid or payable by the United States through the veterans administration.

The term "administrator" means the administrator of veterans affairs, or his successor.

The term "ward" means a beneficiary of the veterans administration.

The term "guardian" as used herein shall mean any person acting as a fiduciary for a ward.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.71

**Compiler's Notes:** The catchlines following the act section numbers of this act were incorporated as a part of the act when enacted.

### 35.72 Guardians; manner of appointment.

#### Sec. 2.

Application. Whenever, pursuant to any law of the United States, or regulation of the veterans administration, it is necessary, prior to payment of benefits that a guardian be appointed for a ward, such appointment shall be made in the manner hereinafter provided.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.72

### 35.73 Administrator of veterans' affairs; interested party in proceedings for appointment of guardian; notice, hearing; limitation on number of wards.

#### Sec. 3.

Administrator of veterans affairs, party in interest. The administrator of veterans affairs, or his successor, is and shall be a party in interest in any proceedings brought under any law of this state for the appointment of a guardian of a veteran of any war or other beneficiary on whose account benefits of compensation, adjusted compensation,

pension or insurance or other benefits are payable by the veterans administration, and the said administrator or his successor is and shall be an interested party in the administration of the estate of any such ward on whose account such benefits are payable or whose estate includes assets derived from benefits paid by the veterans administration, its predecessor or successor, and written notice shall be given by (registered) mail unless waived in writing to the office of the veterans administration having jurisdiction over the area in which the court is located, of the time and place for hearing on any petition or pleading or in connection with any proceeding pertaining to or affecting in any manner the administration of the estate of any beneficiary of the veterans administration. Said notice shall be deposited in the mails not less than 14 days or such other period as the court may order prior to the date of such hearings or other proceedings: Provided, That in case of any proceeding or hearing notice of which is not required by the statutes in such case made and provided to be given to the interested parties thereto, either by personal service, mailing or advertisement, notice thereof need not be given to said office of the veterans administration.

Limitation on number of wards. Except as hereinafter provided, it shall be unlawful for any person to accept appointment as guardian of any ward if such proposed guardian shall at that time be acting as guardian for 10 wards. In any case, upon presentation of a petition by an attorney of the veterans administration under this section alleging that a guardian is acting in a fiduciary capacity for more than 10 wards and requesting his discharge for that reason, the court, if it determines that such guardian is acting in a fiduciary capacity for more than 10 wards, shall require a final accounting forthwith from such guardian and shall discharge such guardian in said case.

The limitations of this section shall not apply where the guardian is a bank or trust company. An individual may be guardian of more than 10 wards if they are all members of the same immediate family. For the purposes of this section, such appointments in the same immediate family shall be counted as 1 appointment only.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.73

#### **35.74 Guardians; petition for appointment, filing, content.**

##### **Sec. 4.**

Appointment of guardians. A petition for the appointment of a guardian may be filed in the probate court by or on behalf of any person who under existing law is entitled to priority of appointment. If there be no person so entitled or if the person so entitled shall neglect or refuse to file such a petition within 30 days after mailing of notice by the veterans administration to the last known address of such person indicating the necessity for the same, a petition for such appointment may be filed in any court of competent jurisdiction by or on behalf of any responsible person residing in this state.

The petition for appointment shall set forth the name, age, place of residence of the ward, the name and place of residence of the nearest relative, if known, and the fact that such ward is entitled to receive benefits payable by or through the veterans administration and shall set forth the amount of moneys then due and the amount of probable future payments.

The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward and the name, age, relationship, if any, occupation and address of the person proposed for appointment as guardian. Notwithstanding any law as to priority, the court may appoint a capable individual, bank or trust company as guardian, if the person entitled to priority fails to apply, or if after hearing the court determines it is to the best interest of the ward to appoint another.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.74

#### **35.75 Guardian for minor; prima facie evidence of necessity.**

##### **Sec. 5.**

Prima facie evidence of necessity for guardianâ€™ infant.

Where a petition is filed for the appointment of a guardian of a minor ward, a certificate of the administrator, or his authorized representative, setting forth the age of such minor as shown by the records of the veterans administration and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the veterans administration shall be prima facie evidence of the necessity for such



appointment.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.75

### **35.76 Guardian for incompetent; prima facie evidence of necessity.**

Sec. 6.

Prima facie evidence of necessity for guardian's incompetent.

Where a petition is filed for the appointment of a guardian of a mentally incompetent ward a certificate of the administrator, or his duly authorized representative, setting forth the fact that such person has been rated incompetent by the veterans administration on examination in accordance with the laws and regulations governing such veterans administration; and that the appointment of a guardian is a condition precedent to the payment of any moneys due such person by the veterans administration, shall be prima facie evidence of the necessity for such appointment.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.76

### **35.77 Guardians; notice of filing petition for appointment.**

Sec. 7.

Notice. Upon the filing of a petition for the appointment of a guardian, under the provisions of this act, the court shall cause such notice to be given as is provided by law. If demanded, jury trial shall not be denied.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.77

### **35.78 Guardians; bonds, execution and filing; corporate guardians, exemption; sureties.**

Sec. 8.

Before making an appointment under the provisions of this act the court shall be satisfied that the person whose appointment is sought is a fit and proper person to be appointed. Upon the appointment being made, the guardian shall execute and file a bond to be approved by the court in an amount not less than the sum then due and estimated to become payable during the ensuing year. The said bond shall be in the form and be conditioned as required of guardians appointed under the general guardianship laws of this state. The court shall have power from time to time to require the guardian to file an additional bond: Provided, however, That if the person appointed as guardian under the provisions of this act is a trust company organized under the laws of the state of Michigan, or a bank with trust powers organized under the laws of the United States or of the state of Michigan, no bond shall be required except that the court in any case may require a bond from any such guardian if, under the circumstances in a particular case, it feels that such a bond is necessary for the protection of the estate of the ward: And provided further, That in any case where a trust company organized under the laws of the state of Michigan, or a bank with trust powers organized under the laws of the United States or of the state of Michigan, shall heretofore have been appointed guardian under the provisions of this act and shall have furnished bond as such guardian, the court shall have power to cancel such bond and to release and discharge the surety or sureties thereon, upon the written petition of such surety or his principal and after the principal named in said bond has filed an account of all his actions and administration from the date of his last account up to the date of the hearing, if the court, after due notice to all persons interested deems it reasonable and proper.

Where a bond is tendered by a guardian with personal sureties, there shall be at least 2 such sureties and they shall file with the court a certificate under oath which shall describe the property owned, both real and personal,

and shall state that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution. Notwithstanding such tender, the court may require additional security for or may require a corporate surety bond, the premium thereon to be paid from ward's estate.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- Am. 1945, Act 308, Imd. Eff. May 25, 1945 ;-- Am. 1947, Act 245, Eff. Oct. 11, 1947 ;-- CL 1948, 35.78

### **35.79 Guardians; annual accounting; filing, notice, hearing.**

#### **Sec. 9.**

Accounting. Every guardian, who shall receive on account of his ward any moneys from the veterans administration shall file with the court annually on the anniversary date of the appointment, in addition to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof in his hands at the date of such account and how invested. At the time of the filing in the court of any account, a certified copy thereof shall be by the guardian served by mail on the office of the veterans administration having jurisdiction over the area in which such court is located. A correct copy of any petition or other pleading pertaining to such account or affecting in any manner the ward or his estate shall similarly be so served. The court, unless hearing be waived in writing by the chief attorney of the veterans administration, shall fix a time and place for the hearing on such account, petition, or other pleading, not less than 14 days, nor more than 30 days from the date of said service, unless a different available date be stipulated in writing. Written notice of the time and place of such hearing shall be given the veterans administration office concerned, and the guardian, not less than 14 days before the date of hearing, and may be given by mail.

When such notice shall have been given as provided herein, any order entered in respect to such account, petition, or other pleading shall have the same effect as if entered after notice by publication as provided in the statutes of the state of Michigan in such case made and provided, and in such case notice by publication shall not be made, unless on order of the court for good cause shown. Upon an attorney for said veterans administration entering his appearance or filing waiver with respect to any such hearing, no guardian ad litem shall be appointed except upon motion by any interested party and for good cause shown.

Upon rendering any such account the guardian shall produce for examination by the court, or a duly authorized clerk or other appointee thereof, all securities, evidence of balance on deposit, and investments reported therein, which shall be described in such account in sufficient detail so that they may be identified, and the court or its duly authorized clerk or other appointee shall ascertain whether such securities, balance on deposit, and investments correspond with such account, and if so shall certify to that effect upon the account filed with the court and upon the copy or certificate supplied the veterans administration.

The clerk shall mail said veterans administration office a copy of each order entered in any guardianship proceeding wherein the veterans administration is an interested party.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- Am. 1939, Act 197, Imd. Eff. June 8, 1939 ;-- CL 1948, 35.79

### **35.80 Guardians; failure to file account, penalty.**

#### **Sec. 10.**

Penalty for failure to account.

If any guardian shall fail to file, with the court or the veterans administration as required by this act, any account of the benefits received by him from the veterans administration on account of his ward within 30 days after such account is due, or shall fail to furnish the veterans administration a true copy of any account or of any petition as required by this act, such failure shall be ground for removal.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.80

### **35.81 Guardians; compensation; notice and hearing.**

Sec. 11.

Compensation payable to guardians shall not exceed 5% of the income of the ward during any year. If such compensation appears inadequate, the court may upon petition and after notice to the veterans administration and hearing thereon, authorize such other or additional compensation payable from the estate of the ward as shall be deemed just and reasonable. Notice of such petition and hearing shall be given the proper office of the veterans administration in the manner provided in section 9 of this act.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.81 ;-- Am. 1962, Act 102, Eff. Mar. 28, 1963

### **35.82 Guardians; investments permitted with prior approval of court.**

Sec. 12.

Investments. It shall be the duty of guardians to invest and keep invested their wards' surplus money and only in the securities hereinafter indicated, and in which the guardian has no interest. Such investments, except those provided in paragraph "a" hereof, shall be made only upon the prior approval of the court.

(a) Direct obligations of this state and of the United States government, and obligations, the interest and principal of which are both unconditionally guaranteed by the United States government.

(b) The bonds which are the general obligations of any other state, or of any county, city or town in the United States with a population as shown by next preceding federal census of not less than 10,000 inhabitants, and which bonds were not issued in aid of railroads, and where the laws do not permit such counties, cities or towns to become indebted in excess of 5 per cent of the assessed valuation of property for taxation therein, and where the total indebtedness of such county, city or municipality, does not exceed 5 per cent of the assessed valuation of property for taxation at the time of such investment: Provided always, There has been no default for more than 30 days during the preceding 10 years upon any bonds of the issuing state, county, city or town.

(c) The legally issued notes of the owner of improved unencumbered real property located in this state secured by first mortgage or deed of trust thereon: Provided, That the total debt secured by such encumbrance does not exceed 50 per cent of the actual cash value of such real property at the time of such investment, and provided that if buildings or other improvements constitute a material part of the value of such premises encumbered to secure such indebtedness they shall be kept insured against loss or damage by fire or wind in a reasonable amount for the benefit of the owners of such notes secured by first mortgages or deeds of trust.

Before making any such investment a signed application therefor shall be procured from the borrower which shall contain such information as may be required by the lender and in every case shall contain a complete description of the real estate, including improvements thereon, and an affirmative statement that such proposed borrower is the owner of the entire fee simple title to such real estate and improvements, that same are free of every encumbrance or lien of any character, or if not, a statement of any existing encumbrance or other liens thereon, and specific authorization to the lender to withhold from the proposed loan the necessary sum to discharge and procure the release of any such encumbrances or other liens, and such release shall in all cases be procured and filed for record prior to or contemporaneously with the making of such loan. The proposed borrower shall also furnish with such application an abstract or certificate of title and same shall be completed to the time of closing the loan. The guardian proposing to make such loan or to purchase any notes secured by first mortgage or deed of trust shall exhibit to the court with his application for approval thereof the opinion of a qualified attorney at law satisfactory to the court, which opinion shall show that such attorney has examined said abstract of title or certificate of title and the papers evidencing the proposed debt and encumbrance to secure same, and based thereon it is the opinion of such attorney that the proposed borrower has good title to the property to be encumbered and that such proposed encumbrance will constitute a valid first lien thereon. In addition thereto the guardian shall file with the court satisfactory written evidence that the reasonable cash value of the property to be encumbered is in accordance with the requirements of this paragraph.

If the guardian purchases previously issued notes secured by first mortgage or deed of trust, the attorney's examination and opinion shall also disclose whether the proposed transferor has and will pass to the guardian good title thereto together with the liens securing same as hereinbefore provided. In such case the guardian shall file with the court satisfactory written evidence of value of the encumbered property as is hereinabove required, as of the

time of acquiring such notes.

(d) The legally issued first and refunding mortgage bonds of any railroad or railway corporation organized under the laws of the United States or of any state thereof, as provided in paragraphs (d), (e) and (f), of section 24 of Act No. 66 of the Public Acts of 1929, as amended, and subject to all of the provisions, conditions and limitations therein prescribed: And provided further, That at no time shall the amount invested in such bonds exceed 10 per cent of the total amount of such wards' investments.

(e) The legally authorized mortgage bonds issued or assumed by any corporation incorporated under the laws of the United States or of any state thereof, and transacting the business of supplying electrical energy or gas or both for light, heat, power and other purposes, provided such corporation is subject to regulation by a public service commission or public utilities commission or other similar regulatory body duly established by the laws of the United States or the state in which such corporation operates: Provided, however, That such investment shall be subject to all the provisions, conditions and limitations prescribed in paragraph (h) of section 24 of said Act No. 66: And provided further, That at no time shall the amount invested in such bonds exceed 10 per cent of the total amount of such wards' investments.

(f) Bonds of any corporation which at the time of such investment is incorporated under the laws of the United States or of any state thereof and is authorized to engage and is actually engaged in the business of furnishing telephone and telegraph service in the United States and is subject to regulation by the interstate commerce commission or a public service commission or other similar federal or state regulatory body duly established by the laws of the United States or of the states in which such corporation operates: Provided, however, That such investment shall be subject to all the provisions, conditions and limitations prescribed in paragraph (i) of section 24 of said Act No. 66: And provided further, That at no time shall the amount invested in such bonds exceed 10 per cent of the total amount of such wards' investments.

(g) The legally authorized and issued first mortgage bonds of steamship companies: Provided, That such mortgages shall be upon steel steamship or steamships for the carriage upon the great lakes and connecting waters of package freight and passengers combined of at least 5,000 tons carrying capacity each, and upon bulk freighters of at least 7,000 tons carrying capacity each: Provided, That such bonds are issued at the time of completion and enrollment of such steamship or steamships, or within 1 year thereafter: Provided, however, That such investment shall be subject to all the provisions, conditions and limitations prescribed in paragraph (j) of section 24 of said Act No. 66: And provided further, That at no time shall the amount invested in such bonds exceed 10 per cent of the total amount of such wards' investments.

(h) The withdrawable shares of a building and loan association or savings and loan association incorporated under the laws of this state, or in the shares of a federal savings and loan association situated in this state, organized and existing by virtue of section 5 of an act of congress known as the Home Owners' Loan Act of 1933, as amended.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- Am. 1939, Act 102, Eff. Sept. 29, 1939 ;-- CL 1948, 35.82

**Compiler's Notes:** Act 66 of 1929, referred to in this section, was repealed by Act 341 of 1937 . For provisions of the Home Owners' Loan Act of 1933, referred to in subdivision (h), see 12 U.S.C. Â§ 1464.

### **35.82i Corporate guardians; common trust fund investments permitted.**

#### **Sec. 12i.**

Any trust company or bank with trust powers acting as a guardian pursuant to this act and organized under the laws of this state or of the United States may invest in a common trust fund, containing only investments authorized for fiduciaries, established and maintained by the corporate fiduciary in conformity with the laws of this state or of the United States.

**History:** Add. 1969, Act 64, Imd. Eff. July 21, 1969

**Compiler's Notes:** This section evidently was intended to be incorporated into MCL 35.82 as subdivision (i).

### **35.83 Maintenance and support of ward.**

#### **Sec. 13.**

Maintenance and support. A guardian shall not apply any portion of the estate of his ward for the support and maintenance of any person other than said ward, his minor children and his wife (if she and the ward be living together) except upon petition to and order of the court after a hearing, notice of which has been given the proper office of the veterans administration in the manner and within the time provided in section 9 of this act.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.83

### **35.84 Purchase of home for ward.**

Sec. 14.

Purchase of home for ward. The court may authorize the purchase of the entire fee simple title to real estate in this state in which the guardian has no interest, but only as a home for the ward, or to protect his interest, or, if he is not a minor, as a home for his dependent family. Such purchase of real estate shall not be made except upon the entry of an order of the court after hearing upon verified petition. Notice of such hearing shall be given the veterans administration in the manner and within the time provided by section 9 of this act.

Before authorizing such investment the court shall require evidence of value and title as is hereinabove provided, and of the advisability of acquiring such real estate. Title shall be taken in the ward's name. This section shall not be construed to limit the right of the guardian on behalf of his ward to bid and to become the purchaser of real estate at a sale thereof pursuant to decree of foreclosure of a lien held by or for the ward, or at a trustee's sale, to protect the ward's right in the property so foreclosed or sold, or at a sale under partition decree, if necessary to protect the ward's interest in such property.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.84

### **35.85 Guardian; discharge, release of sureties.**

Sec. 15.

Discharge of guardian and release of sureties. When a minor ward for whom a guardian has been appointed under the provisions of this act or other laws of this state shall have attained his or her majority, and if incompetent shall be declared competent by the court, and when any incompetent ward, not a minor, shall be declared competent by the court, the guardian shall file a final account. Upon hearing, following notice to the former minor or incompetent and to the veterans administration in the manner and within the time provided by section 9, and upon approval of the final account the court may so adjudge, and discharge the guardian and release the sureties from liability upon delivery to the former ward of the assets due him by the former guardian, and may make such further order as may be lawful.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.85

### **35.85a Successor corporate guardians; appointment, conditions and procedure.**

Sec. 15a.

(1) Any trust company or bank with trust powers, organized under the laws of this state or organized under the laws of the United States, hereinafter in this section referred to as a corporate guardian or fiduciary, with approval of the probate court having jurisdiction, may resign its trust as guardian under this act in accordance with the provisions of this act and the general probate laws of this state. Where the corporate fiduciary has resigned, subject to the provisions of this act, for the purpose of expediting and facilitating the appointment and qualification as successor fiduciary of another corporate guardian, the laws of this state relating to notice of hearing on the

appointment of a successor guardian shall not be applicable.

(2) It shall be sufficient for the resignation and discharge of a guardian and the contemporaneous appointment as successor corporate guardian if the following requirements are met:

(a) The filing of a petition by a corporate guardian, praying that its resignation be accepted, that it be discharged, its bond or other undertaking cancelled and the surety thereon released upon the filing of its final account, the allowance thereof, and the transfer of the assets to the corporate successor guardian to be appointed under the provisions of this section.

(b) The appointment of a qualified successor corporate guardian at a hearing on the petition of the resigning guardian with notice only to the veterans' administration as provided in section 3 of this act, or appointment ex parte of the corporate successor guardian upon the filing of a written waiver of notice of hearing thereon by the veterans' administration. The resignation of the former guardian and petition for the appointment of a corporate successor guardian may be combined in 1 instrument to be signed by the former guardian.

(c) The filing of an acceptance of trust or bond by the successor corporate guardian as may be directed by the court.

(d) Upon the allowance of its final account and filing of a receipt for the assets as provided by law, the former guardian may be discharged, its bond or other undertaking cancelled and the surety thereon released.

**History:** Add. 1958, Act 103, Imd. Eff. Apr. 14, 1958

### **35.86 Insane veteran; commitment, procedure.**

#### **Sec. 16.**

Commitment of insane veteran. Whenever it appears that any veteran is eligible for treatment in a United States veterans' facility and commitment is necessary for the proper care and treatment of such veteran, the court of the county in which the veteran is found, may, upon receipt of a certificate of eligibility from the veterans administration, and if the veteran be adjudged insane in accordance with law, direct such veteran's commitment to the veterans administration for hospitalization in a United States veterans' facility. Thereafter such veteran upon admission to any such facility shall be subject to the rules and regulations of the veterans administration and the chief officer of such facility shall be vested with the same powers exercised by superintendents of state hospitals for mental diseases within this state with reference to the retention, transfer or parole of the veteran so committed. Notice of such pending commitment proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied. The commitment of a veteran to a veterans' facility within this state by a court of another state under a similar provision of law, shall have the same force and effect as if such commitment were made by a court of this state.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.86

### **35.86a Veteran of unsound mind or otherwise in need of confinement; commitment, procedure; transfer.**

#### **Sec. 16a.**

Commitment to veterans administration or other agency of United States government.

(1) Whenever, in any proceeding under the laws of this state for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his proper care, it is determined after such adjudication of the status of such person as may be required by law that commitment to a hospital for mental disease or other institution is necessary for safekeeping or treatment and it appears that such person is eligible for care or treatment by the veterans administration or other agency of the United States government, the court, upon receipt of a certificate from the veterans administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to said veterans administration or other agency. The person whose commitment is sought shall be personally served with notice of the pending commitment proceeding in the manner as provided by the law of this state; and nothing in this act shall affect his right to appear and be heard in the proceedings. Upon commitment, such person, when admitted to any facility operated by any such agency within or without this state, shall be subject to the rules and



regulations of the veterans administration or other agency. The chief officer of any facility of the veterans administration or institution operated by any other agency of the United States to which the person is so committed shall with respect to such person be vested with the same powers as superintendents of state hospitals for mental diseases within this state with respect to retention of custody, transfer, parole or discharge. Jurisdiction is retained in the committing or other appropriate court of this state at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his restraint, and all commitments pursuant to this act are so conditioned.

(2) The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia, committing a person to the veterans administration, or other agency of the United States government for care or treatment shall have the same force and effect as to the committed person while in this state as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of his restraint, as is provided in subsection (1) of this section with respect to persons committed by the courts of this state. Consent is hereby given to the application of the law of the committing state or district in respect to the authority of the chief officer of any facility of the veterans administration, or of any institution operated in this state by any other agency of the United States to retain custody, or transfer, parole or discharge the committed person.

(3) Upon receipt of a certificate of the veterans administration or such other agency of the United States that facilities are available for the care or treatment of any person heretofore committed to any hospital for the insane or other institution for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the superintendent of the institution may cause the transfer of such person to the veterans administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the committing court or proper officer thereof shall be notified by the transferring agency. No person shall be transferred to the veterans administration or other agency of the United States if he be confined upon conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court or other authority originally committing such person shall enter an order for such transfer after appropriate motion and hearing.

Any person transferred as provided in this section shall be deemed to be committed to the veterans administration or other agency of the United States pursuant to the original commitment.

**History:** Add. 1944, 1st Ex. Sess., Act 37, Imd. Eff. Mar. 3, 1944 ;-- CL 1948, 35.86a

### **35.87 Construction of act.**

Sec. 17.

Liberal construction. This act shall be construed liberally to secure the beneficial intents and purposes thereof and shall apply only to beneficiaries of the veterans administration.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.87

### **35.88 Uniform veterans' guardianship act; short title.**

Sec. 18.

Citation of act. This act may be cited as the "Uniform Veterans' Guardianship Act."

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.88

### **35.90 Modification and repeals of prior law.**

Sec. 20.

Modification of prior laws. All laws or parts of laws relating to beneficiaries of the veterans administration inconsistent with this act are hereby repealed. Act No. 156 of the Public Acts of 1929, as amended, being sections 810, 811, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828 and 829 of the Compiled Laws of 1929, is hereby repealed. Except where inconsistent with this act, the general guardianship laws of this state, and the laws establishing the practice in such matters, including rights of appeal, shall be applicable to such beneficiaries and their estates.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.90

### **35.91 Application of act as to surety bonds, administration of estates, and investments; liability of guardian, liquidation of investments.**

Sec. 21.

Application of act. The provisions of this act relating to surety bonds and the administration of estates of administration beneficiaries under guardianship shall apply to all such estates heretofore or hereafter created under the general laws of this state to the extent that such estates have assets derived from the benefits paid directly by the veterans administration or receive such benefits in the future.

The provisions of this act relative to investments shall govern all investments made after the enactment hereof: Provided, however, That the guardian shall be liable for any loss resulting from his failure to use reasonable diligence and care with respect to liquidating investments of the ward, lawful when made, but not permissible under the provisions of this act: And provided further, That all such investments shall be liquidated within 5 years from the effective date of this act unless the time for such liquidation in any case shall be extended by the court of appointment upon petition therefor and evidence in support thereof, in which latter event such liquidation shall occur within the period fixed by such order of extension.

**History:** 1937, Act 321, Imd. Eff. July 27, 1937 ;-- CL 1948, 35.91

## **EDUCATION OF CHILDREN OF VETERANS**

### **Act 245 of 1935**

35.111-35.112 Repealed. 2005, Act 248, Eff. Jan. 1, 2006.

## **VETERANS' INSTITUTES**

### **Act 182 of 1945**

35.121-35.126 Repealed. 1966, Act 39, Eff. Mar. 10, 1967.

## **VETERANS' EDUCATION; STATE AID**

### **Act 331 of 1945**



35.131-35.133 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **CIVIL WAR CENTENNIAL**

### **Act 199 of 1959**

35.181-35.183 Expired. 1959, Act 199, Eff. June 30, 1966.

## **WAR OF REBELLION; ALPHABETICAL INDEX**

### **Act 165 of 1913**

35.191,35.192 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **ENROLLMENT OF MICHIGAN MEN**

### **Act 203 of 1885**

35.201,35.202 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **GRAND ARMY OF THE REPUBLIC**

### **Act 37 of 1883**

35.211-35.218 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **GRAND ARMY OF THE REPUBLIC; WOMAN'S RELIEF CORPS**

### **Act 15 of 1889**

AN ACT to incorporate the Woman's Relief Corps auxiliary to the Grand Army of the Republic, department of Michigan, and subordinate corps of the Woman's Relief Corps auxiliary to posts of the Grand Army of the Republic.

**History:** 1889, Act 15, Imd. Eff. Mar. 8, 1889

*The People of the State of Michigan enact:*

### **35.221 Woman's Relief Corps auxiliary to Grand Army of the Republic; incorporation.**

#### **Sec. 1.**

That the Woman's Relief Corps auxiliary to the Grand Army of the Republic, department of Michigan, and subordinate corps of the Woman's Relief Corps auxiliary to posts of the Grand Army of the Republic of the department of Michigan, may be incorporated in pursuance to the provisions of this act.

**History:** 1889, Act 15, Imd. Eff. Mar. 8, 1889 ;-- How. 4859r ;-- CL 1897, 7768 ;-- CL 1915, 10199 ;-- CL 1929, 10486 ;-- CL 1948, 35.221

### **35.222 Woman's Relief Corps; articles of association; execution, contents.**

#### **Sec. 2.**

The president, senior vice-president, junior vice-president, secretary and treasurer of the department of Michigan Woman's Relief Corps auxiliary to the Grand Army of the Republic may make and execute articles of association under their hands and seals, which articles of association shall be acknowledged before some officer authorized by law to take acknowledgment of deeds and shall set forth:

First, The names of the officers above mentioned and their places of residence;

Second, The corporate name by which the association shall be known in law;

Third, The object and purposes of such association, which shall be to promote the general welfare of the order known as the Woman's Relief Corps and the period for which it is incorporated, which shall not exceed 30 years.

**History:** 1889, Act 15, Imd. Eff. Mar. 8, 1889 ;-- How. 4859s ;-- CL 1897, 7769 ;-- CL 1915, 10200 ;-- CL 1929, 10487 ;-- CL 1948, 35.222

### **35.223 Articles of association; filing; body corporate, powers and property limitations.**

#### **Sec. 3.**

A copy of said articles of association, together with a copy of the rules and regulations of the Woman's Relief Corps auxiliary of the Grand Army of the Republic, shall be filed with and recorded in the office of the secretary of state, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in law capable to purchase, take, receive, hold and enjoy to them and their successors, estates, real and personal, of suing and being sued, and to have a common seal which may be altered or changed at pleasure: Provided, That the value of real and personal estate shall not exceed the value of 10,000 dollars, and that they and their successors shall have power to give, grant, sell, lease, demise, and dispose of real and personal estate or part thereof at their will and pleasure, and the proceeds, rents and incomes to be disposed of as directed by the department at its annual meeting. Said corporation shall have full power to make and establish rules and by-laws for regulating and governing all the affairs and business of said corporation not repugnant to the constitution and laws of this state, or the United States, and to designate, elect or appoint from its members such officers under such name and style as shall be in accordance with the rules and regulations of the Woman's Relief Corps auxiliary to the Grand Army of the Republic.

**History:** 1889, Act 15, Imd. Eff. Mar. 8, 1889 ;-- How. 4859t ;-- CL 1897, 7770 ;-- CL 1915, 10201 ;-- CL 1929, 10488 ;-- CL 1948, 35.223

### **35.224 Articles of association; certified copy as evidence.**

Sec. 4.

A copy of the record of such articles of association, under the seal of the state, duly certified by the secretary of state, shall be received as prima facie evidence in all courts of this state of the existence and due organization of such corporation.

**History:** 1889, Act 15, Imd. Eff. Mar. 8, 1889 ;-- How. 4859u ;-- CL 1897, 7771 ;-- CL 1915, 10202 ;-- CL 1929, 10489 ;-- CL 1948, 35.224

**35.225 Subordinate corps; chartering, government.**

Sec. 5.

Such corporation when duly formed shall have power to institute and charter corps auxiliary to the Grand Army of the Republic within this state, and from time to time issue such orders for the government of corps as are not repugnant to the rules and regulations of the national convention of the Woman's Relief Corps of the United States.

**History:** 1889, Act 15, Imd. Eff. Mar. 8, 1889 ;-- How. 4859v ;-- CL 1897, 7772 ;-- CL 1915, 10203 ;-- CL 1929, 10490 ;-- CL 1948, 35.225

**35.226 Subordinate corps; incorporation; body corporate, powers and duties; certified copy of articles of association as evidence.**

Sec. 6.

At any time when a subordinate corps, auxiliary to a post of the Grand Army of the Republic, shall by a 2/3 vote of the members present at any regular meeting of said corps, resolve to become incorporated, the president, senior vice-president, junior vice-president, and secretary of such corps may make and execute articles of association under their hands and seals, specifying as provided in section 2 of this act, and file a copy of the resolutions passed at a regular meeting of the corps, with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon such corps, auxiliary to a post of the Grand Army of the Republic, the officers thereof, their associates and successors shall be a body politic and corporate, by the name expressed in such articles of association and by that name they and their successors shall have successions and shall be persons in law with the same powers, duties and liabilities as the Woman's Relief Corps department of Michigan have under section 3 of this act, to which they are subordinate: Provided, That a certified copy of the record of such articles of association, under the seal of the circuit court of the county where such record is recorded, shall be received as prima facie evidence in all the courts of this state, of the existence and due organization of such corporation.

**History:** 1889, Act 15, Imd. Eff. Mar. 8, 1889 ;-- How. 4859w ;-- CL 1897, 7773 ;-- CL 1915, 10204 ;-- CL 1929, 10491 ;-- CL 1948, 35.226

**35.227 Governing law.**

Sec. 7.

All corporations formed under this act shall be subject to the provisions of chapter 191 of Howell's annotated statutes, so far as the same may be applicable to corporations formed under this act.

**History:** 1889, Act 15, Imd. Eff. Mar. 8, 1889 ;-- How. 4859x ;-- CL 1897, 7774 ;-- CL 1915, 10205 ;-- CL 1929, 10492 ;-- CL 1948,

**Compiler's Notes:** Chapter 191 of Howell's annotated statutes, referred to in this section, included MCL 450.504 to 450.525 and MCL 450.631 to 450.651.

## VETERANS' HEADQUARTERS

### Act 8 of 1897

AN ACT to provide permanent recognition in the State Capitol Building for the contributions of Michigan veterans.

**History:** 1897, Act 8, Imd. Eff. Feb. 11, 1897 ;-- Am. 1947, Act 213, Eff. Oct. 11, 1947 ;-- Am. 2018, Act 629, Eff. Mar. 29, 2019

*The People of the State of Michigan enact:*

#### **35.231 Michigan state capitol commission; recognition for contributions of veterans to this state; Grand Army of the Republic, Armed Forces of the United States, and Michigan National Guard commemoration plaque.**

##### Sec. 1.

(1) The Michigan State Capitol Commission shall provide, within the State Capitol Building, recognition for the contributions of veterans to this state.

(2) The Michigan State Capitol Commission shall display within the State Capitol Building 1 or more suitable plaques commemorating the Grand Army of the Republic and services of Michigan residents in the Armed Forces of the United States of America and the Michigan National Guard.

(3) As used in this section:

(a) "Michigan State Capitol Commission" means the Michigan State Capitol Commission established in section 5 of the Michigan state capitol historic site act, 2013 PA 240, MCL 4.1945.

(b) "Veteran" means that term as defined in section 1 of 1965 PA 190, MCL 35.61.

**History:** 1897, Act 8, Imd. Eff. Feb. 11, 1897 ;-- CL 1897, 1687 ;-- CL 1915, 1036 ;-- CL 1929, 889 ;-- Am. 1947, Act 213, Eff. Oct. 11, 1947 ;-- CL 1948, 35.231 ;-- Am. 2018, Act 629, Eff. Mar. 29, 2019

#### **35.232 Michigan historical commission, preservation of records.**

##### Sec. 2.

Any records, files, or documents of the former department of the Michigan Grand Army of the Republic that have been turned over to the Michigan historical commission created in section 3 of the Michigan historical commission act, 2016 PA 469, MCL 399.833, shall be preserved by the Michigan historical commission.

**History:** 1897, Act 8, Imd. Eff. Feb. 11, 1897 ;-- CL 1897, 1688 ;-- Am. 1911, Act 159, Eff. Aug. 1, 1911 ;-- CL 1915, 1037 ;-- CL 1929, 890 ;-- Am. 1947, Act 213, Eff. Oct. 11, 1947 ;-- CL 1948, 35.232 ;-- Am. 2018, Act 629, Eff. Mar. 29, 2019

**Compiler's Notes:** For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752. For the transfer of powers and duties related to the state archives program from the department of natural resources to the department of technology, management and budget, see E.R.O. 2023-2, compiled at MCL 388.1283.

## **SONS OF VETERANS**

### **Act 146 of 1893**

35.241-35.248 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **LADIES' AID SOCIETY; SONS OF VETERANS**

### **Act 147 of 1893**

35.251-35.257 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **LOYAL LEGION**

### **Act 36 of 1903**

35.261-35.265 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **UNITED SPANISH WAR VETERANS**

### **Act 174 of 1931**

AN ACT to incorporate the United Spanish War Veterans, Department of Michigan, and subordinate camps of the United Spanish War Veterans.

**History:** 1931, Act 174, Imd. Eff. May 27, 1931

*The People of the State of Michigan enact:*

### **35.271 United Spanish war veterans; incorporation.**

Sec. 1.

That the United Spanish War Veterans, Department of Michigan, and subordinate camps of the United Spanish War Veterans of the Department of Michigan may be incorporated in pursuance of the provisions of this act.

**History:** 1931, Act 174, Imd. Eff. May 27, 1931 ;-- CL 1948, 35.271

### **35.272 United Spanish war veterans; articles of association, execution, contents.**

Sec. 2.

The commander, senior vice-commander, junior vice-commander, adjutant and quartermaster, of the

Department of Michigan, United Spanish War Veterans, may make and execute articles of association under their hands and seals, which articles of association shall be acknowledged before some officer authorized by law to take acknowledgments of deeds, and shall set forth:

First, The names of the officers above mentioned and their places of residence;

Second, The corporate name by which the association shall be known in law;

Third, The object and purpose of such association, which shall be to promote the general welfare of the order known as the United Spanish War Veterans, and the period for which it is incorporated, which shall not exceed 30 years.

**History:** 1931, Act 174, Imd. Eff. May 27, 1931 ;-- CL 1948, 35.272

### **35.273 Articles of association and rules and regulations; filing; body corporate, powers and duties; trust property; by-laws.**

#### **Sec. 3.**

A copy of said articles of association, together with a copy of the rules and regulations of the United Spanish War Veterans, shall be filed with the secretary of state, and thereupon the persons who shall sign such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name, they and their successors shall have succession and shall be persons in law capable to purchase, take, receive, hold and enjoy to them and their successors estates, real and personal, of suing and being sued, and to have a common seal which may be altered or changed at pleasure, but said corporation shall have no power to divert any gift, grant, or bequest from the specific purpose or purposes designated by the donor or donors. It shall also have the power to act as trustee under any gift or bequest for any specified purpose within those named by its rules and regulations or the spirit thereof, and may administer such trust by such officers and in such manner as is in accordance with such rules and regulations of the order and with the specified instructions of the donor or donors, and such trust when so created shall not be invalid for want of the names of specific beneficiaries to be benefited thereby. And in case the charter of any such camp or department should be taken away or surrendered, or whenever such camp or department shall become defunct as a corporation and incapable of carrying out the provisions of any such trust as trustee thereof, the same shall be turned over to and received by a commission, or board of trustees, of not more than 3 persons in number, which said board of trustees shall be appointed by the circuit court of the county in which said camp was organized, or if said property be real estate, in which said real estate is situated, which said board of trustees shall continue to administer said trust fund in accordance with the provisions and the spirit of the rules and regulations of the United Spanish War Veterans, and the conditions expressed in said trust, and they shall account to and be governed in the management thereof by said court, and may be required to give the same bonds as receiver appointed under the general powers of the court: Provided, That the value of the real estate and personal estate owned in fee by said camp or department, shall not exceed the value of 100,000 dollars, and that they and their successors shall have power to give, grant, sell, lease, demise and dispose of such real and personal estate or any part thereof to be disposed of, together with the proceeds, rent and income, as directed by such corporation under its rules and regulations. Said corporation shall have full power to make and establish rules and by-laws for regulating and governing all of its affairs and business not repugnant to the laws and constitution of this state or of the United States, and to designate, elect, or appoint from its members such officers under such name and style as shall be in accordance with the rules of the United Spanish War Veterans.

**History:** 1931, Act 174, Imd. Eff. May 27, 1931 ;-- CL 1948, 35.273

### **35.274 Articles of association; certified copy admissible as evidence.**

#### **Sec. 4.**

A copy of the record of such articles of association under the seal of the state, duly certified by the secretary of state, shall be received as prima facie evidence in all courts of this state of the existence and due organization of such corporation.

**History:** 1931, Act 174, Imd. Eff. May 27, 1931 ;-- CL 1948, 35.274

### **35.275 United Spanish war veterans; power to charter and govern camps.**

#### **Sec. 5.**

Such corporation when duly formed shall have power to institute and charter camps of the United Spanish War Veterans within this state, and from time to time issue such orders for the government of camps as are not repugnant to the rules and regulations of the national headquarters of the United Spanish War Veterans of the United States.

**History:** 1931, Act 174, Imd. Eff. May 27, 1931 ;-- CL 1948, 35.275

### **35.276 Subordinate camps; incorporation; articles of association, execution; body corporate, powers and duties; certified copy of articles as evidence.**

#### **Sec. 6.**

At any time when a subordinate camp of the United Spanish War Veterans shall by a 2/3 vote of the members present, at any regular meeting of said camp, resolve to become incorporated, the commander, senior vice-commander, junior vice-commander, and adjutant of such camp, may make and execute articles of association under their hands and seals, specifying as provided in section 2 of this act, and file a copy of the resolutions passed at a regular meeting of the camp, with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon such camp of the United Spanish War Veterans, the officers thereof, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in law with the same powers, duties and liabilities as the United Spanish War Veterans, Department of Michigan, have under section 3 of this act: Provided, That a certified copy of the record of such articles of association, under the seal of the circuit court of the county where such record is recorded, shall be received as prima facie evidence in all the courts in this state of the existence and due organization of such corporation.

**History:** 1931, Act 174, Imd. Eff. May 27, 1931 ;-- CL 1948, 35.276

### **35.277 United Spanish war veterans corporation; erection of buildings and memorials; joint construction with public corporation; cemeteries.**

#### **Sec. 7.**

Any corporation formed in pursuance of this act may erect and own such suitable memorial edifice, building, or hall, as to such corporation may seem proper for its purpose, and it may, if so desired, create for that purpose a capital stock of not more than 100,000 dollars, to be divided into shares of not more than 10 dollars each, which said shares may be subscribed for and held by any person, but in case such persons, or any persons holding shares who are not members of said camp or of the department encampment of said department, or agents of the same, they shall have no voice in the control of said building during the life of said corporation: And provided further, In case any such corporation so desires, it may, for the purpose of building any such memorial buildings, unite in the erection thereof with any township, village, city or county, to be used jointly for the purpose of the United Spanish War Veterans, and the public purposes of any such public corporation, in such manner and form as may be agreed upon by the parties thereto respectively: Provided, That in case of the joint erection of any such memorial building,

that when any such camp or department becomes defunct as a corporation the said building shall belong in perpetuity to the public corporation and its successors, subject to the provisions of law. And any such corporation organized under this act may take, purchase, hold and own suitable lots or parcels of ground as may be convenient for the purposes of a cemetery, and make all lawful rules and regulations for the disposition of lots therein and the burial of the dead: Provided, This act shall not be construed to affect any municipal regulation in regard to cemeteries: And provided further, That any such corporation may join with any public corporation in the creation of any such cemetery, or division of any existing cemetery, but in case of such joint agreement, such cemetery, after the dissolution of the said corporation, shall revert to and become the property of, or subject to the control of, any such public corporation, to be maintained by it in perpetuity as a distinct United Spanish War Veteran division of such cemetery.

**History:** 1931, Act 174, Imd. Eff. May 27, 1931 ;-- CL 1948, 35.277

### **35.278 Application of general corporation act.**

Sec. 8.

All corporations formed under this act shall be subject to the provisions of the general corporation act of this state so far as the same may be applicable to corporations formed under this act.

**History:** 1931, Act 174, Imd. Eff. May 27, 1931 ;-- CL 1948, 35.278

**Compiler's Notes:** For provisions of the general corporation act, referred to in this section, see MCL 450.1 et seq.

## **SPANISH WAR VETERANS; HEADQUARTERS**

### **Act 71 of 1915**

35.281,35.282 Repealed. 1984, Act 431, Eff. Mar. 29, 1985.

## **UNITED SPANISH WAR VETERANS; HEADQUARTERS**

### **Act 265 of 1929**

35.291,35.292 Repealed. 1984, Act 431, Eff. Mar. 29, 1985.

## **SPANISH WAR SOLDIERS' AID FUND**

### **Act 134 of 1899**

35.301-35.308 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **UNITED SPANISH WAR VETERANS MEMORIAL HIGHWAY**

### **Act 207 of 1945**



35.311,35.312 Repealed. 2001, Act 142, Imd. Eff. Oct. 26, 2001.

## **MEDALS TO SPANISH WAR VETERANS**

### **Act 223 of 1901**

35.321-35.325 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **WORLD WAR VETERANS**

### **Act 408 of 1919**

35.331-35.338 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **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) 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, during the Korean conflict between June 27, 1950 and January 31, 1955, or during the Vietnam era between February 28, 1961 and May 7, 1975.

(b) 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.

(c) The military veteran did not graduate from high school.

(d) The military veteran served under honorable conditions during World War II, the Korean conflict, or during the Vietnam era.

**History:** 2001, Act 181, Imd. Eff. Dec. 21, 2001 ;-- Am. 2003, Act 203, Imd. Eff. Nov. 26, 2003 ;-- Am. 2014, Act 55, Imd. Eff. Mar. 25, 2014

### **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

## **PUBLIC EMPLOYEES ENTERING ARMED FORCES**

### **Act 263 of 1951**

AN ACT to establish the rights and privileges of officers and employees of the state of Michigan and of civil and political subdivisions thereof who enter into armed forces of the United States; and to provide for enforcement of the rights and privileges created.

**History:** 1951, Act 263, Eff. Sept. 28, 1951

*The People of the State of Michigan enact:*

### **35.351 Definitions.**

#### **Sec. 1.**

When used in this act—

(a) The term "public employee" means any person holding a position in public employment, both classified and unclassified.

(b) The term "public employment" means remunerative employment by the government of this state, or of any county, municipality, or other civil or political subdivision thereof, including any department, agency or instrumentality thereof.

(c) The term "public employer" means any government, department or agency mentioned in subsection (b) of this section employing a public employee in a position.

(d) The term "position" means employment, whether probationary or otherwise, held by a public employee at the time of entrance into military duty, but shall not include temporary or casual employment or an office filled by election, nor officers appointed for a fixed term.

(f) The term "military duty" means (1) training and service performed by an inductee, enlistee or reservist or any entrant into a temporary component of the armed forces of the United States, and (2) time spent in reporting for and returning from such training and service, or if a rejection occurs, from the place of reporting therefor: Provided, That the time spent does not exceed the minimum time required by law for the inductee or not exceed 3 years for the first enlistment, or not exceed 3 years for the reservist after being recalled to active duty or as soon after the expiration of such 3 years as the reservist is able to obtain orders relieving him from active duty: And provided further, That if the re-employment provision of the selective service act is amended to provide a period of other than 3 years, such a period provided by the selective service act shall apply.

**History:** 1951, Act 263, Eff. Sept. 28, 1951

### **35.352 Public employees entering military duty; reemployment, restoration or placement in other position or department.**

#### **Sec. 2.**

(a) Any public employee who leaves a position while this act is in effect, or who left such position prior to such effective date but not earlier than June 27, 1950, whether voluntarily or involuntarily, in order to perform military duty, or who was performing military duty on June 27, 1950, and who is relieved or discharged from such duty under honorable conditions, and makes application for reemployment within 90 days after he is relieved from military duty or from hospitalization continuing after discharge for a period of not more than 1 year shallâ€”

(1) If still qualified to perform the duties of such position, be restored to such position if it exists and is not held by a person with greater seniority, otherwise to a position of like seniority, status and pay;

(2) If not qualified to perform the duties of such position by reason of disability sustained during such service, such public employee shall be placed in such other position, the duties of which he is qualified to perform, as will provide him like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances of his case.

(b) In the case of any person who is entitled to be restored to a position in accordance with the provisions of this act, if it is determined that the department or agency with which such person was employed immediately prior to his entry upon training and service aforesaidâ€”

(1) Is no longer in existence and its functions have not been transferred to any other agency, or

(2) For any reason it is not feasible for such person to be restored to such department or agency, it shall be determined whether or not there is a position in any other department or agency of the same public employer for which such person is qualified and which is either vacant or held by a person having a temporary appointment thereto or less seniority than the employee returning from military service. In any case in which it is determined that there is such a position, such person shall be restored in service and appointed to such position by the department or agency in which such position exists.

**History:** 1951, Act 263, Eff. Sept. 28, 1951

### **35.353 Reemployment of public employees; subsequent discharge; seniority; insurance and other benefits.**

#### **Sec. 3.**

Any person who is restored to a position in accordance with the provisions of this act shall not be discharged from such position without cause within 1 year after such restoration, unless all employees in the same classification with less seniority are first laid off and shall, without limiting other rights conferred by this or other sections, be considered as having been on furlough or leave of absence during his period of military duty. He shall be restored without loss of seniority, including, upon promotion or other advancement following completion of any period of employment required therefor, a seniority date in the advanced position which will place him ahead of all persons previously junior to him who advanced to the position during his absence in the armed forces. He shall also be entitled on reinstatement to participate in insurance (including pension plans and medical insurance) and other benefits dependent on length of employment to the same extent as if he had remained continuously at work; he shall have the option to continue during his term of military service payments which participation in the benefit would

have required of him had he remained at work, and shall have the option upon reinstatement to make up any such contributions which were not made during the period of his military duty; the employer shall make on the employee's behalf any payments the employer would have made had the employee remained at work. He shall be protected against reduction in his seniority, status or pay during his employment except as such reduction may be made for all employees whose employment situations are similar. Nothing in this section shall be construed as requiring the granting of more than a total of 6 years' credit towards retirement.

**History:** 1951, Act 263, Eff. Sept. 28, 1951

#### **35.354 Public employee; leave of absence for induction in military service.**

##### **Sec. 4.**

Any public employee who holds a position in public employment shall be granted a leave of absence for the purpose of being inducted or otherwise entering military duty. If not accepted for such duty, the employee shall be reinstated in his position without loss of seniority or status, or reduction in his rate of pay.

**History:** 1951, Act 263, Eff. Sept. 28, 1951

#### **35.355 Enforcement of act; regulations; responsibility of official agency; noncompliance by public employer, hearing; officials responsible for reinstatement.**

##### **Sec. 5.**

(a) The official agency or individual responsible for the enforcement of this act is authorized to issue regulations for the enforcement of the act. The departments and agencies in the government in this state and the governments of the civil and political subdivisions thereof shall comply with such regulations and orders issued by such official agency or individual pursuant thereto. The official agency or individual shall, whenever it finds upon appeal of the person concerned, that any department or agency aforesaid has failed or refuses to comply with the provisions of this act or of regulations thereunder to issue an order specifically requiring such department or agency to comply with such provisions and to compensate such person for any loss of salary or wages suffered by reason of failure to comply with such provisions, less any amount received through other employment: Provided, That any such compensation ordered to be paid shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions, and shall be paid by the head of the department or agency concerned out of appropriations currently available for salaries and expenses of such department or agency, and such appropriations shall be available for such purpose.

(b) In case any public employer fails or refuses to comply with the provisions of this act, the circuit court for the district in which such public employer is located shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such employers' unlawful action: Provided, That any such compensation shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions. The court shall order speedy hearing in any such case and shall advance it on the calendar. Upon application to the attorney general by any person claiming to be entitled to the benefits of such provisions, the attorney general, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the advisable adjustment of the claim or in the filing of any motion, petition or other appropriate pleading, and the prosecution thereof specifically to require such employer to comply with such provisions. No fees or court costs shall be taxed against any person who may apply for such benefits: Provided, That only the employer shall be deemed a necessary party respondent to any such actions.

(c) In the state government or any of its political subdivisions or instrumentalities, the following official agencies or individuals shall have the responsibility for reinstating public employees covered by this act in accordance with the provisions of this act: The civil service board or commission, the chief executive, or administrative officer where there is no civil service board or commission. Where there is neither a civil service board or commission, a chief executive, nor administrative officer, then the local governing body shall have such responsibilities.

**History:** 1951, Act 263, Eff. Sept. 28, 1951

### **35.356 Laws inapplicable.**

Sec. 6.

Any laws or parts of laws, which are inconsistent with the provisions of this act, or which would serve to defeat the purposes thereof, shall to such extent be deemed inapplicable to public employers and public employees in the exercise of the rights and privileges conferred by this act.

**History:** 1951, Act 263, Eff. Sept. 28, 1951

## **PREFERENCE IN EMPLOYMENT**

### **Act 205 of 1897**

AN ACT to prefer honorably discharged members of the armed forces of the United States for public employments.

**History:** 1897, Act 205, Eff. Aug. 30, 1897 ;-- Am. 1944, 1st Ex. Sess., Act 22, Imd. Eff. Feb. 29, 1944

*The People of the State of Michigan enact:*

### **35.401 Veteran; preference for appointment and public employment; effect of physical impairment; vacancy in elective office; qualifications; conflict with MCL 38.401 to 38.428; "veteran" defined.**

Sec. 1.

(1) In every public department and upon the public works of the state and of every county and municipal corporation of this state, a veteran shall be preferred for appointment and employment. Age, loss of limb, or other physical impairment that does not, in fact, incapacitate, does not disqualify them. If it is necessary to fill by appointment a vacancy occurring in an elective office, the appointment is subject to this act. The applicant shall be of good moral character and shall have been a resident of the state for at least 2 years and possess other requisite qualifications, after credit allowed by any civil service laws. If there is a conflict between this act and 1941 PA 370, MCL 38.401 to 38.428, 1941 PA 370, MCL 38.401 to 38.428, shall prevail.

(2) As used in this section, "veteran" means an individual who meets both of the following:

(a) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.

(b) Was honorably discharged.

**History:** 1897, Act 205, Eff. Aug. 30, 1897 ;-- CL 1897, 1690 ;-- Am. 1899, Act 85, Imd. Eff. May 25, 1899 ;-- Am. 1907, Act 329, Eff. Sept. 28, 1907 ;-- CL 1915, 1041 ;-- Am. 1919, Act 224, Eff. Aug. 14, 1919 ;-- Am. 1923, Act 88, Eff. Aug. 30, 1923 ;-- CL 1929, 900 ;-- Am. 1931, Act 66, Imd. Eff. May 4, 1931 ;-- Am. 1939, Act 298, Eff. Sept. 29, 1939 ;-- Am. 1944, 1st Ex. Sess., Act 22, Imd. Eff. Feb. 29, 1944 ;-- CL 1948, 35.401 ;-- Am. 1959, Act 179, Eff. Mar. 19, 1960 ;-- Am. 1976, Act 121, Imd. Eff. May 14, 1976 ;-- Am. 2008, Act 28, Imd. Eff. Mar. 13, 2008 ;-- Am. 2016, Act 211, Eff. Sept. 20, 2016

### **35.401a Veterans; military experience relevant factor for compensation; "veteran" defined.**

Sec. 1a.

If this state or a political subdivision of this state hires a veteran, this state or the political subdivision shall treat the veteran's military experience as relevant professional experience for the purpose of determining the veteran's wage or salary. As used in this section, "veteran" means that term as defined in section 1.

**History:** Add. 2018, Act 381, Eff. Mar. 19, 2019

**35.402 Veterans; removal, suspension or transfer from public employment; notice, hearing; protest, waiver; reinstatement, compensation.**

**Sec. 2.**

No veteran or other soldier, sailor, marine, nurse or member of women's auxiliaries as indicated in the preceding section holding an office or employment in any public department or public works of the state or any county, city or township or village of the state, except heads of departments, members of commissions, and boards and heads of institutions appointed by the governor and officers appointed directly by the mayor of a city under the provisions of a charter, and first deputies of such heads of departments, heads of institutions and officers, shall be removed or suspended, or shall, without his consent, be transferred from such office or employment except for official misconduct, habitual, serious or willful neglect in the performance of duty, extortion, conviction of intoxication, conviction of felony, or incompetency; and such veteran shall not be removed, transferred or suspended for any cause above enumerated from any office or employment, except after a full hearing before the governor of the state if a state employee, or before the prosecuting attorney if a county employee, or before the mayor of any city or the president of any village, or before the commission of any such city or village operating under a commission form of government, if an employee of a city or village, or before the township board if a township employee, and at such hearing the veteran shall have the right to be present and be represented by counsel and defend himself against such charges: Provided further, That as a condition precedent to the removal, transfer, or suspension of such veteran, he shall be entitled to a notice in writing stating the cause or causes of removal, transfer, or suspension at least 15 days prior to the hearing above provided for, and such removal, suspension or transfer shall be made only upon written order of the governor, the prosecuting attorney, the mayor, commission, or the township board: Provided, however, That where such veteran has been removed, transferred, or suspended other than in accordance with the provisions of this act, he shall file a written protest with the officer whose duty under the provisions of this act it is to make the removal, transfer, or suspension, within 30 days from the day such veteran is removed, transferred, or suspended; otherwise the veteran shall be deemed to have waived the benefits and privileges of this act: Provided, however, Said hearing shall be held within 30 days of filing such notice: Provided further, That the mayor of any city or the president of any village or the commission of any such city or village operating under a commission form of government may refer any protest where a veteran is removed, transferred, suspended or discharged, to the legal department of such city or village for a hearing. The legal department shall act as a fact finding body and shall have the power to examine witnesses, administer oaths and do all those things which the mayor could do hereunder: Provided further, That the findings shall be transmitted to the mayor in writing by the legal department, whereupon the mayor shall examine the transcript of the hearing and make a decision based on the transcript thereof: And provided further, That where such veteran has been reinstated to his employment upon the written order of the governor of the state if a state employee, the prosecuting attorney if a county employee, the mayor of any city or the president of any village or the commission of any such city or village operating under a commission form of government, or a township board if a township employee, or by an order of any court of competent jurisdiction, then such veteran shall be entitled to receive compensation for the time lost from date of such dismissal or suspension to the date of reinstatement at the same rate of pay received by him at the date of dismissal or suspension.

**History:** 1897, Act 205, Eff. Aug. 30, 1897 ;-- CL 1897, 1691 ;-- Am. 1899, Act 85, Imd. Eff. May 25, 1899 ;-- Am. 1907, Act 329, Eff. Sept. 28, 1907 ;-- CL 1915, 1042 ;-- Am. 1919, Act 224, Eff. Aug. 14, 1919 ;-- CL 1929, 901 ;-- Am. 1931, Act 67, Imd. Eff. May 5, 1931 ;-- Am. 1939, Act 298, Eff. Sept. 29, 1939 ;-- Am. 1944, 1st Ex. Sess., Act 22, Imd. Eff. Feb. 29, 1944 ;-- CL 1948, 35.402 ;-- Am. 1955, Act 32, Imd. Eff. Apr. 19, 1955

**35.402a Veterans; military service counted as period of employment.**

Sec. 2a.

In the event that it shall become necessary for reasons of public policy to reduce the number of persons in any public employment mentioned in this act, the status of persons removed from employment shall be determined on the basis of seniority of service and on the basis of quality of service as determined by the employing authority, and those having the least seniority and least quality of service shall be first removed. In the case of an employee mentioned in section 1 of this act, who was in public employment prior to and at the time of entering military service, the time spent in military service shall be added to the period of employment in case he shall return to the same or similar public employment following discharge from military service.

**History:** Add. 1949, Act 143, Eff. Sept. 23, 1949

**35.403 Violation of act; penalty.**

Sec. 3.

A violation of any of the provisions of this act, by a person having the power of appointment to a position, under him, in either of the departments mentioned in section 1, shall be deemed a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not less than 50 dollars, and not more than 100 dollars, or by imprisonment in the county jail not to exceed 90 days or by both such fine and imprisonment in the discretion of the court.

**History:** 1897, Act 205, Eff. Aug. 30, 1897 ;-- CL 1897, 1692 ;-- Am. 1899, Act 85, Imd. Eff. May 25, 1899 ;-- Am. 1907, Act 329, Eff. Sept. 28, 1907 ;-- CL 1915, 1043 ;-- CL 1929, 902 ;-- CL 1948, 35.403

**35.404 Veterans; rejection of application for public employment, remedy.**

Sec. 4.

In case the application of any such soldier, sailor or marine, shall be rejected by the person having the power of appointment to the position for which he has applied, he shall be entitled to remedy therefor by mandamus to enforce the provisions of this act.

**History:** Add. 1907, Act 329, Eff. Sept. 28, 1907 ;-- CL 1915, 1044 ;-- CL 1929, 903 ;-- CL 1948, 35.404

**EXAMINATION FOR BAR; ELIGIBILITY**

**Act 344 of 1919**

35.431 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

**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 veteran to sell goods; condition; license; "veteran" defined.**

**Sec. 1.**

(1) A veteran may sell his or her own goods within this state if the proceeds from the sale of the goods are to be used for his or her direct personal benefit or gain.

(2) A veteran who wishes to sell his or her own goods as authorized under subsection (1) shall obtain a license for that purpose as provided in this act. A license issued under this act is valid for a period of 1 year.

(3) As used in this act, "veteran" means an individual who meets all of the following:

(a) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.

(b) Served at least 180 days of active service in the armed forces of the United States or has a service-connected disability as a result of service in the armed forces of the United States.

(c) Was honorably discharged.

(d) Is a resident of this state.

**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 ;-- Am. 2016, Act 214, Eff. Sept. 20, 2016

**Former Law:** See Act 191 of 1901, being CL 1915, Å§Å§ 6984 to 7000, and Act 294 of 1913, being CL 1915, Å§Å§ 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 of evidence that the person is a veteran to the clerk of any county in which the veteran resides, the county clerk shall issue without cost to the veteran 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 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 ;-- Am. 2016, Act 214, Eff. Sept. 20, 2016

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

Sec. 3.

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

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

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

**DISCRIMINATION PROHIBITED**

**Act 105 of 1909**

AN ACT making it unlawful for any common carrier, inn-keeper or proprietor or lessee of any place of public amusement or entertainment, or any agent, servant or representative of any such common carrier, inn-keeper, proprietor or lessee as aforesaid, to debar from the full and equal enjoyment of the accommodations, advantages, facilities or privileges of any public conveyance on land or water, or any inn or place of public amusement or entertainment, any person in the military or naval service of the United States or of this state, and providing a remedy for such disbarment.

**History:** 1909, Act 105, Eff. Sept. 1, 1909

*The People of the State of Michigan enact:*

**35.461 Person in military or naval uniform; discrimination prohibited.**

Sec. 1.

It shall be unlawful for any common carrier, inn-keeper or proprietor or lessee of any place of public amusement or entertainment, or any agent, servant or representative of any such common carrier, inn-keeper, proprietor or lessee as aforesaid, to debar from the full and equal enjoyment of the accommodations, advantages, facilities, or privileges of any public conveyance on land or water, or any inn or of any place of public amusement or entertainment any person in the military or naval service of the United States or of this state, wearing the uniform prescribed for him at that time or place by law, regulation, or the service or custom, on account of his wearing such uniform, or of his being in such service.

**History:** 1909, Act 105, Eff. Sept. 1, 1909 ;-- CL 1915, 8418 ;-- CL 1929, 908 ;-- CL 1948, 35.461

**35.462 Person in military or naval uniform; discrimination, damages; prima facie evidence.**

Sec. 2.

Any person who is debarred from such enjoyment contrary to the provisions of section 1 of this act, shall be

entitled to recover in an action on the case from any corporation, association or person guilty of such violation, his actual damages and 100 dollars in addition thereto; and evidence that said person debarred was at the time sober, orderly and able and willing to pay for said enjoyment in accordance with the rates fixed therefor for civilians, shall be prima facie evidence in said action that he was debarred on account of his wearing such uniform or of his being in such service.

**History:** 1909, Act 105, Eff. Sept. 1, 1909 ;-- CL 1915, 8419 ;-- CL 1929, 909 ;-- CL 1948, 35.462

## **RESIDENTS WITHIN GAME AND FISH LAWS**

### **Act 263 of 1927**

AN ACT to define persons in the armed forces of the United States officially stationed in Michigan, as residents within the meaning of such term, in the game and fish laws.

**History:** 1927, Act 263, Imd. Eff. May 24, 1927 ;-- Am. 1968, Act 16, Imd. Eff. Apr. 5, 1968

*The People of the State of Michigan enact:*

#### **35.471 Armed forces personnel; considered residents under game and fish laws.**

##### **Sec. 1.**

All persons regularly enlisted or commissioned as officers in the armed forces of the United States and officially stationed in Michigan, shall be considered for the purposes of all game and fish laws, as residents of this state and shall have all privileges of residents of this state under the game and fish laws.

**History:** 1927, Act 263, Imd. Eff. May 24, 1927 ;-- CL 1929, 910 ;-- CL 1948, 35.471 ;-- Am. 1968, Act 16, Imd. Eff. Apr. 5, 1968

## **VETERANS' CONVENTIONS; COUNTY APPROPRIATION**

### **Act 323 of 1939**

AN ACT to empower the boards of supervisors of any of the several counties and the legislative bodies of any of the several cities of the state of Michigan to appropriate moneys from the general fund for the purpose of contributing towards the expenses of conventions held by the several organizations of veterans of the wars of the United States.

**History:** 1939, Act 323, Eff. Sept. 29, 1939 ;-- Am. 1952, Act 115, Eff. Sept. 18, 1952

*The People of the State of Michigan enact:*

#### **35.481 Conventions of congressionally chartered veterans' organizations; appropriations by counties or cities.**

##### **Sec. 1.**

The boards of supervisors of the several counties and the legislative bodies of the several cities within the state

of Michigan, or any of them, are hereby authorized and empowered to appropriate moneys out of the general fund of said counties or cities to an amount not exceeding \$1,000.00 in any 1 year for the purpose of contributing towards the expenses of conventions to be held within the county or city, during the year, by the several congressionally chartered organizations of veterans who have served the United States of America during the time when the United States of America was at war: Provided, That in counties or cities now or hereafter having a population of 50,000 or over, as determined by the last federal decennial census or by any federal decennial census hereafter taken, the boards of supervisors of such counties and/or the legislative bodies of such cities, or any of them, are hereby authorized and empowered to appropriate moneys out of the general fund of such counties or cities, to an amount not exceeding \$5,000.00 in any 1 year for such purposes: Provided further, That in counties or cities now or hereafter having a population of 500,000 or over, as determined by the last federal decennial census or by any federal decennial census hereafter taken, the boards of supervisors of such counties and/or the legislative bodies of such cities, or any of them, may appropriate not to exceed \$25,000.00 for national conventions of said veterans' organizations.

**History:** 1939, Act 323, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 298, Eff. Jan. 10, 1942 ;-- Am. 1945, Act 39, Eff. Sept. 6, 1945 ;-- CL 1948, 35.481 ;-- Am. 1952, Act 115, Eff. Sept. 18, 1952

## LEASING OF PUBLIC BUILDINGS

### Act 79 of 1889

AN ACT to authorize the leasing of public buildings and parts thereof in this state to grand army posts and to posts of organized veterans' organizations at a nominal rent.

**History:** 1889, Act 79, Imd. Eff. May 8, 1889 ;-- Am. 1945, Act 212, Imd. Eff. May 17, 1945

*The People of the State of Michigan enact:*

### **35.491 Lease of public buildings to posts of Grand Army of the Republic or veterans' organizations; authorization; rent, determination.**

#### Sec. 1.

Any county, city, town, village or school district in the state of Michigan is hereby authorized to lease for any period not exceeding 5 years each to any post to the grand army of the republic or to any post of any organized veterans' organization established in any such county, city, town, village or school district, to be used by such posts, any public building or any part thereof, belonging to any such county, city, town, village or school district, except school houses in actual use as such, at a nominal rent to be fixed by the board of supervisors of such county, the board of aldermen of such city, the township board, the board of trustees of such village, or the school boards or boards of education of said district.

**History:** 1889, Act 79, Imd. Eff. May 8, 1889 ;-- How. 4859q ;-- CL 1897, 3490 ;-- CL 1915, 1040 ;-- CL 1929, 895 ;-- Am. 1945, Act 212, Imd. Eff. May 17, 1945 ;-- CL 1948, 35.491

## PRINCIPAL AND AGENT RELATIONSHIP

### Act 104 of 1943

AN ACT relating to the effect of the death of a person in the armed forces of the United States or associated or connected therewith, or the happening of any other event which by operation of law would otherwise terminate the relationship between a principal and an agent, upon an agency created by such person as principal.

**History:** 1943, Act 104, Eff. July 30, 1943

*The People of the State of Michigan enact:*

**35.501 Principal and agent relationship; effect of unreported death of principal in armed forces.**

**Sec. 1.**

The authority of any person, firm, corporation or other legal entity empowered to act as agent under a written power of attorney or otherwise, by any person in the service of the United States, in the armed forces thereof or assigned to duty having any military or civilian connection with the operations of such forces, while serving outside the continental United States, for any lawful purpose or purposes whatsoever, shall not be revoked or terminated by the death of the principal while in said service or associated or connected therewith as aforesaid, but shall continue as to the agent or other person who, without actual knowledge or actual notice of the death of the principal, shall have acted or shall act, in good faith, under or in reliance upon such power of attorney or agency, and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees, legatees, or personal representatives of the principal. An affidavit, executed by the attorney-in-fact or agent, setting forth that he has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the non-revocation or non-termination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this state, such affidavit, when authenticated for record in the manner prescribed by law, shall likewise be recordable. No report or listing, either official or otherwise, of "missing" or "missing in action," as such words are used in military parlance, shall constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the same, or shall operate to revoke the agency. This act shall not be construed so as to alter or affect any provision for revocation or termination contained in such power of attorney. The provisions hereof shall apply whether such power shall have been granted before or after the effective date of this act.

**History:** 1943, Act 104, Eff. July 30, 1943 ;-- Am. 1947, Act 42, Eff. Oct. 11, 1947 ;-- CL 1948, 35.501

**TRUSTEE IN WAR SERVICE**

**Act 195 of 1943**

AN ACT to provide for the suspension of the powers of a trustee engaged in war service, as herein defined; to provide for the exercise of his powers and duties by co-trustees, or the appointment of a substitute trustee while so engaged and the exercise of such powers and duties by such substitute trustee; for the service of notice of hearing before the court on the trustee engaged in war service in certain instances; and to provide for the restoration of his powers and the removal from office of any substitute trustee appointed hereunder when he shall cease to be so engaged.

**History:** 1943, Act 195, Imd. Eff. Apr. 17, 1943

*The People of the State of Michigan enact:*

**35.511 Trustee engaged in war service; suspension of powers, appointment of co-trustee or substitute trustee.**

**Sec. 1.**

Whenever a trustee of an express trust is, or hereafter shall be engaged in war service, as herein defined, the circuit court in chancery may, upon the petition of such trustee, or any co-trustee, or upon petition of any person having a beneficial interest in the trust administered by such trustee, whether singly or jointly with others, or any person interested in the subject matter thereof by way of remainder, issue an order suspending the powers of such trustee while he is engaged in war service and until further order of said court.

(a) Where there are 2 or more trustees serving jointly, the trustee or trustees not engaged in war service may, after the issuance of said order, and until otherwise ordered by said court, exercise all powers which he or they might have exercised as surviving trustee or trustees under any instrument creating a trust, or by virtue of their office, in the same manner and to the same extent as if the trustee whose powers have been suspended as aforesaid had died: Provided, however, That no such powers may be exercised by one who is a beneficiary under a trust of which he is sole acting trustee, unless the instrument creating the trust so provides.

(b) Where there are 2 or more trustees, 1 or more of whom is or shall be engaged in war service, the court may, notwithstanding the provisions of subsection (a) of section 1 hereof, upon petition of any of such trustees, or any person beneficially interested in the trust administered by them, or any person having an interest in the subject matter thereof by way of remainder, appoint a co-trustee to serve in the place and stead of the trustee whose powers have been suspended as aforesaid. Such appointment may be made simultaneously with and by the terms of the order suspending such powers or at any time thereafter; and when such substitute trustee shall have been appointed and shall have lawfully entered upon the execution of his trust, all trustees not engaged in war service shall, until otherwise ordered by the court, serve with the same powers and with like effect as if the trustee whose powers have been suspended as aforesaid had died and a successor had been appointed in his place and stead.

(c) Where a sole trustee is or shall be engaged in war service, the court may, upon petition of such sole trustee, or any person beneficially interested in the trust administered by him, or any person having an interest in the subject matter thereof by way of remainder, appoint a substitute trustee or substitute trustees who shall have the sole authority, until otherwise ordered by said court, to exercise all powers previously possessed by the trustee whose powers have been suspended as herein provided.

**History:** 1943, Act 195, Imd. Eff. Apr. 17, 1943 ;-- CL 1948, 35.511

### **35.512 Trustee; restoration of powers.**

#### **Sec. 2.**

When the trustee whose powers have been suspended as aforesaid shall cease to be engaged in war service, as determined by the court, and any of the duties of his office shall not have been fully performed, the court shall, on petition of such trustee or any person beneficially interested in the trust of which he was a trustee prior to such disability, or any person having an interest in the subject matter thereof by way of remainder, issue an order terminating the suspension of his powers, restoring all of the powers possessed by him prior thereto, and removing from office any trustee who may have been appointed to serve in his place and stead.

**History:** 1943, Act 195, Imd. Eff. Apr. 17, 1943 ;-- CL 1948, 35.512

### **35.513 Trustee; delivery of property to co-trustee or substitute trustee.**

#### **Sec. 3.**

It shall be the duty of the trustee whose powers have been suspended as provided in this act, to deliver all property in his possession belonging to the trust administered by him to the co-trustees or substitute trustee, and to make and file an accounting within 30 days after the issuance of the order suspending his powers, or within such time as the court may direct: Provided, however, That his failure so to do shall not in any manner affect the validity of any power exercised or act performed by such co-trustees or substitute trustee in the course of the performance of the duties of their office. Such accounting may be lawfully made and filed in behalf of said trustee engaged in war service by his agent thereunto duly authorized in writing.

**History:** 1943, Act 195, Imd. Eff. Apr. 17, 1943 ;-- CL 1948, 35.513

### **35.514 Trustee; order for appearance, publication and mailing, proof.**

#### **Sec. 4.**

Whenever a petition filed under the provisions of section 1 hereof by a person other than the trustee engaged in war service, shall be duly sworn to and shall state that the trustee engaged in war service cannot be personally served by reason of his absence from the state of Michigan, the court shall, on the filing thereof, issue an order for the appearance of such trustee within 35 days from the date of said order. Said order shall be published within 10 days from the date of this issuance in a newspaper printed and circulating in the county in which said petition is pending, or such other newspaper as the court may direct, once each week for 3 successive weeks. A copy of said order shall be sent by registered mail to the trustee engaged in war service at his last known post office address not later than 10 days prior to the time of the hearing on said petition, and a return receipt shall be demanded. Due proof of such publication and of the sending by registered mail of a copy of said order shall be made and filed in such proceeding. In all cases where such order shall have been issued on the basis of such sworn petition and service thereof shall have been made as herein provided, a return that process has not been personally served on such trustee shall be unnecessary. If the trustee engaged in war service shall be duly represented by an attorney of record in the proceeding in which said petition is pending, service of such order on such trustee by publication or otherwise shall not be required, provided notice be given in the manner provided for service of pleadings in suits pending in the circuit court.

**History:** 1943, Act 195, Imd. Eff. Apr. 17, 1943 ;-- CL 1948, 35.514

### **35.515 Instances in which trustee deemed in war service.**

#### **Sec. 5.**

For the purposes of this act a trustee shall be deemed to be engaged in war service in any of the following instances:

- (a) If he is a member of the military, naval or air forces of the United States of America or any of its allies;
- (b) If he is engaged in any work beyond the borders of the state of Michigan in connection with a governmental agency of the United States of America, or in connection with the American Red Cross or any other body with similar objects;
- (c) If he is interned in any enemy country or is in a foreign country or a possession or dependency of the United States of America and is unable to return to the state of Michigan;
- (d) If it shall appear to the court that he is engaged in any occupation which is in direct aid of the war effort of the United States of America, or any of its allies, and which necessitates his continuous and extended absence from the state of Michigan.

**History:** 1943, Act 195, Imd. Eff. Apr. 17, 1943 ;-- CL 1948, 35.515

### **35.516 Governing law.**

#### **Sec. 6.**

This act shall take immediate effect, and its provisions shall be controlling notwithstanding the provisions of any other statute of this state.

**History:** 1943, Act 195, Imd. Eff. Apr. 17, 1943 ;-- CL 1948, 35.516

## MINOR'S CONTRACTS

### Act 15 of 1946 (1st Ex. Sess.)

AN ACT to authorize persons who are entitled to the benefits obtainable under the federal "servicemen's readjustment act of 1944," as amended, to enter into contracts and agreements and to do all other proper acts to secure any of said benefits, regardless of any legal disability existing on account of such persons' age; and to repeal certain acts and parts of acts.

**History:** 1946, 1st Ex. Sess., Act 15, Imd. Eff. Feb. 25, 1946

*The People of the State of Michigan enact:*

#### **35.541 Minor veterans and spouses; contracts, agreements, conveyances or leases of mortgaged property.**

##### Sec. 1.

Any person who is eligible to obtain any of the benefits accorded by the "servicemen's readjustment act of 1944," Public Law 346"78th Congress, Chapter 268, 2nd Session, approved June 22, 1944, as amended, and as the same may be hereafter amended from time to time, with his or her spouse, if any, is hereby authorized to enter into contracts and agreements, and do all other proper acts to secure any of said benefits, regardless of any legal disability existing on account of such person's or spouse's age; and any such contract or agreement made by any such person or his or her spouse shall not be invalid or voidable by reason of the minority of such person or spouse, and any such person is further empowered with his or her spouse, if any, who may be a minor, to convey or lease any property encumbered by a mortgage executed under the authority of this act. It is the intent and purpose of this act to authorize such persons, or spouses of such persons, under the age of 21 years to enter into valid contracts and agreements, and to do all other acts necessary in connection with obtaining any of said benefits, and in connection with the execution of conveyances of property encumbered by a mortgage executed under the authority of this act, and to impose liability upon such persons and spouses, and for the purpose of this act the defense of minority shall not be interposed.

**History:** 1946, 1st Ex. Sess., Act 15, Imd. Eff. Feb. 25, 1946 ;-- Am. 1947, Act 219, Imd. Eff. June 17, 1947 ;-- CL 1948, 35.541

**Compiler's Notes:** For provisions of servicemen's readjustment act of 1944, referred to in this section, see 38 U.S.C. Â§ 693 et seq.

## STATE LICENSING ACTS; STATUS

### Act 189 of 1945

AN ACT relative to the status of members of the armed forces of the United States, any auxiliary thereof, or the merchant marine, or nurses or civilians on war duty, licensed to engage in any profession or occupation by this state, or registered in meeting the preliminary requirements for any such license.

**History:** 1945, Act 189, Imd. Eff. May 17, 1945

*The People of the State of Michigan enact:*

#### **35.551 Members of armed forces with state professional or occupational license; status unchanged until**

**discharge.**

Sec. 1.

The status of any member of the armed forces of the United States, any auxiliary thereof, or the merchant marine or nurse, who was duly licensed to engage in any profession or occupation by this state, or was registered in meeting the preliminary requirements for any such license, at the time of induction or entering into any such service, shall remain unchanged and in full force and effect, without further action on the part of any such person, until discharged or until the leaving of any such service.

**History:** 1945, Act 189, Imd. Eff. May 17, 1945 ;-- CL 1948, 35.551

### **35.552 Act supplemental to existing laws.**

Sec. 2.

The provisions of this act shall be construed to supplement the laws of this state, and shall stand notwithstanding any provision of law to the contrary.

**History:** 1945, Act 189, Imd. Eff. May 17, 1945 ;-- CL 1948, 35.552

## **LICENSEE QUALIFICATIONS; WAR INTERRUPTION**

### **Act 27 of 1946 (1st Ex. Sess.)**

AN ACT to protect the work and study performed by applicants for license or qualification for any of the trades, occupations or professions before being inducted into the armed forces; to prevent service in the armed forces being considered as a disqualifying interruption of or delay in commencement of any required period of practical experience, apprenticeship, study or training; and to permit boards of examiners and similar boards to equitably evaluate and give credit for training and experience in the armed forces.

**History:** 1946, 1st Ex. Sess., Act 27, Imd. Eff. Feb. 26, 1946

*The People of the State of Michigan enact:*

### **35.581 License or qualification for trade, occupation, or profession; service in armed forces not deemed disqualifying interruption; accepting periods of training and practical experience in armed forces; time limitation; "veteran" defined.**

Sec. 1.

(1) A veteran seeking license or qualification for a trade, occupation, or profession under the laws of this state and whose period of training, study, apprenticeship, or practicable experience is interrupted by, or who has not entered training, study, apprenticeship, or practical experience because of service in the armed forces during any period of war or emergency condition is entitled to license or qualification under the laws covering his qualification or licensing in force at the time of entrance into the armed forces, subsequent legislation notwithstanding. Service in the armed forces is not a disqualifying interruption of a required period of training, study, apprenticeship, or practical experience, and a board of examiners or other qualification board under the laws of this state may accept periods of training and practical experience in the armed forces in place of the required periods of training, study, apprenticeship, or practical experience under the laws of this state if the board finds the standards and kinds of work or training performed in the armed forces to be substantially the same as the standards and kinds required



under the laws of this state. An application for benefits under this act shall be made to the respective board of examiners or other qualification board within 6 months after the applicant's release from the armed forces.

(2) As used in this section, "veteran" means an individual who meets both of the following:

- (a) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.
- (b) Was honorably discharged.

**History:** 1946, 1st Ex. Sess., Act 27, Imd. Eff. Feb. 26, 1946 ;-- CL 1948, 35.581 ;-- Am. 1975, Act 193, Imd. Eff. Aug. 8, 1975 ;-- Am. 2016, Act 210, Eff. Sept. 20, 2016

### **35.582 Intent and interpretation of act.**

#### **Sec. 2.**

The intent of this act is to protect the work and study performed by applicants for license or other qualification before being inducted into the armed forces, to prevent service in the armed forces being considered as a disqualifying interruption of any required period of practical experience, apprenticeship, study or training, and to permit boards of examiners and similar boards to equitably evaluate and give credit for training and experience in the armed forces. This act shall be given a liberal interpretation to carry out this intent.

**History:** 1946, 1st Ex. Sess., Act 27, Imd. Eff. Feb. 26, 1946 ;-- CL 1948, 35.582

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

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

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

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

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

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

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

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

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

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

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

**35.602 "Veteran" defined.**

Sec. 2.

As used in this act, "veteran" means an individual who meets all of the following:

- (a) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.
- (b) Is a legal resident of this state or was a legal resident of this state immediately prior to entering the United States Armed Forces. However, an individual whose legal residence was in this state prior to entering the United States Armed Forces does not meet the requirement of this subdivision if he or she leaves this state for a period of time exceeding 2 years.
- (c) He or she served in active service in the United States Armed Forces during a period of war for at least 180 days and was honorably discharged from the United States Armed Forces. However, an individual who separated from the United States Armed Forces for reason of physical or mental disability incurred in the line of duty prior to the completion of 180 days' service is considered to meet the requirement of this subdivision. As used in this subdivision, "period of war" means that phrase as described in 38 CFR 3.2, except that for purposes of this subdivision, "period of war" for the Vietnam era means the following:
  - (i) February 28, 1961 through May 7, 1975 for a veteran who served during that period.
  - (ii) On or after January 31, 1955 in an area of hazardous duty for which the veteran received an Armed Forces Expeditionary Medal or Vietnam Service Medal.

**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 ;-- Am. 2016, Act 217, Eff. Sept. 20, 2016

**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 Repealed. 2011, Act 282, Eff. Jan. 1, 2012.**

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

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

**35.603a Conducting business at public meeting; exception; notice; availability of writings to public; â€œemergent needâ€ 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.

**35.603b Michigan veterans' trust fund board of trustees; membership; qualifications; appointment; terms; oath; vacancy; use of offices; employment of assistants; expenses; definitions.**

Sec. 3b.

(1) There is created a Michigan veterans' trust fund board of trustees. Each member of the board shall be a veteran. Each member appointed shall have demonstrated knowledge, skills, and experience in public service, business, or finance. Members shall be appointed as follows:

- (a) One representative of the American legion.
- (b) One representative of the veterans of foreign wars of the United States.
- (c) One representative of the disabled American veterans.
- (d) One representative of any other congressionally chartered veterans' organization other than those organizations identified in subdivision (a), (b), or (c).
- (e) Three independent members who may or may not be a member of 1 or more congressionally chartered veterans' organizations, but who shall not represent any congressionally chartered veterans' organization of which they are a member.

(2) The members shall be appointed by the governor. Each member shall hold office for the term of 3 years from the time of his or her appointment and shall continue to hold office at the pleasure of the governor. 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 named in subsection (1)(a), (b), (c), and (d).

(3) Each member of the board shall qualify by taking and filing the constitutional oath of office.

(4) The governor may remove any member of the board for misfeasance, malfeasance, or nonfeasance in office, after hearing. Missing 3 or more consecutive meetings shall be considered malfeasance and is grounds for removal.

(5) If a vacancy occurs during the term of office of a member of the board of trustees, 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.

(6) The department of technology, management, and budget shall furnish suitable offices for use of the board.

(7) The board may employ assistants and incur necessary expenses in carrying out this act. Members of the board shall serve without compensation, but shall be entitled to actual and necessary expenses incurred in attending scheduled meetings of the board in accordance with the accounting laws of this state.

(8) As used in this act:

(a) "Board" means the Michigan veterans' trust fund board of trustees created in subsection (1).

(b) "Veteran" means that term as defined in section 1 of 1965 PA 190, MCL 35.61.

**History:** Add. 2011, Act 282, Eff. Jan. 1, 2012

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

### **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 unmarried 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 38.1140m. The state treasurer shall comply with the divestment from terror act in making investments under this act. 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 ;-- Am. 2008, Act 235, Imd. Eff. July 17, 2008

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

### **35.606 Repealed. 2011, Act 282, Eff. Jan. 1, 2012.**

**Compiler's Notes:** The repealed section pertained to establishment of veteran county and district committees.

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

**35.606a Representative veteran county committees; administration of money at local level; appointment; qualifications; removal of member; vacancy; expenses; office space; appeal of decision.**

Sec. 6a.

(1) The board of trustees shall establish in the counties of this state representative veteran county committees for the administration of the allocated money on the local level. The board of trustees may combine 2 or more counties into a district if, in the opinion of the board of trustees, a more efficient local administration may result from that combination.

(2) Each member appointed shall have demonstrated knowledge, skills, and experience in public service, business, or finance. Members shall be appointed as follows:

(a) One representative of the American legion.

(b) One representative of the veterans of foreign wars of the United States.

(c) One representative of the disabled American veterans.

(d) One representative of any other congressionally chartered veterans' organization other than those organizations identified in subdivision (a), (b), or (c).

(e) Not less than 1 independent member who may or may not be a member of 1 or more congressionally chartered veterans' organizations, but shall not represent any congressionally chartered veterans' organization of which he or she is a member.

(3) Members appointed under subsection (2) shall be appointed by the board of trustees upon recommendation of the organizations identified in subsection (2). For members appointed under subsection (2)(a), (b), or (c), a recommendation for appointment shall come from an organized and functioning local unit of the organization, through the organization's headquarters. For a member appointed under subsection (2)(d), a recommendation for appointment shall come from the state headquarters of the congressionally chartered veterans' organization that validates the nominated member's qualifying criteria. For members appointed under subsection (2)(e), candidates shall submit through the county or district committee the request for consideration of appointment with the required criteria validated.

(4) Each member of a county or district committee shall be a veteran.

(5) The board of trustees may remove a member of a county or district committee for misfeasance, malfeasance, or nonfeasance in office, after hearing. Missing 2 or more consecutive meetings shall be considered malfeasance and is grounds for removal.

(6) If a vacancy occurs during the term of office of a member of a county or district committee, 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.

(7) Members of a county or district committee shall serve without compensation, but shall be entitled to actual and necessary expenses incurred in attending scheduled meetings of the committee or in attending a meeting to make a determination on a grant, which expenses, together with administration expenses, shall be paid from money allocated to the county or district committee as provided in this act.

(8) The county boards of commissioners, or the board of county auditors in a county with a board of county auditors, shall provide suitable office space for county and district committees.

(9) A veteran who considers himself or herself aggrieved at a decision rendered by a county or district committee in connection with a request for assistance may appeal that decision to the board of trustees. The decision of the board of trustees on an appeal referred to it is final and binding on the veteran and the county or district committee.

**History:** Add. 2011, Act 282, Eff. Jan. 1, 2012

**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.; and 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

## **EXECUTIVE REORGANIZATION ORDER**

### **E.R.O. No. 1995-13**



**35.615 Transfer of powers and duties of Michigan veterans' trust fund board of trustees to department of military affairs by type I transfer.**

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Veterans' Trust Fund Board of Trustees was created by Act No. 9 of the Public Acts of the First Extra Session of 1946, as amended, being Sections 35.601 et seq. of the Michigan Compiled Laws; and

WHEREAS, the Michigan Veterans' Trust Fund Board of Trustees was transferred to the Department of Management and Budget by Act No. 380 of the Public Acts of 1965, as amended, and the transferral was affirmed by Act No. 431 of the Public Acts of 1984, being Section 18.1145(3)(g) of the Michigan Compiled Laws; and

WHEREAS, the functions, duties and responsibilities assigned to the Michigan Veterans' Trust Fund Board of Trustees can be more effectively carried out under the supervision and direction of the Director of the Department of Military Affairs.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. All the statutory authority, powers, duties, functions and responsibilities of the Michigan Veterans' Trust Fund Board of Trustees, except administrative and personnel functions, are hereby transferred to the Department of Military Affairs, by a Type I transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All administrative and personnel functions of the Michigan Veterans' Trust Fund Board of Trustees are transferred to the Director of the Department of Military Affairs.

3. Thirty (30) days after the effective date of this Order, the position of Director of the Michigan Veterans' Trust Fund is transferred to the Director of the Department of Military Affairs by a Type III transfer. Thereafter, the Michigan Veterans' Trust Fund Board of Trustees may request the Director of the Department of Military Affairs to create a non-classified position of Executive Secretary of the Michigan Veterans' Trust Fund Board of Trustees.

4. The functions of rule-making, allocation of trust fund moneys, data collection and reporting shall be administered under the direction and supervision of the Director of the Department of Military Affairs.

5. The Director of the Department of Management and Budget shall provide executive direction and supervision for the implementation of the transfers.

6. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Veterans Trust Fund Board of Trustees for the activities transferred are hereby transferred to the Department of Military Affairs to the extent required to provide for the efficient and effective operation of the Michigan Veterans Trust Fund Board of Trustees.

7. The Department of Military Affairs shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

8. The Director of the Department of Military Affairs and the Director of the Department of Management and Budget shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or obligations to be resolved by the Michigan Veterans' Trust Fund Board of Trustees.

9. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

10. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after filing.

**History:** 1995 E.R.O. No. 1995-13, Eff. Sept. 5, 1995

**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; to create the county veteran service fund and to provide for contributions to and expenditures from that fund; and to transfer the powers and duties of the soldiers' relief commission in those counties.

**History:** 1953, Act 192, Eff. Oct. 2, 1953 ;-- Am. 2018, Act 210, Eff. Sept. 24, 2018

*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.

(1) The county board of commissioners may create a county department of veterans' affairs. The county department of veterans' affairs shall be under the administration of a committee of 3 to 7 veterans, appointed by the county board of commissioners. Members appointed to the committee shall be residents of the county who have served honorably on active duty in the United States Armed Forces.

(2) Committee members appointed under subsection (1) shall include the following:

(a) At least 1 member representing a congressionally chartered veterans' organization within the county, to be appointed upon the recommendation of the posts of each chartered veterans' organization within the county.

(b) At least 1 independent member who may or may not be a member of a congressionally chartered veterans' organization within the county.

(3) Each committee member appointed under this section shall have demonstrated knowledge, skills, and experience in public service, business, or finance.

(4) 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.

(5) Notwithstanding the provisions of any law to the contrary, a member of the county board of commissioners of a county is eligible for appointment under this section.

(6) Committee members appointed by the county board of commissioners under this section shall be appointed for a term of 4 years each. However, the terms for committee 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 ;-- Am. 2012, Act 235, Imd. Eff. June 29, 2012 ;-- Am. 2016, Act 420, Eff. Apr. 4, 2017

### **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

**35.623a County veteran service fund; creation; grant program; veteran service operations; eligibility; exemption; audit; retroactive applicability.**

Sec. 3a.

- (1) The county veteran service fund is created within the state treasury.
- (2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.
- (3) Money in the fund at the close of the fiscal year remains in the fund and does not lapse to the general fund.
- (4) The Michigan veterans affairs agency is the administrator of the fund for auditing purposes.
- (5) Money in the fund may be used to cover necessary administrative and implementation costs incurred by the Michigan veterans affairs agency, as specifically appropriated from the fund.
- (6) The Michigan veterans affairs agency shall create and operate a grant program that provides grants to counties for allowable expenditures related to county veteran service operations. The Michigan veterans affairs agency shall make grants from the fund, upon appropriation, to each county that enters into a grant agreement with the Michigan veterans affairs agency and meets the conditions listed in subsection (8) for the sole use of supporting allowable expenditures made by the county's veteran service operations. A grant must be disbursed within 60 days after the date that the Michigan veterans affairs agency receives a completed and signed grant agreement from the county requesting the grant. The total disbursement for each grant must be determined by combining the following amounts:
  - (a) Except as otherwise provided in this subdivision, a base amount of \$50,000.00. In a fiscal year when money in the fund is insufficient to support the \$50,000.00 base amount, an amount equal to and not to exceed the total amount appropriated to the fund for the fiscal year beginning October 1 divided by 83. A disbursement under this subdivision must be used for 1 of the following purposes:
    - (i) Establishing new capacity and capabilities for a county to provide veteran service operations.
    - (ii) Enhancing and increasing existing veteran service operations through local county offices.
  - (b) A per capita amount according to the number of veterans residing in each county to support allowable expenditures related to county veteran service operations. The amount in this subdivision must be determined by dividing the amount remaining in the fund after accounting for all disbursements under subdivision (a) by the total number of veterans residing in this state and multiplying the resulting dollar amount by the number of veterans residing in the county receiving the grant. Population figures for veterans residing in this state and in each county of this state must be obtained from the most recent Geographic Distribution of VA Expenditures (GDX) Report published by the United States Department of Veterans Affairs.
- (7) If the amount remaining in the fund after accounting for all disbursements under subsection (6)(a) is less than the amount obtained by multiplying \$1,000.00 by the number of counties receiving grants, the Michigan veterans

affairs agency shall not perform a calculation under subsection (6)(b) and shall not disburse the portion of grant funds described under that subsection.

(8) Except as otherwise provided in subsection (10), to be eligible to receive a grant under subsection (6) in the fiscal year ending September 30, 2021, and each fiscal year thereafter, by no later than September 30 of each year a county must satisfy all of the following as certified in a form and manner prescribed by the Michigan veterans affairs agency:

(a) For the fiscal year ending September 30, 2021 and each fiscal year thereafter, maintain at least 70% of the total county funding for veteran service operations for the fiscal year immediately preceding October 1, 2018. If a county reduces the level of county funding for veteran service operations below 70% of the total county funding for veteran service operations for the fiscal year immediately preceding October 1, 2018, the county shall not utilize grant funding awarded under subsection (6) to supplant those reductions.

(b) Demonstrate an effort to achieve both of the following:

(i) Establish remote access to the United States Department of Veterans Affairs computing systems.

(ii) Require county veteran service officers to obtain a PIV card.

(c) Submit quarterly reports to the Michigan veterans affairs agency in accordance with the reporting requirements determined by that agency.

(d) Provide no less than 20 hours per week toward veteran service operations. Upon request, the Michigan veterans affairs agency may grant an exemption from this requirement. In determining whether or not to grant an exemption under this subdivision, the Michigan veterans affairs agency shall consider necessary information and factors, including, but not limited to, the total veteran population of a county and any existing agreements that promote coordination of services between counties.

(e) Submit financial reports to the Michigan veterans affairs agency on a regular basis, as determined by that agency, demonstrating that the county expended the grant funds received under subsection (6) directly and solely for allowable expenditures related to county veteran service operations during the period of the report.

(9) If the Michigan veterans affairs agency determines, by audit or otherwise, that a county expended the grant funds received under subsection (6) for purposes other than for allowable expenditures related to county veteran service operations, the Michigan veterans affairs agency shall notify the county of its findings and recover any misused grant funds before issuing any new grants to the county.

(10) Retroactive to the fiscal year ending September 30, 2020, and for the fiscal years ending September 30, 2021 and September 30, 2022, the Michigan veterans affairs agency may suspend the requirements in subsection (8) to allow a county to utilize available money in a county veteran service fund for the purposes of forming an emergent need relief program to provide direct financial assistance through its veteran service operations in the county. In establishing an emergent need relief program, the Michigan veterans affairs agency and counties shall ensure all other available resources are applied before awarding assistance under this program.

(11) As used in this section:

(a) "Accredited veteran service officer" means an individual who has met the qualifications for accreditation under 38 USC 5904 and 38 CFR 14.629.

(b) "Allowable expenditures" means those expenditures determined by the Michigan veterans affairs agency to be necessary and proper to support veteran service operations in this state.

(c) "County veteran service fund" or "fund" means the fund created in subsection (1).

(d) "PIV card" means a personal identity verification card issued by the United States Department of Veterans Affairs.

(e) "Veteran service operations" means assistance and programming of any kind to meet the needs of veterans in this state. Veteran service operations include, but are not limited to, providing assistance, programming, and services for the purpose of assisting veterans in this state and providing advice, advocacy, and assistance to veterans, servicemembers, dependents, or survivors by an accredited veteran service officer to obtain United States Department of Veterans Affairs health, financial, or memorial benefits for which they are eligible.

**History:** Add. 2018, Act 210, Eff. Sept. 24, 2018 ;-- Am. 2018, Act 514, Imd. Eff. Dec. 28, 2018 ;-- Am. 2021, Act 34, Imd. Eff. June 24, 2021 ;-- Am. 2022, Act 233, Imd. Eff. Dec. 13, 2022

### **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

## **POST-WAR RESERVE FUND**

### **Act 4 of 1943**

AN ACT to create a post-war reserve fund in the state treasury, and to provide for the disbursement thereof.

**History:** 1943, Act 4, Imd. Eff. Feb. 16, 1943

*The People of the State of Michigan enact:*

#### **35.651 Post-war reserve fund; creation, purpose.**

##### **Sec. 1.**

There is hereby created a post-war reserve fund in the state treasury in the amount of \$50,000,000.00 for the purpose of liquidating Michigan's obligations, after the termination of the war, to its returning service men, their widows or dependents, and said fund shall be excluded in determining any surplus or deficiency in the general fund of the state.

**History:** 1943, Act 4, Imd. Eff. Feb. 16, 1943 ;-- Am. 1945, Act 46, Imd. Eff. Mar. 15, 1945 ;-- CL 1948, 35.651

#### **35.652 Reserve fund; transfer of funds from general fund.**

##### **Sec. 2.**

For the purpose of this act, the state administrative board is hereby authorized and directed to take action for the immediate transfer from the general fund of the state the sum of \$20,000,000.00 to the post-war reserve fund, and it is hereby made the duty of the state treasurer to make such transfer. The state administrative board and the state treasurer are hereby further directed to transfer from the general fund to the post-war reserve fund accruing surplus revenues as promptly as accruing unappropriated revenues shall warrant, until the additional transfers shall bring the post-war reserve fund up to a total of \$50,000,000.00.

**History:** 1943, Act 4, Imd. Eff. Feb. 16, 1943 ;-- CL 1948, 35.652

#### **35.653 Reserve fund; appropriations and disbursements.**

##### **Sec. 3.**

Appropriations or disbursements from the post-war reserve fund provided for in this act may be made from time to time as authorized by the legislature in regular or special session.

**History:** 1943, Act 4, Imd. Eff. Feb. 16, 1943 ;-- CL 1948, 35.653

## VETERANS' RESERVE FUND

### Act 45 of 1944 (1st Ex. Sess.)

AN ACT to create a veterans' reserve fund, to provide for the disbursement thereof, and to make an appropriation therefor.

**History:** 1944, 1st Ex. Sess., Act 45, Imd. Eff. Mar. 4, 1944

*The People of the State of Michigan enact:*

#### **35.661 Veterans' reserve fund; creation, appropriation from general fund.**

##### Sec. 1.

There is hereby created in the state treasury a special fund to be known as the veterans' reserve fund of \$1,000,000.00. There is hereby appropriated from the general fund the sum of \$1,000,000.00 in the establishment of said fund.

**History:** 1944, 1st Ex. Sess., Act 45, Imd. Eff. Mar. 4, 1944 ;-- CL 1948, 35.661

#### **35.662 Veterans' reserve fund; expenditures, supervision by state administrative board.**

##### Sec. 2.

Said veterans' reserve fund shall be expended under the supervision and direction of the state administrative board to provide for the hospitalization, medical treatment, education and such emergency care and assistance as may be found necessary during the war period for the returning veterans of Michigan. Such appropriation shall be expended as provided in the accounting laws of the state.

**History:** 1944, 1st Ex. Sess., Act 45, Imd. Eff. Mar. 4, 1944 ;-- CL 1948, 35.662

## 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; limitation; payment by county; amount; application; definitions.**

#### **Sec. 1.**

(1) Except as otherwise provided under subsection (2), if a veteran as defined in section 1 of 1965 PA 190, MCL 35.61, who is discharged under honorable conditions after serving 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, or the spouse or surviving spouse of a veteran described in this subsection 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 this state at the time of death and a resident of this 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) Beginning February 7, 2004, 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 technology, management, and budget. The department of technology, 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" means service in the armed forces of the United States during a period of war as described in 38 CFR 3.2, except that for purposes of this subsection, "period of war" for the Vietnam era means the following:

(a) February 28, 1961 through May 7, 1975 for a veteran who served during that period.

(b) On or after January 31, 1955 in an area of hazardous duty for which the veteran received an Armed Forces Expeditionary Medal or Vietnam Service Medal.

(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 entireties, 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 ;-- Am. 2016, Act 216, Eff. Sept. 20, 2016

**Former Law:** See Act 170 of 1885, being CL 1897, Â§Â§ 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

## **CEMETERY LOTS FOR CIVIL WAR VETERANS**

### **Act 33 of 1887**

35.811, 35.812 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **CEMETERY LOTS FOR CIVIL WAR VETERANS**



## Act 45 of 1873

35.822 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## 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 flag for veterans' graves in cemetery belonging to city, village, municipality, or township; petition; expense; purpose; assembly or manufacture within this state or elsewhere in United States; purchase; noncompliance as civil infraction.**

Sec. 1.

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

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

(3) A city, village, municipality, or township shall not purchase flag holders or United States flags assembled or manufactured outside of the United States if competitively priced and of comparable quality flag holders or United States flags made in this state or elsewhere in the United States are available. If a city, village, municipality, or township purchases flag holders or United States flags assembled or manufactured outside of the United States because competitively priced and comparable quality flag holders or United States flags made in this state or elsewhere in the United States were not available, that city, village, municipality, or township shall post on a website maintained by that city, village, municipality, or township notification that the city, village, municipality, or township purchased flag holders or United States flags assembled or manufactured outside of the United States because competitively priced and comparable quality flag holders or United States flags made in this state or elsewhere in the United States were not available, and that city, village, municipality, or township shall also post on that website the country of origin of the flag holders or United States flags purchased. If a city, village, municipality, or township purchases flag holders or United States flags assembled or manufactured outside of the United States because competitively priced and comparable quality flag holders or United States flags made in this state or elsewhere in the United States were not available, and that city, village, municipality, or township does not maintain a website, that city, village, municipality, or township shall post at its principal office and any other locations considered appropriate by that city, village, municipality, or township notification that the city, village, municipality, or township purchased flag holders or United States flags assembled or manufactured outside of the United States because competitively priced and comparable quality flag holders or United States flags made in this



state or elsewhere in the United States were not available, and that city, village, municipality, or township shall also post at its principal office and any other locations considered appropriate by that city, village, municipality, or township the country of origin of the flag holders or United States flags purchased. If a city, village, municipality, or township does not comply with this subsection, that city, village, municipality, or township is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00. As used in this subsection, "United States" includes territories of the United States and the District of Columbia.

**History:** 1915, Act 63, Imd. Eff. Apr. 20, 1915 ;-- CL 1915, 1062 ;-- CL 1929, 936 ;-- CL 1948, 35.831 ;-- Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979 ;-- Am. 1988, Act 263, Imd. Eff. July 15, 1988 ;-- Am. 2005, Act 26, Imd. Eff. May 23, 2005 ;-- Am. 2006, Act 627, Imd. Eff. Jan. 3, 2007 ;-- Am. 2014, Act 19, Eff. May 26, 2014

### **35.831a Flag holder and United States flag; procurement by county; expense; purpose; assembly or manufacture within this state or elsewhere in United States; noncompliance as civil infraction.**

#### **Sec. 1a.**

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

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

(3) A county shall not purchase flag holders or United States flags assembled or manufactured outside of the United States if competitively priced and of comparable quality flag holders or United States flags made in this state or elsewhere in the United States are available. If a county purchases flag holders or United States flags assembled or manufactured outside of the United States because competitively priced and comparable quality flag holders or United States flags made in this state or elsewhere in the United States were not available, that county shall post on a website maintained by that county notification that the county purchased flag holders or United States flags assembled or manufactured outside of the United States because competitively priced and comparable quality flag holders or United States flags made in this state or elsewhere in the United States were not available, and that county shall also post on that website the country of origin of the flag holders or United States flags purchased. If a county purchases flag holders or United States flags assembled or manufactured outside of the United States because competitively priced and comparable quality flag holders or United States flags made in this state or elsewhere in the United States were not available, and that county does not maintain a website, that county shall post at its principal office and any other locations considered appropriate by that county notification that the county purchased flag holders or United States flags assembled or manufactured outside of the United States because competitively priced and comparable quality flag holders or United States flags made in this state or elsewhere in the United States were not available, and that county shall also post at its principal office and any other locations considered appropriate by that county the country of origin of the flag holders or United States flags purchased. If a county does not comply with this subsection, that county is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00. As used in this subsection, "United States" includes territories of the United States and the District of Columbia.

**History:** Add. 2005, Act 27, Imd. Eff. May 23, 2005 ;-- Am. 2006, Act 627, Imd. Eff. Jan. 3, 2007 ;-- Am. 2014, Act 19, Eff. May 26, 2014

### **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

## **DISINTERMENT OF REMAINS OF WAR VETERANS**

### **Act 248 of 1929**

AN ACT to authorize disinterment and removal of remains of war veterans in certain cases, and to prescribe the proceedings to be taken.

**History:** 1929, Act 248, Eff. Aug. 28, 1929

**35.841 Disinterment of bodies; jurisdiction of circuit court in chancery.**

Sec. 1.

Whenever it shall be desired to disinter and remove the remains of any United States soldier, sailor or marine for the purpose of re-interring such remains in any cemetery or burial place or section of any cemetery or burial place set aside exclusively for the graves of such United States soldiers, sailors or marines, or whenever it is desired to disinter and remove the remains of any such United States soldier, sailor or marine from one grave to another in the same cemetery or burial place, when the purpose of such removal is to collect in 1 common section or plot the graves of United States soldiers, sailors or marines exclusively, the circuit court in chancery for the county in which such soldier, sailor or marine is buried shall have authority to enter a decree directing such disinterment and removal.

**History:** 1929, Act 248, Eff. Aug. 28, 1929 ;-- CL 1929, 932 ;-- CL 1948, 35.841

**35.842 Petition for disinterment; contents, filing; order to show cause; hearing, decree; consent of next of kin.**

Sec. 2.

No such decree shall be entered until a petition shall be filed in such court by or on behalf of the "Grand Army of the Republic", and the "United Spanish War Veterans", the "American Legion", or the "Veterans of Foreign Wars", or any encampment, post or chapter thereof, duly verified by its officers thereunto duly designated, which petition shall set forth all the facts, together with the name, rank and command to which such deceased soldier, sailor or marine belonged, the date of death, the place where buried, the names of surviving parents and surviving children, if any, and if no such parents or children survive, then the names of any other next of kin, the reasons for which the disinterment and removal of the remains of such deceased are desired, and a description of the place to which such remains are to be removed. Upon the filing of such petition the court shall enter an order directed to the surviving parents and children, if any, and if none, to the other next of kin, directing them to show cause, if they have any, on a day and date in such order to be specified, why the petition should not be granted. In the event that any such persons are minors, the court shall, upon petition of any of the parties in interest, appoint a suitable guardian ad litem, in accordance with the rules and practice of the court. At the hearing on such order to show cause the court shall proceed to hear and determine the merits of such petition and shall make such other or further investigation as it may deem necessary or advisable in the interests of justice and equity, and may thereupon render such decree in the premises as it shall deem appropriate: Provided, however, That no such decree or decrees shall be made in the case where such body is buried in a private lot or crypt unless the written consent of next of kin shall be filed with the court prior to making such decree.

**History:** 1929, Act 248, Eff. Aug. 28, 1929 ;-- CL 1929, 933 ;-- CL 1948, 35.842

**35.843 Order to show cause for disinterment; service by publication to next of kin; court orders.**

Sec. 3.

In all proceedings brought under the provisions of this act, if it shall appear by affidavit that any parent, child or other next of kin of such deceased resides without the jurisdiction of the court, or if it is not known whether any such person is living or dead or where he may reside, substituted service by publication may be made as authorized by law, and the rules of the court. In all cases the court shall make such order or orders as may be necessary to preserve and protect the rights of all surviving kin of such deceased soldier, sailor or marine.

**History:** 1929, Act 248, Eff. Aug. 28, 1929 ;-- CL 1929, 934 ;-- CL 1948, 35.843

**35.844 Decree authorizing disinterment; provisions, filing of certified copy; burial records, correction.**

**Sec. 4.**

Every decree authorizing the disinterment and removal of any such remains shall provide that the same shall be done under the supervision of the proper health officers or other local officers, who may be charged with such duty by law. It shall be the duty of the organization petitioning for such removal to cause to be changed and corrected forthwith all burial records of such deceased, of which it may have or be reasonably charged with knowledge, and any decree of removal shall so provide. A certified copy of such decree shall be filed with the sexton or person in charge of any such cemetery to which and from which any such body is removed, and it is hereby made the duty of such sexton or person in charge of any such cemetery to correct all records in his control in accordance therewith.

**History:** 1929, Act 248, Eff. Aug. 28, 1929 ;-- CL 1929, 935 ;-- CL 1948, 35.844

**MONUMENTAL BUILDINGS**

**Act 130 of 1889**

AN ACT to provide for the joint erection of veterans' memorial or monumental buildings or structures by counties, townships, incorporated villages and cities; to provide for the maintenance of soldiers' monumental buildings erected jointly by municipalities and the grand army of the republic, and the care of property of the grand army of the republic deposited therein.

**History:** 1889, Act 130, Eff. Oct. 2, 1889 ;-- Am. 1959, Act 104, Imd. Eff. July 8, 1959

*The People of the State of Michigan enact:*

**35.851 Veterans' memorials and monumental buildings; joint construction by municipalities.**

**Sec. 1.**

Whenever any township, incorporated village, city, or county, in which a veterans' memorial or monumental building or structure is proposed to be erected, desires to erect or to unite with another township or townships, village or villages, city or cities and county or counties in the erection of such veterans' memorial building or structure, each such county, township, village or city shall have the right to aid and assist in the construction and building of the same to the same extent as though such building or structure was to be used solely for such township, village and city or county purposes, and each such township, village, city or county shall have power, and they are hereby authorized to contract with each other and thereby determine the proportions that each said township, village, city or county shall pay towards the construction of said building or structure, the architecture and arrangement of the same, and the separate portions respectively, which shall be occupied or used by the respective parties to such contract. The erection of a veterans' memorial or monumental building or structure is hereby declared to be a township, village, city or county purpose.

**History:** 1889, Act 130, Eff. Oct. 2, 1889 ;-- How. 993g ;-- CL 1897, 1700 ;-- CL 1915, 1066 ;-- CL 1929, 940 ;-- CL 1948, 35.851 ;-- Am. 1959, Act 104, Imd. Eff. July 8, 1959

### **35.852 Veterans' memorials; municipal building committee, appointment, powers and duties, tenure.**

#### **Sec. 2.**

For the purpose of carrying the same into effect, each said township, village, city or county is authorized to appoint by its township board, village trustees or common council of any such city, or board of supervisors of any such county, a board of 3 trustees, who shall constitute the building committee in behalf of said township, village, city or county, under the supervision of the township board, village trustees, common council or board of supervisors appointing them, and who shall have power under such supervision to make the contracts hereinbefore specified, and oversee, on the part of such township, village, city or county, the work of constructing such building or structure, and who shall audit and sign all vouchers on the account of the same. Until such time as such board is appointed, the governing body of each municipal corporation may perform such functions. All board members shall serve at the pleasure of the appointing governing body.

**History:** 1889, Act 130, Eff. Oct. 2, 1889 ;-- How. 993h ;-- CL 1897, 1701 ;-- CL 1915, 1067 ;-- CL 1929, 941 ;-- CL 1948, 35.852 ;-- Am. 1959, Act 104, Imd. Eff. July 8, 1959

### **35.853 Veterans' memorials; raising building funds.**

#### **Sec. 3.**

Each township, village, city or county so erecting or so uniting in the erection of any such building or structure may raise the funds necessary for the same in the same manner and to the same extent as is now provided by law for the building of municipal buildings.

**History:** 1889, Act 130, Eff. Oct. 2, 1889 ;-- How. 993i ;-- CL 1897, 1702 ;-- CL 1915, 1068 ;-- CL 1929, 942 ;-- CL 1948, 35.853 ;-- Am. 1959, Act 104, Imd. Eff. July 8, 1959

### **35.854 Veterans' memorials; property of municipal corporation, uses; perpetual maintenance fund.**

#### **Sec. 4.**

Such buildings and structures shall be and remain the property of the municipal corporations in undivided interests proportionate to the contributions made by each in the original construction cost of such building or structure. Such monumental buildings as were erected jointly by any township, village, city or county and any post or posts or the department of Michigan, of the order known as the grand army of the republic shall be forever dedicated as memorial buildings to the memory of the union soldiers of the war of the rebellion, and all relics, documents, books, papers and library belonging to any such grand army post, or which may be deposited afterwards for such purpose, shall be cared for therein by proper supervision, by the public authorities, in a proper room or rooms kept for that purpose, and which shall at all reasonable times be kept open and free to the public. In case any surviving organization of the descendants of such union soldiers become and remain an incorporated body, such incorporated organization may, at its option, and said municipal corporation is hereby authorized and required, if so desired, to permit the said incorporated organization to maintain, so far as possible, the same relations to the municipal corporation in said buildings, as the posts or department of the grand army of the republic might or could do. The amount of money contribution by any post or department of the grand army of the republic to the construction of said building, shall be and remain so long as may be necessary a perpetual fund devoted to the maintenance of such building as a memorial building.

**History:** 1889, Act 130, Eff. Oct. 2, 1889 ;-- How. 993j ;-- CL 1897, 1703 ;-- CL 1915, 1069 ;-- CL 1929, 943 ;-- CL 1948, 35.854 ;-- Am. 1959, Act 104, Imd. Eff. July 8, 1959

## MEMORIALS; TOWNSHIP LANDS

### Act 50 of 1921

AN ACT to authorize and empower townships to own and acquire land by gift or purchase for the erection of memorials to soldiers and sailors; to authorize the erection of such memorials; to provide for the assessment, levy and collection of taxes therefor, for the custody, control and management of such memorials; to provide for a referendum by the electors thereof; and to prescribe penalties and provide remedies.

**History:** 1921, Act 50, Eff. Aug. 18, 1921 ;-- Am. 1998, Act 197, Eff. Mar. 23, 1999

*The People of the State of Michigan enact:*

#### **35.861 Veterans' memorials; acquisition by township of lands therefor; use.**

##### Sec. 1.

It shall be lawful for, and the several townships in the state of Michigan are hereby authorized and empowered to own and acquire by gift or purchase, land for the purpose of erecting thereon a suitable memorial to soldiers and sailors of any 1 or more of the wars in which the United States of America has been a participant, and to erect and own such memorial or receive the same, or money or property for the same, as a gift. Said memorial may be of such a nature as to be used, maintained and enjoyed in whole or in part as a museum, library, auditorium or for any other public use or purpose, and such land may also be used, enjoyed and improved, in whole or in part, as a park, or the memorial may take such shape or form or be of such a nature as the township board shall adopt.

**History:** 1921, Act 50, Eff. Aug. 18, 1921 ;-- CL 1929, 944 ;-- CL 1948, 35.861

#### **35.862 Tax levy for purchase of lands for veterans' memorial.**

##### Sec. 2.

For the purpose of providing funds to carry out the provisions of this act, the township board of such township shall at its annual meeting, levy a sufficient tax, in addition to other taxes now authorized by law, upon the real and personal property subject to taxation in such township, and such taxes shall be collected as other taxes are collected, and when collected shall be applied to the payment of any indebtedness incurred by any township coming under the provisions of this act, and to no other purpose: Provided, That the taxes assessed, levied and collected shall not cause the limit of taxes established by law to be exceeded.

**History:** 1921, Act 50, Eff. Aug. 18, 1921 ;-- CL 1929, 945 ;-- CL 1948, 35.862

#### **35.863 Veterans' memorials on township lands; custody, management and control.**

##### Sec. 3.

The custody, management and control of such memorial and all property belonging thereto or intended to be used in connection therewith, shall be vested in the township board of such township.

**History:** 1921, Act 50, Eff. Aug. 18, 1921 ;-- CL 1929, 946 ;-- CL 1948, 35.863

**35.864 Referendum on purchase of lands for veterans' memorial; petition, notice; ballot, form and contents; publication of results.**

Sec. 4.

This act shall not become operative until a majority of the electors voting at any regular or special election duly called shall vote in favor of it and shall so express themselves by ballot, upon the operation or non-operation of this act within their township, when properly submitted to such electors in accordance with the following procedure: Upon the filing with the township clerk, of a petition signed by not less than 100 duly and legally qualified electors of such township praying therein for the submission of this question to the electors of their township, the township board shall thereupon meet and order the submission of the question to the electors of the township at the next regular election, which supplies ample time for proper notices and printing of ballots, or at a special election to be called for that purpose in the discretion of the township board; notices of such submission, the posting thereof, publication thereof, and contents thereof to be governed by the general laws pertaining to regular township elections. Votes on the question of the adoption of the provisions of this act shall be taken, counted and canvassed in the same manner as votes cast for candidates voted for in said regular township election. The vote upon the submission of the provisions of this act shall be by ballot in substantially the following form:

Vote on the proposition: "Shall the township erect or construct a memorial to the soldiers and sailors of all our wars at a cost of not more than \$.... nor less than \$....?"

(Make a cross (X) in the appropriate square below).

"Shall the township erect or construct a memorial to the soldiers and sailors of all our wars at a cost of not more than \$.... nor less than \$....?"

Yes [ ]

No [ ]."

Ballots shall be furnished by the township board of the township in which submission of this question shall be requested by the requisite number of qualified petitioners of such township, and when voted shall be deposited in a ballot box provided for that purpose. The result of said vote shall be certified to the county clerk and by him to the board of supervisors of the county of which such township is a part, and such county clerk shall also certify the result of such vote to the secretary of state; the result of such election shall also be publicly announced at the polls after the counting of the ballots, and from that time this act will be effective in accordance with the result of such vote.

**History:** 1921, Act 50, Eff. Aug. 18, 1921 ;-- CL 1929, 947 ;-- CL 1948, 35.864

**35.865 Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.**

Sec. 5.

A petition under section 4, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** Add. 1998, Act 197, Eff. Mar. 23, 1999

**MEMORIALS; CITY LANDS**

**Act 325 of 1919**

35.871-35.873 Repealed. 2002, Act 307, Imd. Eff. May 13, 2002.

## MILITARY MUSEUM AND OLD BATTLE FLAGS

### Act 230 of 1911

AN ACT to provide for the management and control of the military museum and old battle flags.

**History:** 1911, Act 230, Imd. Eff. May 1, 1911

*The People of the State of Michigan enact:*

#### **35.881 Military museum and battle flags; location.**

Sec. 1.

The military museum shall be kept in the rotunda in the capitol on the basement floor, until such time as the state provides a grand army memorial building. The battle flags shall be kept in the cases they now occupy, in the rotunda on the 1st floor of the capitol, for all time and never be taken out unless some other provisions shall be made by the legislature in reference thereto.

**History:** 1911, Act 230, Imd. Eff. May 1, 1911 ;-- CL 1915, 1070 ;-- CL 1929, 951 ;-- CL 1948, 35.881

#### **35.882 Military museum and battle flags; control and management.**

Sec. 2.

The board of state auditors shall have full control and management of the museum and battle flags, and a committee of 3 veterans of the civil or Spanish-American war shall be appointed by the department commander, grand army of the republic, to act jointly with the board of state auditors, in soliciting relics, placing them in position and such other assistance as the board may require of them.

**History:** 1911, Act 230, Imd. Eff. May 1, 1911 ;-- CL 1915, 1071 ;-- CL 1929, 952 ;-- CL 1948, 35.882

#### **35.883 Relics; freight and express charges.**

Sec. 3.

The board of state auditors is authorized to pay any and all freight or express on relics that it considers of value.

**History:** 1911, Act 230, Imd. Eff. May 1, 1911 ;-- CL 1915, 1072 ;-- CL 1929, 953 ;-- CL 1948, 35.883

## BONUS BONDS

### Act 4 of 1947



AN ACT to authorize and provide for the borrowing of \$270,000,000.00 to make payments to persons who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches thereof, or to their next of kin or estates, and the issuance of certain serial bonds and serial notes for such indebtedness; to create a veterans' military pay fund and a veterans' bond redemption fund; to pledge the full faith and credit of the state; to provide for the payment of principal and interest on such serial obligations; to make appropriations therefor; and to make such serial notes and serial bonds exempt from taxation.

**History:** 1947, Act 4, Imd. Eff. Feb. 6, 1947 ;-- Am. 1951, Act 121, Imd. Eff. June 1, 1951

*The People of the State of Michigan enact:*

**35.901 Veterans' bonds; issuance by state administrative board; interest; denominations; maturity; registration; reconversion; cancellation; execution by state treasurer; public sale; temporary bonds; proceeds to constitute veterans' military pay fund; state purchase.**

Sec. 1.

The people of Michigan by constitutional amendment having authorized the state to borrow not to exceed \$270,000,000.00, pledge its faith and credit and issue its serial notes or serial bonds for the purpose of paying to each person, or if deceased to the surviving husband or wife, child or children, or to the surviving dependent mother, father, person standing in loco parentis, brothers and sisters, in the order named, of any person who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches, between September 16, 1940, and June 30, 1946, who served honorably and faithfully during that period, who was a resident of this state at the time of entering the service and for a period of at least 6 months prior to entering the service, and whose service continued for more than 60 days during said period, the sum of \$10.00 for each month, or major fraction of a month, of service during that period in any state of the United States, and the District of Columbia, and the sum of \$15.00 for each month, or major fraction of a month, of service during that period outside any state of the United States, and the District of Columbia, but not to exceed a total payment of \$500.00 to any 1 person and the payment to the surviving husband or wife, child or children, or to the surviving dependent mother, father, person standing in loco parentis, brothers and sisters, in the order named, of each person who has died or who shall hereafter die from service connected causes incurred between September 16, 1940, and June 30, 1946, a sum equal to the difference between what he or she has received and the sum of \$500.00, the state administrative board is hereby authorized and directed, to borrow upon the full faith and credit of this state money in the sum of not to exceed \$270,000,000.00, to issue serial bonds or serial notes of the state in a like amount, and to expend from the veterans' military pay fund created in this act a sufficient amount to cover the reasonable cost of the printing and the other expense incident to the issuance of the serial bonds or notes. The bonds shall be known as veterans' bonds and shall bear interest at a rate or rates not exceeding 2 1/2 per centum per annum, payable semi-annually, shall be in the denomination of \$1,000.00 each or any multiple of that amount, shall be payable to bearer and shall mature serially in annual installments of not less than \$10,800,000.00 each, beginning 1 year from their date and ending not later than 1968. The bonds may at the discretion of the state administrative board be issued at 1 time in 1 series or from time to time in 2 or more separate series with different dates of issuance for each series, and the state administrative board may from time to time determine and by resolution prescribe, the date of issue of each series, the amount of bonds to be included in the series, the maturities of the bonds so included, the maximum rate or rates of interest on the bonds so included not to exceed 2 1/2 per centum per annum, and the place or places of payment of the bonds. The bonds or any part of the bonds may be made callable prior to maturity upon the terms as may be prescribed prior to the issuance of the bonds by resolution of the state administrative board. Upon the terms and conditions as may be prescribed by resolution of the state administrative board, the bonds may be made registerable as to either principal only or as to both principal and interest or may be converted into registered bonds of the denominations as the state administrative board may authorize, which registered bonds may be reconverted into registered bonds of other denominations or reconverted into coupon bonds. All bonds so presented for conversion or reconversion or payment shall be deposited with the state treasurer, who is hereby authorized and directed forthwith to cancel by perforation and preserve the bond.

(2) The bonds shall be executed for and on behalf of the state of Michigan by the state treasurer and the secretary of state or their deputies and the seal of the state shall be affixed to the bonds by the secretary of state. Interest coupons evidencing accrued interest to the respective dates of maturity of the bonds shall bear the facsimile signature of the state treasurer. The state treasurer shall provide a bond register which shall be kept in the office of

the state treasurer, in which register shall be recorded the date of each bond, its number, the person or persons to whom originally issued, and the dates of its respective maturity and cancellation.

(3) The bonds authorized in this act to be issued shall be sold by the state administrative board, at not less than par and accrued interest. The sale or sales shall be public sales held from time to time at the discretion of said state administrative board after notice by publication at least 7 days before each sale, in a publication printed in the English language and circulated in the state of Michigan, which carries as a part of its regular service, notices of the sale of municipal bonds. The bonds sold at each sale shall be awarded to the bidder whose bid in the opinion of the state administrative board would result in the lowest interest cost to the state. The state administrative board shall have the right to reject any or all bids.

(4) Pending the execution and delivery of the veterans' bonds, there are hereby authorized to be executed and delivered temporary bonds which upon the execution of the veterans' bonds shall be exchangeable for veterans' bonds of like date, tenor, denomination, interest rate and maturity. The temporary bonds shall be printed from type, on steel engraved borders, shall be numbered T1 consecutively upwards, starting with the temporary bonds of earliest maturity, shall be signed and sealed in the same manner as the definitive veterans' bonds, and shall be issued with not more than 2 interest coupons attached to them.

(5) The temporary bonds may be registered in the names of the respective holders on books kept by the state treasurer, as to both principal and interest, but not as to principal alone, the registration being noted by the state treasurer, on any bond so registered, in the registration blank to be printed on the back of the bond, after which no transfer shall be valid unless made on said books at the request of the registered holder of the bond or attorney duly authorized, and similarly noted in the registration blank, but any such temporary bond so registered may be discharged from registration by being transferred to bearer, after which it shall be transferable by delivery, and it may be again registered as before.

(6) In case any temporary bond shall be mutilated, the holder of the bond may obtain a duplicate temporary bond in the same manner and under the same terms as provided for the obtaining of duplicate definitive veterans' bonds.

(7) Except as otherwise specifically provided in this section, all the terms and conditions for the issuance of, and covenants for the security of the holders of, the veterans' bonds, shall apply to such temporary bonds.

(8) The proceeds of the sale of bonds shall be deposited in the state treasury, and shall constitute a fund to be known as "The veterans' military pay fund," hereby created in the state treasury as a special trust fund, and shall be paid out in no other manner or for any other purpose than provided by law: Provided, That if at any time it shall appear to the finance and budget committee of the state administrative board that there is money in the veterans' military pay fund that will not be needed for the payment of veterans' claims under the terms and provisions of the veterans' military pay act, 1947 PA 12, MCL 35.921 to 35.932, the committee may authorize the state treasurer to purchase Michigan veterans' bonds upon the open market and cancel the bonds if the bonds may be purchased at par or below, and may authorize the state treasurer to cancel any Michigan veterans' bonds theretofore purchased and then contained in said veterans' military pay fund, or said committee may transfer such funds to the veterans' bond redemption fund provided for in this act.

**History:** 1947, Act 4, Imd. Eff. Feb. 6, 1947 ;-- Am. 1948, Ex. Sess., Act 3, Imd. Eff. Apr. 22, 1948 ;-- CL 1948, 35.901 ;-- Am. 2002, Act 172, Imd. Eff. Apr. 23, 2002

**Compiler's Notes:** For provisions of Act 12 of 1947, referred to in the last paragraph, see MCL 35.921 et seq. For provisions of Act 4 of 1947, referred to in the last paragraph, see MCL 35.901 et seq.

### **35.901a Veterans' bonds; use of proceeds, provisions applicable.**

#### **Sec. 1a.**

The proceeds of the bond issue authorized under the provisions of this act shall also be used to pay to the surviving husband or wife, child or children, or to the surviving mother or father, or surviving dependent person standing in loco parentis, dependent brothers and dependent sisters, in the order named, of any person who has heretofore died or who shall hereafter die from service connected causes and who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches thereof, between June 27, 1950, and the termination of the state of national emergency, which state of national emergency was proclaimed on December 16, 1950, who served honorably and faithfully therein during such period, who was a resident of this state at the time of entering such service and for a period of at least 6 months prior to entering therein, the sum of \$500.00: Provided, That the termination of the national emergency for the purpose of this section shall be determined by act of the legislature of this state, and the liability of the state for the purposes herein set forth shall not exceed the total amount that may be borrowed under the provisions of this act: Provided further, That payments made under the authority of this section shall be made pursuant to all applicable provisions of Act

No. 12 of the Public Acts of 1947, as amended, but only as herein authorized.

**History:** Add. 1951, Act 121, Imd. Eff. June 1, 1951

**35.902 Veterans' bonds; appropriation for payment of principal and interest; redemption fund; surplus; expenses.**

**Sec. 2.**

For the prompt payment of the principal and interest upon each bond issued under this act, the proceeds of a tax to be levied as provided in section 23 of article 10 of the state constitution and the faith and credit of the state are pledged, and there is hereby appropriated each year during the life of these bonds, from the general fund, the sum, which the amount of the principal and interest payments for each year may exceed the proceeds of such tax: Provided, That for the fiscal year ending June 30, 1957, such appropriation shall be the sum by which the amount of the principal and interest payments for such year exceeds the remaining balance of cash and United States securities in the veterans' military pay fund at June 30, 1957, which is hereby transferred to the veterans' bond redemption fund. Any veterans' military pay fund bonds purchased by the veterans' military pay fund and which are a part of the investments of this fund are hereby cancelled.

There is hereby created in the state treasury a special fund to be known as "The veterans' bond redemption fund" in which shall be deposited all tax receipts and other sums of money appropriated and authorized to be deposited therein by the legislature.

On the effective date of this act, the amount by which the assets exceed the liabilities in the veterans' bond redemption fund shall be transferred to the general fund of the state.

The expenses of administration of this act, including paying agent fees, shall be paid from the general fund in accordance with the accounting laws of the state and there is hereby appropriated annually from the general fund an amount sufficient to pay such expenses and fees.

**History:** 1947, Act 4, Imd. Eff. Feb. 6, 1947 ;-- CL 1948, 35.902 ;-- Am. 1953, Act 28, Imd. Eff. Apr. 10, 1953 ;-- Am. 1957, Act 175, Imd. Eff. June 4, 1957 ;-- Am. 1958, Act 18, Imd. Eff. Mar. 21, 1958

**Compiler's Notes:** In this section, "section 23 of article 10 of the state constitution" refers to the Constitution of 1908. See now Const. 1963, Art. IX, §§ 8, 10, and 11.

**35.903 Serial notes; issuance by state administrative board; maturity, redemption, interest, sale, denominations; proceeds credited to veterans' military pay fund.**

**Sec. 3.**

To provide immediate funds, prior to the sale of the heretofore authorized bonds, for the payment to persons who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches thereof, between September 16, 1940, and June 30, 1946, or to their next of kin or estates, the state administrative board is hereby authorized and empowered, on behalf of the state of Michigan to borrow, from time to time, upon the full faith and credit of this state such sums of money, not exceeding \$270,000,000.00, as may be necessary therefor. As evidence of such loan or loans the state administrative board may by resolution direct and cause to be issued serial notes of the state of Michigan, and to renew the same: Provided, however, That all such serial notes shall mature within 3 years after the effective date of this act. Such notes or any renewals thereof shall be made redeemable at the option of the state administrative board upon any interest payment date. They shall bear semi-annual interest at such a rate as may be prescribed by the state administrative board, not exceeding 1 1/2 per centum per annum and shall be in the form prescribed by the state administrative board. They shall be offered for sale at such times and in such manner as said board may direct. Every sale of serial notes shall be made at the best price obtainable; and in no case shall they be sold for less than par and accrued interest. Such notes shall be signed by the state treasurer and the secretary of state, or their deputies, and shall be issued in denominations of not less than \$5,000.00 each. The proceeds of the sale of serial notes shall be credited to "The veterans' military pay fund" in the state treasury, and shall be paid out in no other manner for any other purpose than provided by law. The principal of serial notes shall be payable out of "The veterans' military pay fund," and the interest thereon shall

be payable from "The veterans' bond redemption fund," or if such funds are insufficient to meet these payments, such principal and interest shall be payable from the general fund of the state, and any amounts necessary to meet the principal of and interest upon the serial notes issued hereunder are hereby appropriated from the general fund.

**History:** 1947, Act 4, Imd. Eff. Feb. 6, 1947 ;-- CL 1948, 35.903

#### **35.904 Serial bonds and notes; exemption from taxation.**

Sec. 4.

All serial bonds and serial notes issued under the provisions of this act, and interest thereon, shall be exempt from all taxation by the state or by any municipality or political subdivision thereof.

**History:** 1947, Act 4, Imd. Eff. Feb. 6, 1947 ;-- CL 1948, 35.904

#### **35.905 Serial bonds and notes; mutilation, replacement.**

Sec. 5.

In case any bond or note issued under the provisions of this act shall become mutilated the state administrative board may, upon such terms and conditions as it may prescribe, provide for the issuance of a new bond or note with like terms, in exchange and substitution therefor. Such new bond or note shall be executed in the manner herein provided.

**History:** 1947, Act 4, Imd. Eff. Feb. 6, 1947 ;-- CL 1948, 35.905

#### **35.906 Declaration of immediate necessity of act.**

Sec. 6.

An emergency existing for the reasons, among others, that it is necessary immediately to relieve distress among veterans and their dependents and to enable the state to borrow money for that purpose at the lowest possible interest cost, this act is declared to be necessary for the preservation of the public peace, health and safety.

**History:** 1947, Act 4, Imd. Eff. Feb. 6, 1947 ;-- CL 1948, 35.906

### **VETERANS' MILITARY PAY ACT**

#### **Act 12 of 1947**

AN ACT to provide for payments to persons who served in the armed forces of the United States between September 16, 1940, and June 30, 1946, and to beneficiaries of such persons; to provide for payments to persons entitled to benefits under section 25, article X of the constitution of this state; to prescribe the powers and duties of the state administrative board and state officers with respect thereto; to provide for acceptance of financial and other assistance from the federal government; to provide for certain administrative expenses; to make certain appropriations; and to prescribe penalties for violations of the provisions of this act.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- Am. 1951, Act 122, Imd. Eff. June 1, 1951

*The People of the State of Michigan enact:*

### **35.921 Veterans' military pay act; short title.**

#### **Sec. 1.**

This act shall be known and may be cited as the "veterans' military pay act."

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- CL 1948, 35.921

### **35.922 Definitions.**

#### **Sec. 2.**

As used in this act:

(a) "Period of service" means the period of time between September 16, 1940 and June 30, 1946 and, for purposes of former section 25 of article X of the state constitution of 1908, also means the period of time between June 27, 1950 and the termination of the state of national emergency, which state of national emergency was proclaimed on December 16, 1950.

(b) "Veteran" means an individual who meets all of the following:

(i) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.

(ii) Provided honorable and faithful service for more than 60 days during his or her period of service.

(iii) Was a resident of this state at the time of entering service and for at least 6 months prior to that date.

(c) "Beneficiary" means, in relation to a deceased veteran, the surviving husband or wife, the child or children, or the surviving dependent mother, dependent father, dependent person standing in loco parentis, or dependent brothers and sisters, in the order named, which determination may be made by the probate court of the county of residence of the veteran at the time of death on petition of the adjutant general.

(d) "Honorable and faithful service" shall be such service as is evidenced by 1 or more of the following:

(i) An honorable discharge.

(ii) In the case of an officer, a certificate of service.

(iii) In the case of a veteran who has not been discharged, a certificate from appropriate service authority that his or her service was honorable and faithful.

(e) "Foreign service" means military service by a veteran during the period of service anywhere outside of any state of the United States and the District of Columbia.

(f) "Domestic service" means military service by a veteran during the period of service in 1 or more states of the United States or in the District of Columbia.

(g) "Adjutant general" means the adjutant general of this state.

(h) "Board" means the state administrative board.

(i) "Resident" means a person who meets 1 or more of the following:

(i) Was born in and lived in this state until entrance into the armed forces of the United States.

(ii) Was born in but was temporarily living outside of this state, not having abandoned residence in this state prior to entrance into the armed forces of the United States.

(iii) Was born elsewhere but had resided within this state for at least 6 months prior to entrance into military service and had prior to or during such 6 months' period met 1 or more of the following:

(A) Registered for voting in this state.

(B) Was an unemancipated minor during such period of residence while living with a parent or person standing in loco parentis who was a resident as set forth in this subparagraph or subparagraph (i) or (ii).

(C) If not registered for voting in this state, was not registered for voting in another state. However, applications filed under this act prior to March 18, 1949 that have been rejected by the adjutant general because of noncompliance with the foregoing requirement are eligible for allowance despite that noncompliance if the applicant had not voted in another state within 6 months prior to entering service and had resided in this state for at least 6 months prior to entrance into the armed forces of the United States. Information appearing on the discharge of the

veteran that shows "permanent address for mailing purposes", "address from which employment will be sought", and "home address at time of entry into service", in another state, shall not necessarily be construed to mean that the veteran intended to abandon his or her residence in this state for the purpose of this act.

(iv) In all other cases than those outlined under subparagraph (i), (ii), or (iii), complies with the residence requirements set forth in former section 23[a] of article X of the state constitution of 1908 in accordance with the rules and regulations of the board.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- CL 1948, 35.922 ;-- Am. 1949, Act 270, Imd. Eff. June 7, 1949 ;-- Am. 1951, Act 122, Imd. Eff. June 1, 1951 ;-- Am. 2016, Act 200, Eff. Sept. 20, 2016

**Compiler's Notes:** In subdivision (a) of this section, "section 25, article 10 of the constitution" refers to the Constitution of 1908. See now Const. 1963, Art. IX, § 15. In subdivision (i)(iv) of this section, "section 23[a] of article 10 of the state constitution" refers to the Constitution of 1908. See now Const. 1963, Art. IX, §§ 8, 10, and 11.

### **35.923 Payment to veteran; maximum for domestic and foreign service.**

#### **Sec. 3.**

Each veteran shall be paid for domestic service \$10.00 for each month or major fraction thereof and shall be paid for foreign service \$15.00 for each month or major fraction thereof. If the veteran be deceased, payment shall be made to the beneficiary. No payment made under this section on account of any 1 veteran shall exceed \$500.00.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- CL 1948, 35.923

### **35.924 Payment to beneficiary of deceased veteran; maximum.**

#### **Sec. 4.**

There shall be paid on application to the beneficiary of each veteran heretofore or hereafter deceased from service connected causes arising during the period of service a sum equal to the difference between any payments received by the veteran or his beneficiary under section 3 and the sum of \$500.00. In the event the veteran or his beneficiary has not received payment under section 3 the entire sum of \$500.00 shall be paid to the beneficiary.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- CL 1948, 35.924

### **35.924a Payment to parents of deceased veteran; maximum, appropriation.**

#### **Sec. 4a.**

There shall be paid on application of the mother and father, or the surviving parent, of each veteran heretofore or hereafter deceased from service connected causes arising during the period of service a sum equal to the difference between any payments received by the veteran or his beneficiary under section 3 and the sum of \$500.00. In the event the veteran or his beneficiary has not received payment under section 3, the entire sum of \$500.00 shall be paid to the mother and father, or the surviving parent. Any person or persons claiming payment under this section shall not be required to prove dependency. There is hereby appropriated from the general fund of the state the sum of \$200,000.00, to be credited to the veterans' military pay fund, to pay benefits under the provisions of this section.

**History:** Add. 1947, Act 330, Imd. Eff. July 2, 1947 ;-- CL 1948, 35.924a



### **35.924b Construction of act; payments.**

#### **Sec. 4b.**

All payments made pursuant to the provisions of section 25, article 10 of the constitution of this state shall be made in accordance with all applicable provisions of this act, but this act shall in no way be construed as authorizing any payments to persons with respect to military service between June 27, 1950, and the termination of the state of national emergency, other than to those persons entitled to payments under said provisions of section 25, article 10 of the constitution.

**History:** Add. 1951, Act 122, Imd. Eff. June 1, 1951

**Compiler's Notes:** In this section, "section 25, article 10 of the constitution" refers to the Constitution of 1908. See now Const. 1963, Art. IX, Â§ 15.

### **35.925 Application for payment by veteran or beneficiary; requirements, evidence of service.**

#### **Sec. 5.**

Each veteran or his beneficiary entitled to payment shall make application to the adjutant general upon such form as may be prescribed by him: Provided, That if the veteran be incompetent or his beneficiary be incompetent or a minor application shall be made by his guardian. Each application shall be accompanied by a certified copy of honorable discharge as defined in section 2, or by such evidence of honest and faithful service during the period of service as shall be prescribed by said adjutant general. Each application shall be subscribed and sworn to by the applicant before witnesses in such manner as shall be prescribed by the adjutant general: Provided, That the adjutant general shall provide by regulation for an endorsement on the evidence of service required in section 2d that application for payment has been made.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- CL 1948, 35.925

### **35.926 Veterans' military pay fund; creation, payment procedure; nonassignability of claims; rejection of claim, notice, appeal; exemptions; expenses of court; review of claims denied prior to act.**

#### **Sec. 6.**

Upon submission to him of satisfactory proof that the applicant is entitled to payment under this act, the adjutant general shall compute the amount of payment due the applicant, make a record thereof, and transmit the claim for payment in accordance with the accounting laws of the state. Payment shall be made from the veterans' military pay fund, hereby appropriated for such purpose, except that after June 30, 1957, payments authorized by sections 4 and 4a of this act shall be paid from the state general fund. The amount necessary is hereby appropriated from any unappropriated balance in the state general fund: Provided, That no claim for payment under this act shall be assignable, or subject to garnishment, attachment, or levy of execution.

Whenever the proof as to eligibility for payment submitted by an applicant either with or as a part of his initial application, or pursuant to request of the adjutant general thereafter, is not satisfactory to the adjutant general he shall reject said claim.

Upon rejection of any such claim the adjutant general shall cause to be mailed to each claimant whose claim has been thus rejected, a notice of such rejection and said notice shall inform such claimant of his right to file with the adjutant general a request for appeal to the court of claims of the state of Michigan within 6 months after the mailing of such notice by the adjutant general.

Such notice shall also inform such claimant that a failure to file a request for appeal to the Michigan court of claims within the stipulated time shall render the determination of the adjutant general final without any further right of claimant to appeal from same.

The claimant shall have 6 months from the mailing by the adjutant general of a notice of rejection of such claim in which to appeal to the court of claims from such rejection, and upon failure by the claimant to file with the adjutant general a request for appeal to the court of claims within such 6 months' period the determination by the adjutant general in such claim shall be final.

Upon the filing of any such request for appeal to the Michigan court of claims, and in such event only, the adjutant general shall forthwith certify the entire record of such claim to the court of claims and shall furnish to said court any additional information in or which may thereafter come into his possession or which may be requested by said court.

This amendatory act shall not affect any claims in which the court of claims pursuant to Act No. 47 and Act No. 48 of the Public Acts of the First Extra Session of 1948, shall have sent the registered mail notice to claimant as provided in section 23a of Act No. 47 of the Public Acts of the First Extra Session of 1948, but such claims shall be carried to final conclusion by the court of claims as provided in said Act No. 47 and Act No. 48 of the Public Acts of the First Extra Session of 1948.

Such claims as may have been certified to the court of claims prior to the effective date of this act, and in which no registered mail notice has been sent by the court of claims to the claimant shall be returned to the adjutant general for processing in accordance with the provisions of this amendatory act.

Upon receipt of an order by the court of claims that a claimant whose claim has been so certified is entitled to payment and upon said order becoming final the claim shall be paid in the same manner as provided herein.

All expenses of the court of claims accruing by reason of this section and section 23a of Act No. 135 of the Public Acts of 1939, as amended, being section 691.123a of the Compiled Laws of 1948, shall be paid as expenses of administration under section 8 of this act.

In each case in which the court of claims shall enter its order allowing or denying such claim, and upon such order becoming final, the files and records therein shall be returned by the court of claims to the adjutant general to be retained by him as permanent records.

Wherever the court of claims has denied the claimant's right to military pay prior to the effective date of this amendatory act, and such claimant may be entitled to military pay under the provisions of amendments to section 2 of Act No. 12 of the Public Acts of 1947, said claimant shall be entitled to re-apply to the adjutant general by March 19, 1950.

The adjutant general shall review all cases denied by the court of claims prior to the effective date of this amendatory act and shall notify all claimants affected by the amendments to section 2 of Act No. 12 of the Public Acts of 1947 of their right to re-apply.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- Am. 1948, 1st Ex. Sess., Act 48, Imd. Eff. May 24, 1948 ;-- CL 1948, 35.926 ;-- Am. 1949, Act 270, Imd. Eff. June 7, 1949 ;-- Am. 1957, Act 171, Imd. Eff. May 29, 1957

**Compiler's Notes:** Act 47 of 1948, 1st Ex. Sess., referred to in this section, was repealed by Act 236 of 1961.

### **35.927 Administration of act; authority of state administrative board; claims.**

#### **Sec. 7.**

The state administrative board shall have general charge and supervision over the administration of the provisions of this act; shall approve the forms of applications; shall direct the adjutant general in relation to his duties hereunder; shall fix the number of persons employed in carrying out the provisions of this act and make all necessary rules in relation to any matter prescribed by this act. The board shall have authority to determine any claim in any case where a doubt arises as to the eligibility of an applicant to receive payment and the decision of the board in such case shall be final, subject to the right of review by a court of competent jurisdiction: Provided, That the power of the board to so determine any claim shall be and is suspended until July 1, 1951.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- Am. 1948, 1st Ex. Sess., Act 48, Imd. Eff. May 24, 1948 ;-- CL 1948, 35.927

### **35.928 Administration of act; expenses; payment; appropriation.**

#### **Sec. 8.**



The expenses of the administration of this act and of 1947 PA 4, MCL 35.901 to 35.906, subsequent to the issuance of the bonds, shall be paid from the veterans' military pay fund in accordance with the accounting laws of the state. For this purpose there is hereby appropriated a sum of not to exceed \$1,500,000 from said veterans' military pay fund which shall be released by the state administrative board at such time and in amounts determined and recommended by the budget director, to the adjutant general, and the state treasurer as required to carry out the provisions of this act and 1947 PA 4, MCL 35.901 to 35.906, subsequent to the issuance of the bonds.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- CL 1948, 35.928 ;-- Am. 2002, Act 173, Imd. Eff. Apr. 23, 2002

### **35.929 Application for payment; wilful falsification, penalty.**

Sec. 9.

Any person who shall wilfully make a false statement in the application for benefits under the provisions of this act shall be guilty of a felony, and upon conviction thereof may be punished by confinement in southern Michigan prison for a period of not less than 1 year or more than 3 years.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- CL 1948, 35.929

### **35.930 Payments deemed gifts.**

Sec. 10.

The payments herein provided for are declared by the legislature to be in the form of gifts or gratuities and shall not be deemed to be pay for services rendered.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- CL 1948, 35.930

### **35.931 Application for payment; filing, time limit, exceptions.**

Sec. 11.

No application or applications for benefits under the provisions of this act shall be filed or received, with the exception of applications under section 4 of this act, on and after December 31, 1954: Provided, That a veteran who is in military service at time of application or in a military, veterans' or state hospital at time of application will be permitted to file for benefits under the provisions of this act until June 1, 1956: Provided further, That a veteran who failed to receive eligibility determination for benefits of type other than the state of Michigan until after expiration of date for filing for benefits under the provisions of Act No. 12 of the Public Acts of 1947 shall be permitted to file for benefits under the provisions of this amendatory act until June 1, 1956.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- CL 1948, 35.931 ;-- Am. 1949, Act 14, Imd. Eff. Mar. 17, 1949 ;-- Am. 1951, Act 124, Imd. Eff. June 1, 1951 ;-- Am. 1953, Act 134, Imd. Eff. May 29, 1953 ;-- Am. 1954, Act 172, Eff. Aug. 13, 1954

### **35.932 Aid from Congress; acceptance by state administrative board.**

Sec. 12.

In case the Congress of the United States shall adopt measures providing for financial aid or other assistance available to the state of Michigan in the payment of the bonus under the provisions of this act, the state administrative board is hereby authorized on behalf of the state of Michigan to accept any such financial or other assistance.

**History:** 1947, Act 12, Imd. Eff. Mar. 19, 1947 ;-- CL 1948, 35.932

## **SPANISH WAR VETERANS**

### **Act 3 of 1899-1900, (Ex. Sess.)**

35.951 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **SPANISH WAR VETERANS**

### **Act 163 of 1917**

35.961 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

## **KOREAN VETERANS' MILITARY PAY FUND ACT OF 1955**

### **Act 8 of 1955**

AN ACT to provide for payments to persons who served in the armed forces of the United States between June 27, 1950, and December 31, 1953, and to beneficiaries of such persons; to prescribe the power and duties of the state administrative board and state officers with respect thereto; to provide for acceptance of financial and other assistance from the federal government; to create the Korean veterans' military pay fund in the state treasury; to make certain appropriations; and to prescribe penalties for violations of the provisions of this act.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955

*The People of the State of Michigan enact:*

### **35.971 Korean veterans' military pay fund act of 1955; short title.**

Sec. 1.

This act shall be known and may be cited as the "Korean veterans' military pay fund act of 1955."

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955

### **35.972 Definitions.**

Sec. 2.

As used in this act:

- (a) "Period of service" means the period of time between June 27, 1950 and December 31, 1953.
- (b) "Veteran" means an individual who meets both of the following:
  - (i) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.
  - (ii) Has served honorably and faithfully for more than 60 days in the military, naval, marine or coast guard forces of the United States, at any time during the period of service, and who was a resident of this state at the time of entering such service or on June 27, 1950, and for at least 6 months immediately prior to that date, and who has not applied for and received similar payments from another state.
- (c) "Beneficiary" means, in relation to a deceased veteran, the surviving husband or wife, child or children, or the surviving mother, father, person standing in loco parentis, brothers and sisters, in the order named, which determination may be made by the probate court of the county of residence of the veteran at the time of death on petition of the adjutant general.
- (d) "Honorable and faithful service" shall be such service as is evidenced by (1) an honorable discharge, or (2) in the case of an officer, a certificate of service, or (3) in the case of a veteran who has not been discharged, a certificate from appropriate service authority that his service was honorable and faithful. Time lost while absent without leave, in desertion, in confinement while undergoing the sentence of a court martial or time lost while in a non-duty status because of disease contracted through the veterans' own misconduct shall not be construed as faithful service.
- (e) "Foreign service" means military service by a veteran during the period of service anywhere outside of any state of the United States and the District of Columbia.
- (f) "Domestic service" means military service by a veteran during the period of service in any state of the United States and the District of Columbia.
- (g) "Adjutant general" means the adjutant general of this state.
- (h) "Board" means the state administrative board.
- (i) "Resident" means a person who meets 1 or more of the following:
  - (i) Was born in and lived in this state until entrance into the armed forces of the United States.
  - (ii) Was born in, but was temporarily living outside of this state, not having abandoned residence in this state prior to entrance into the armed forces of the United States.
  - (iii) Was born elsewhere but had resided within this state for at least 6 months immediately prior to entrance into military service, or June 27, 1950, and had prior to or during such 6 months' period met 1 or more of the following:
    - (A) Registered for voting in this state.
    - (B) Was an unemancipated minor during such period of residence and lived with a parent or person standing in loco parentis who was a resident as set forth in this subparagraph or subparagraph (i) or (ii).
  - (C) If not registered for voting in this state, was not registered for voting in another state. However, applications filed under this act that have been rejected by the adjutant general because of noncompliance with the foregoing requirement shall be eligible for allowance despite such noncompliance if the applicant had not voted in another state within 6 months prior to entering the service, or June 27, 1950, and had resided in this state for at least 6 months immediately prior to entrance into the armed forces of the United States, or June 27, 1950.
- (iv) No information appearing on the discharge of the veteran which shows "permanent address for mailing purposes", "address from which employment will be sought", and "home address at time of entry into service", in another state, shall necessarily be construed to mean that the veteran intended to abandon his or her residence in this state for the purpose of this act.
- (v) In all other cases than those outlined under subparagraphs (i), (ii), and (iii), complies with the residence requirements set forth in former section 26 of article 10 of the state constitution of 1908, in accordance with the rules and regulations of the board.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955 ;-- Am. 1956, Act 160, Imd. Eff. Apr. 16, 1956 ;-- Am. 2016, Act 202, Eff. Sept. 20, 2016  
**Compiler's Notes:** In subdivision (i)(v) of this section, "section 26 of article 10 of the state constitution" refers to the Constitution of 1908. See now Const. 1963, Art. IX, Â§ 15, and Schedule, Â§ 13.

**35.973 Payment to veteran; maximum for domestic and foreign service.**

Sec. 3.

Each veteran shall be paid for domestic service \$10.00 for each month or major fraction thereof and shall be paid for foreign service \$15.00 for each month or major fraction thereof. If the veteran be deceased, payment shall

be made to the beneficiary. No payment made under this act on account of any one veteran shall exceed \$500.00.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955

#### **35.974 Payment to beneficiary of deceased veteran; maximum.**

##### **Sec. 4.**

There shall be paid on application to the surviving husband or wife, child or children, or to the surviving mother, father, person standing in loco parentis, brothers, sisters, in the order named, of any person who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches thereof, between June 27, 1950, and December 31, 1953, and who died during such term of service from service connected causes or who died subsequent to separation from military service without making application for benefits under this act, and who served honorably and faithfully therein during said period, who was a resident of this state at the time of entering such service or on June 27, 1950, and for a period of at least 6 months immediately prior to entering therein, and whose service continued for more than 60 days during said period, the sum of \$10.00 for each month, or major fraction thereof, of service during said period in any state of the United States, and the District of Columbia, and the sum of \$15.00 for each month, or major fraction thereof, of service during said period outside any state of the United States, and the District of Columbia, but not more than a total of \$500.00 on account of any individual veteran.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955 ;-- Am. 1956, Act 160, Imd. Eff. Apr. 16, 1956

#### **35.975 Payment to beneficiary of deceased veteran; death from service connected cause.**

##### **Sec. 5.**

If the veteran be deceased from service connected causes, the surviving husband or wife, child or children, or the surviving dependent mother, dependent father, dependent person standing in loco parentis, dependent brothers and dependent sisters, in the order named, shall be entitled to receive the difference between that amount which has been received by the veteran or his beneficiary under section 3, and the sum of \$500.00, and in the event no payment has been made pursuant to section 25 of article 10, under the provisions of section 1a of Act No. 4 of the Public Acts of 1947, being section 35.901a of the Compiled Laws of 1948, or under section 3 of this act, the entire sum of \$500.00 shall be paid to the person entitled thereto.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955

#### **35.976 Application for payment by veteran or beneficiary; requirements, endorsement on evidence of service.**

##### **Sec. 6.**

Each veteran or his beneficiary entitled to payment shall make application to the adjutant general upon such form as may be prescribed by him: Provided, That if the veteran be incompetent or his beneficiary be incompetent or a minor, application shall be made by his guardian. Each application shall be accompanied by a certified copy of honorable discharge as defined in section 2, or by such evidence of honest and faithful service during the period of service as shall be prescribed by said adjutant general. Each application shall be subscribed and sworn to by the applicant before witnesses in such manner as shall be prescribed by the adjutant general: Provided, That the adjutant general shall provide by regulation for an endorsement on the evidence of service required in section 2 (d) that application for payment has been made.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955

**35.977 Korean veterans' military pay fund; creation; payment procedure; nonassignability of claims; rejection of claim; notice; appeal.**

**Sec. 7.**

(1) Upon submission to the adjutant general of satisfactory proof that the applicant is entitled to payment under this act, the adjutant general shall compute the amount of payment due the applicant, make a record of the payment, and transmit the claim for payment directly to the state treasurer for payment upon the form as the state treasurer shall prescribe. Payment shall be made from the Korean veterans' military pay fund of 1955, which is hereby created as a special fund in the state treasury to consist of all money received from the issuance and sale of bonds pursuant to former section 26 of article 10 of the constitution of 1908, and under section 13 of schedule and temporary provision of the state constitution of 1963, and which money is hereby appropriated for that purpose and for the administration of this act: Provided, That no claim for payment under this act shall be assignable, or subject to garnishment, attachment, or levy of execution.

(2) Whenever the proof as to eligibility for payment submitted by an applicant either with or as a part of his or her initial application, or pursuant to request of the adjutant general thereafter, is not satisfactory to the adjutant general, the adjutant general shall reject the claim.

(3) Upon rejection of a claim the adjutant general shall cause to be mailed to each claimant whose claim has been rejected, a notice of rejection and the notice shall inform the claimant of his or her right to file with the adjutant general a request for appeal to the court of claims of the state of Michigan within 6 months after the mailing of the notice by the adjutant general.

(4) The notice of rejection shall also inform the claimant that a failure to file a request for appeal to the Michigan court of claims within the stipulated time shall render the determination of the adjutant general final without any further right of claimant to appeal from same.

(5) The claimant shall have 6 months from the mailing by the adjutant general of a notice of rejection of the claim in which to appeal to the court of claims from the rejection, and upon failure by the claimant to file with the adjutant general a request for appeal to the court of claims within such 6 months' period the determination by the adjutant general in the claim shall be final.

(6) Upon the filing of a request for appeal to the Michigan court of claims, and in that event only, the adjutant general shall forthwith certify the entire record of the claim to the court of claims and shall furnish to the court any additional information in or which may thereafter come into his or her possession or which may be requested by the court.

(7) Upon receipt of an order by the court of claims that a claimant whose claim has been so certified as in this act provided is entitled to payment and upon said order becoming final the claim shall be paid in the same manner as provided in this act.

(8) In each case in which the court of claims shall enter its order allowing or denying a claim, and upon the order becoming final, the files and records in that case shall be returned by the court of claims to the adjutant general, to be retained by him or her as permanent records.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955 ;-- Am. 2002, Act 174, Imd. Eff. Apr. 23, 2002

**Compiler's Notes:** In the first paragraph of this section, "section 26 of article 10 of the constitution" refers to the Constitution of 1908. See now Const. 1963, Art. IX, Â§ 15, and Schedule, Â§ 13.

**35.978 Administration of act; authority of state administrative board.**

**Sec. 8.**

The state administrative board shall have general charge and supervision over the administration of the provisions of this act; shall direct the adjutant general in relation to his duties hereunder; shall fix the number of persons employed in carrying out the provisions of this act; and shall make all necessary rules in relation to any matter prescribed by this act.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955

**35.979 Administration of act; expenses; payment; appropriation.**

Sec. 9.

The expenses of the administration of this act subsequent to the issuance of the bonds authorized in this act, shall be paid from the Korean veterans' military pay fund of 1955, in accordance with the accounting laws of the state. For this purpose there is hereby appropriated a sum of not to exceed \$655,000.00 from said Korean veterans' military pay fund of 1955, which shall be released by the state administrative board at the time and in amounts determined and recommended by the director of the department of management and budget, to the adjutant general, and the state treasurer as required to carry out the provisions of this act, subsequent to the issuance of the bonds authorized in this act. Any necessary expense incurred by the adjutant general prior to the effective date of this act in preparation for the prompt payment of veterans' claims in administering the purposes of this act shall be refunded to the military establishment, out of the appropriation hereby made, after an itemized claim shall have been submitted to and approved by the state administrative board.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955 ;-- Am. 1957, Act 154, Imd. Eff. May 29, 1957 ;-- Am. 2002, Act 174, Imd. Eff. Apr. 23, 2002

**35.979a Korean veterans' military pay fund; transfer of balance to general fund.**

Sec. 9a.

Notwithstanding any other provisions of this act and on the effective date of this amendatory act, any balance remaining in the Korean veterans' military pay fund shall be transferred to the general fund and all future payments of claims and administration expenses shall be made from the general fund in accordance with the accounting laws of the state. The amount necessary for such payments is hereby appropriated annually from the general fund.

**History:** Add. 1958, Act 11, Imd. Eff. Mar. 14, 1958

**35.980 Application for payment; wilful falsification, penalty.**

Sec. 10.

Any person who shall wilfully make a false statement in the application for benefits under the provisions of this act shall be guilty of a felony, and upon conviction thereof may be punished by confinement in the state prison of southern Michigan at Jackson for a period of not less than 1 year or more than 3 years.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955

**35.981 Payments deemed gifts.**

Sec. 11.

The payments herein provided for are declared by the legislature to be in the form of gifts or gratuities and shall

not be deemed to be pay for services rendered.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955

### **35.982 Application for payment; filing, time limit, exceptions.**

Sec. 12.

No application for benefits under the provisions of this act shall be filed or received, with the exception of applications under section 5 of this act, on and after March 7, 1958, except that applications originally filed prior to March 7, 1958, which were not processed or which were denied by the adjutant general based upon a file from which material evidence had been lost or misfiled through no fault of the applicant and no appeal has been made, may be refiled and processed if filed before March 7, 1962.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955 ;-- Am. 1957, Act 32, Imd. Eff. May 7, 1957 ;-- Am. 1961, Act 216, Eff. Sept. 8, 1961

### **35.983 Eligibility of World War II veterans.**

Sec. 13.

Any person making claim for and receiving benefits provided by Act No. 12 of the Public Acts of 1947, as amended, being sections 35.921 to 35.932, inclusive, of the Compiled Laws of 1948, who may be eligible for benefits under the Korean veterans' military pay act of 1955, shall not be disqualified from receiving benefits under the Korean veterans' military pay act of 1955 by reason of accepting benefit payment as provided by said Act No. 12 of the Public Acts of 1947, as amended.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955

### **35.984 Aid from Congress; acceptance by state administrative board.**

Sec. 14.

In case the congress of the United States shall adopt measures providing for financial aid or other assistance available to the state of Michigan in the payment of the bonus under the provisions of this act, the state administrative board is hereby authorized on behalf of the state of Michigan to accept any such financial or other assistance.

**History:** 1955, Act 8, Imd. Eff. Mar. 7, 1955

## **KOREAN VETERANS' BOND REDEMPTION FUND**

### **Act 71 of 1955**

AN ACT to create a Korean veterans bond redemption fund; to provide for the payment of the principal and interest on certain serial obligations; and to make appropriations therefor.

**History:** 1955, Act 71, Imd. Eff. May 24, 1955

*The People of the State of Michigan enact:*

**35.991 Korean veterans' bond redemption fund; creation.**

Sec. 1.

There is hereby created in the state treasury a special fund to be known as "the Korean veterans bond redemption fund" in which shall be deposited all sums of money appropriated and authorized to be deposited therein by the legislature.

**History:** 1955, Act 71, Imd. Eff. May 24, 1955

**35.992 Bond redemption fund; continuing appropriation for payment of principal and interest.**

Sec. 2.

For the prompt payment of the principal and interest upon serial bonds issued under authority of section 26 of article 10 of the constitution of the state of Michigan, there is hereby appropriated to the Korean veterans bond redemption fund each year during the life of these bonds, from the general fund, the sum of the principal and interest due and payable.

**History:** 1955, Act 71, Imd. Eff. May 24, 1955

**Compiler's Notes:** In this section, "section 26 of article 10 of the constitution" refers to the Constitution of 1908. See now Const. 1963, Art. IX, Â§ 15, and Schedule, Â§ 13.

**35.993 Bond redemption fund; appropriation for expenses.**

Sec. 3.

For the purpose of paying the expenses incurred in connection with principal and interest payments, there is hereby appropriated to the Korean veterans bond redemption fund from the Korean veterans military pay fund of 1955, the sum of \$65,000.00. Said appropriation shall be released by the state administrative board at said time and in amounts determined and recommended by the controller, department of administration, to the state treasurer as required to carry out the provisions of this act.

**History:** 1955, Act 71, Imd. Eff. May 24, 1955

**BONDS TO PROVIDE SERVICE BONUS FOR VIETNAM VETERANS**

**Act 106 of 1974**

AN ACT to authorize the issuance of general obligation bonds of the state and to pledge the full faith and credit of the state for the payment of principal and interest thereon for a service bonus for certain veterans; to provide for other matters relating to the bonds and the use of the proceeds of sale of the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of the state.

**History:** 1974, Act 106, Eff. Nov. 5, 1974



### **35.1001 Definitions.**

#### **Sec. 1.**

When used in this act:

(a) "Period of service" means that period of time between 12:01 a.m., January 1, 1961 and 12:01 a.m., September 1, 1973.

(b) "Veteran" means an individual who meets both of the following:

(i) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.

(ii) Has completed at least 190 days of honorable service or died during the period of service from service-connected causes in the military, naval, marine, or coast guard forces of the United States including the auxiliary branches thereof, was a resident of the state for at least 6 months before entering therein, and has not applied for and received similar benefits from another state. The 190 days required active duty does not include a period when assigned full-time by the armed forces to a civilian institution for a course substantially the same as a course offered to civilians; served as a cadet or midshipman at a service academy, or active duty for training in an enlistment in the Army or Air National Guard or as a reserve for service in the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserve.

(c) "Beneficiary" means in relation to a deceased veteran the surviving husband or wife, child or children, or the dependent surviving mother or father, in the order named which determination may be made by the probate court of the county of residence of the veteran at the time of death.

(d) "Honorable service" means that service as evidenced by:

(i) Honorable or general discharge, or separation under honorable conditions.

(ii) In the case of a serviceman who has not been discharged a certificate from the appropriate service authority that a serviceman did qualify under subparagraph (i) as if the veteran was being discharged or separated.

(e) "Combat veteran" means a veteran eligible to wear the Vietnam Service Medal or Armed Forces Expeditionary Medal.

**History:** 1974, Act 106, Eff. Nov. 5, 1974 ;-- Am. 2016, Act 209, Eff. Sept. 20, 2016

**Compiler's Notes:** Former MCL 35.1001 to 35.1012, deriving from Act 231 of 1972 and pertaining to service bonuses and tuition for Vietnam veterans, were rejected by the electors of the state on November 7, 1972.

### **35.1002 Bonds.**

#### **Sec. 2.**

The state shall borrow not more than \$205,000,000.00, pledge its faith and credit, and issue its serial notes or serial bonds therefor, with maturities as fixed by law for the purpose of paying to or for the benefit of veterans and their beneficiaries as provided in section 3.

**History:** 1974, Act 106, Eff. Nov. 5, 1974

### **35.1003 Service bonus for certain veterans.**

#### **Sec. 3.**

(1) A combat veteran shall be paid a service bonus in the amount of \$600.00.

(2) A veteran shall be paid a service bonus of \$15.00 per month for each month or major portion thereof served as a veteran but not to exceed a maximum of \$450.00.

- (3) A person shall not be entitled to a bonus as both a veteran and a combat veteran.
- (4) If the veteran or combat veteran be deceased, payment shall be made to his beneficiary.
- (5) If a veteran dies or is deceased from service-connected causes his beneficiary shall be entitled to receive the difference between the amount which the veteran received under subsection (2) and the sum of \$450.00.

**History:** 1974, Act 106, Eff. Nov. 5, 1974

#### **35.1004 Powers of administrative board and legislature.**

##### **Sec. 4.**

The state administrative board shall provide by resolution, from time to time, for the issuance and sale of serial notes or serial bonds at the lowest possible cost and the legislature is authorized to provide for the amounts and method of and eligibility for payment of the sums herein directed.

**History:** 1974, Act 106, Eff. Nov. 5, 1974

#### **35.1005 Submission of question to electors.**

##### **Sec. 5.**

The question of borrowing the sum of \$205,000,000.00 and issuing bonds of the state for the purposes set forth in this act shall be submitted to vote of the electors of the state qualified to vote thereon in accordance with the provisions of article 9, section 15 of the state constitution, at the next general November election. The question submitted to the electors shall be substantially as follows:

"Shall the state of Michigan provide veterans of the Vietnam and other conflicts a service bonus, borrow the sum of \$205,000,000.00 and issue general obligation bonds of the state therefor pledging the full faith and credit of the state for the payment of principal and interest thereon, the method of repayment of the bonds to be from the general fund of the state?

Yes [ ] No [ ]"

**History:** 1974, Act 106, Eff. Nov. 5, 1974

#### **35.1006 Nature of benefits; tax exemptions.**

##### **Sec. 6.**

The benefits provided in this act are not pay for services rendered or subject to state or city income tax.

**History:** 1974, Act 106, Eff. Nov. 5, 1974

#### **35.1007 Expiration of benefits.**

##### **Sec. 7.**

The benefits provided herein expire June 30, 1980.

**History:** 1974, Act 106, Eff. Nov. 5, 1974

### **35.1008 Duties of secretary of state.**

Sec. 8.

The secretary of state shall take such steps and perform all acts as are necessary to properly submit the question to the electors of the state qualified to vote thereon at the next general November election.

**History:** 1974, Act 106, Eff. Nov. 5, 1974

### **35.1009 Appropriations.**

Sec. 9.

After the issuance of the bonds authorized by this act or a series thereof it shall be the duty of the legislature and the legislature covenants that it will each year make appropriations fully sufficient to pay promptly when due the principal of and interest on all outstanding bonds authorized by this act and all costs incidental to the payment thereof.

**History:** 1974, Act 106, Eff. Nov. 5, 1974

### **35.1010 Condition to issuance of bonds.**

Sec. 10.

Bonds shall not be issued under this act unless the question set forth in section 5 is approved by a majority vote of the qualified electors voting thereon at the next general November election.

**History:** 1974, Act 106, Eff. Nov. 5, 1974

### **35.1011 Effective date.**

Sec. 11.

This act shall be finally effective at such time as the question set forth in section 5 is approved by a majority vote of the qualified electors of the state as required by article 9, section 15 of the state constitution.

**History:** 1974, Act 106, Eff. Nov. 5, 1974

**Compiler's Notes:** The act was approved by the electors of the state on November 5, 1974.

## **VIETNAM VETERAN ERA BONUS ACT**

## Act 370 of 1974

AN ACT to provide for payments to certain persons who served in the armed forces of the United States, and to beneficiaries of those persons; to prescribe the powers and duties of the adjutant general and other state offices with respect thereto; to provide for the court of claims; to adjudicate appeals; to provide for acceptance of financial and other assistance from the federal government; to create a veterans' military pay fund in the state treasury; to make appropriations; to prescribe penalties for violations of the provisions of this act; to authorize the issuance of general obligation bonds of the state and to pledge the full faith and credit of the state for the payment of principal and interest thereon; to provide for other matters relating to the bonds and the use of the proceeds of sale of the bonds.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974 ;-- Am. 1975, Act 27, Imd. Eff. Apr. 24, 1975

*The People of the State of Michigan enact:*

### 35.1021 Short title.

#### Sec. 1.

This act shall be known and may be cited as the "Vietnam veteran era bonus act".

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974

### 35.1022 Definitions.

#### Sec. 2.

As used in this act:

(a) "Period of service" means that period of time between 12:01 a.m., January 1, 1961, and 12:01 a.m., September 1, 1973.

(b) "Veteran" means an individual who meets both of the following:

(i) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.

(ii) Has completed not less than 190 days of honorable service or is listed as missing in action or died during the period of service from service-connected causes in the army, air, naval, marine, or coast guard forces of the United States including the auxiliary branches, was a resident of this state for not less than 6 months before entering the service or, while on active duty, was a resident of this state for not less than 6 months immediately before January 1, 1961, and has not applied for and received similar benefits from another state for the same period of service. The 190 days required active duty does not include a period when assigned full time by the armed forces to a civilian institution for a course substantially the same as a course offered to civilians; or a period served as a cadet or midshipman at a service academy, active duty for training in an enlistment in the Army or Air National Guard, or as a reserve for service in the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserve, with the exception of those military personnel who converted to active duty immediately upon completion of the initial active duty for training as evidenced by noninterruption in pay status from that of initial active duty for training to that of active duty. The 190 days' active duty requirement shall not apply to a person who died or who received a medical discharge from active military service due to injuries or disease incurred in the line of duty, as verified by the veterans' records or by the Veterans' Administration.

(c) "Combat veteran" means a veteran listed as missing in action, or a veteran eligible to wear the Vietnam Service Medal or the Armed Forces Expeditionary Medal if eligibility for the award occurred during the period of service.

(d) "Beneficiary", subject to section 14(2), means in relation to a deceased veteran or a veteran listed as missing in action, the surviving spouse, child or children, or the dependent surviving mother or father in the order named which determination may be made by the probate court of the county of residence of the veteran at the time of death. A surviving parent of a veteran shall be eligible as a dependent of the veteran if that person had a reasonable

expectation of support in whole or in part from the veteran and that expectation is stated in the application.

(e) "Honorable service" means that service as evidenced by:

(i) Honorable or general discharge, or separation under honorable conditions.

(ii) In the case of a person who has not been discharged, a certificate from the appropriate service authority that a person did qualify under subparagraph (i) as if the veteran was being discharged or separated.

Time lost while absent without leave, in desertion, in confinement while undergoing the sentence of a court-martial, or time lost while in a nonduty status because of disease contracted through the veteran's own misconduct shall not be construed as honorable service.

(f) "Adjutant general" means the adjutant general of this state.

(g) "Resident" means a person who has acquired a status as follows:

(i) Was born in and lived in this state until entrance into the armed forces of the United States.

(ii) Was born in, but was temporarily living outside this state, not having abandoned residence in this state before entrance into the armed forces of the United States.

(iii) Had resided within this state for at least 6 months immediately before entrance into military service or, while on active duty, was a resident of this state for not less than 6 months immediately before January 1, 1961, and had, before or during this 6 months' period:

(A) Registered to vote in this state.

(B) Lived with a parent or person standing in loco parentis who had acquired a residence as set forth in this subdivision, while an unemancipated minor.

(C) If not registered to vote in this state, was not registered to vote in another state, or had not voted in another state within 6 months before entering service or before January 1, 1961.

(iv) Information appearing on the discharge documents of the veteran that shows a permanent address for mailing purposes, an address from which employment will be sought, or a home address at time of entry into service in another state, shall not necessarily be construed to mean that the veteran intended to abandon his or her residence in this state for purposes of this act.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974 ;-- Am. 1975, Act 23, Imd. Eff. Apr. 10, 1975 ;-- Am. 1975, Act 191, Imd. Eff. Aug. 8, 1975 ;-- Am. 1978, Act 491, Imd. Eff. Dec. 1, 1978 ;-- Am. 1979, Act 213, Imd. Eff. Jan. 15, 1980 ;-- Am. 1980, Act 194, Imd. Eff. July 8, 1980 ;-- Am. 2016, Act 201, Eff. Sept. 20, 2016

### **35.1023 Service bonus for combat veterans and veterans; amount.**

Sec. 3.

(1) A combat veteran shall be paid a service bonus in the amount of \$600.00.

(2) A veteran shall be paid a service bonus of \$15.00 per month for each month or major portion thereof served, but not to exceed a maximum of \$450.00.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974

### **35.1024 Bonus as both veteran and combat veteran prohibited.**

Sec. 4.

A person shall not be entitled to a bonus as both a veteran and a combat veteran.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974

### **35.1025 Veteran or combat veteran deceased or listed missing in action, or veteran deceased from service-connected causes after payment of bonus; rights of beneficiary.**

Sec. 5.

(1) If the veteran or combat veteran is deceased, or is listed as missing in action, the beneficiary shall be entitled to receive a bonus and may make application to the adjutant general of this state for the respective service bonus the deceased veteran or combat veteran would have been entitled to under this act.

(2) If a veteran is deceased from service-connected causes after payment of a bonus under this act, the beneficiary shall be entitled to receive the difference between the amount which had been received by the veteran and the sum of \$450.00.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974 ;-- Am. 1975, Act 23, Imd. Eff. Apr. 10, 1975

**35.1026 Application for payment; form; certified copy of discharge or evidence of honest and faithful service.**

Sec. 6.

A veteran or his beneficiary entitled to payment shall make application to the adjutant general upon a form as may be prescribed by him. If the veteran is incompetent, or his beneficiary is incompetent, or a minor, application shall be made by his guardian. An application shall be accompanied by a certified copy of discharge or by evidence of honest and faithful service during the period of service as shall be prescribed by the adjutant general.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974 ;-- Am. 1975, Act 23, Imd. Eff. Apr. 10, 1975

**35.1027 Payment of claim; claim not assignable or subject to garnishment, attachment, or levy of execution; rejection of claim; notice; appeal; certification of record; order allowing or denying claim; return of files and records; reapplication for benefits.**

Sec. 7.

(1) Upon submission to the adjutant general of satisfactory proof that the applicant is entitled to payment under this act, the adjutant general shall compute the amount of payment due the applicant, make a record thereof, and transmit the claim for payment directly to the department of treasury for payment. Payment shall be made from the Vietnam veteran era bonus fund. A claim for payment under this act shall not be assignable, or subject to garnishment, attachment, or levy of execution.

(2) If the proof as to eligibility for payment submitted by an applicant either with or as a part of the applicant's initial application, or pursuant to request of the adjutant general after submission of the application, is not satisfactory to the adjutant general, the adjutant general shall reject the claim.

(3) Upon rejection of a claim the adjutant general shall mail to the claimant a notice of the rejection; the notice shall inform the claimant of the claimant's right to file with the adjutant general a request for appeal to the state court of claims within 6 months after the mailing of the notice by the adjutant general.

(4) The notice shall also inform the claimant that a failure to file a request for appeal to the court of claims within the stipulated time shall render the determination of the adjutant general final without any further right of claimant to appeal from same.

(5) The claimant shall have 6 months from the mailing by the adjutant general of a notice of rejection in which to appeal to the court of claims, and upon failure by the claimant to file with the adjutant general a request for appeal to the court of claims within this 6 months' period the determination by the adjutant general in the claim shall be final.

(6) Upon the filing of the request for appeal to the court of claims, the adjutant general shall immediately certify the entire record of the claim to the court of claims and shall furnish to the court additional information in, or which may thereafter come into the adjutant general's possession, or which may be requested by the court.

(7) Upon receipt of an order by the court of claims that a claimant whose claim has been so certified as in this act provided is entitled to payment, and upon the order becoming final, the claim shall be paid in the same manner as provided in this act.

(8) In each case in which the court of claims enters its order allowing or denying a claim, and upon the order

becoming final, the files and records on the claim shall be returned by the court of claims to the adjutant general, to be retained by the adjutant general as permanent records.

(9) A person who filed a claim under this act and whose claim was rejected by either the adjutant general or the court of claims solely because of a discharge which was less than honorable, may file a reapplication for benefits if the discharge which caused the disqualification for benefits has subsequently been upgraded to a discharge indicating honorable service. The reapplication shall be submitted and processed in the same manner as an initial application.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974 ;-- Am. 1978, Act 119, Imd. Eff. Apr. 25, 1978

**35.1027a Court of claims; jurisdiction extended to include claims made pursuant to this act; transferred claims; commissioner; rules; fees, expenses, and compensation; notice; hearing; abandoned claim; petition; examination of record; report; additional affidavits or depositions; order; appeal.**

**Sec. 7a.**

The jurisdiction of the court of claims is extended to include claims made pursuant to this act. The claims shall have been rejected by the adjutant general as provided by this act. Any claim transferred to the court of claims by the adjutant general shall be a claim accruing from the date of receipt by the court of the claim. The governor by and with the advice and consent of the senate may appoint a commissioner to the court of claims who shall hold office at the pleasure of the governor and who shall be paid a salary as determined by the legislature. The commissioner shall be an attorney licensed to practice law in this state. The commissioner shall assist the court and the applicant in all matters coming before the court by reason of this section. The court by rule shall establish the powers and duties of the commissioner with reference to the claims transferred to the court under this section and may promulgate such other rules as shall facilitate the disposition of claims transferred to it under this section. The fees and the payment of attorneys for services under this section shall be subject to the approval of the court. Expenses incurred under and compensations paid under the provisions of this section shall be paid from funds under this act and the state administrative board is hereby directed to release to the court of claims sufficient funds necessary to carry out the provisions of this section.

Upon receipt of any claim transferred by the adjutant general the court shall forthwith send a notice to the claimant at the last known address of the claimant, by certified mail deliverable to addressee only, that the case has been transferred to the court of claims and that the claimant has the right to a separate hearing or to have the case adjudicated on the record. The notice shall clearly inform the claimant of the time limits placed by this section on his rights to a hearing before the court on his claim or to have his case adjudicated on the record before the court. The notice may also contain such additional information or request for information as the court shall deem necessary or advisable for the expeditious consideration of the claim.

Each notified claimant shall have the right to a hearing before the court upon application made within 60 days after the date of receipt of notice that the case has been transferred to the court. A claimant living outside the continental United States at the time of receipt of the notice shall have 120 days after the date of receipt of the notice in which to make application to the court of claims. Upon failure of claimant to apply for hearing or upon request to determine the claim on the record, the court shall consider and determine the claim upon the record as transferred to the court by the adjutant general together with such additional information as may be furnished under the provisions of this section. If any notice so required to be sent to any claimant is returned undelivered, the case shall be held by the court for a period of 1 year after the date of the return and each claim upon which an action shall not have been taken within that time shall prima facie be deemed to have been abandoned. If, during the 1 year period, the court receives notice of the whereabouts of a claimant, it shall give notice to the claimant, as this act provides, and proceedings shall be had as though the notice was the first notice sent by the court to the claimant. At any time prior to the final determination of any claim, the court may, on its own motion, grant the claimant a hearing.

Upon application for a separate hearing, the application, together with the record transferred by the adjutant general, shall be deemed to constitute a petition as required by the court.

The commissioner shall examine the record and shall make a report with reference to the court, including recommendations, if any. The court shall have the right to require of claimants as do not apply for a separate hearing such additional affidavits or depositions, within a reasonably limited time, as it deems necessary for the adjudication of the claim, and the claimants may also, within a reasonably limited time, furnish additional affidavits or depositions in support of their claims.

If the court determines that the claimant is entitled to payment and the amount to be paid, or that the claimant is



not entitled to payment, an appropriate order shall be entered and the adjutant general and the claimant notified. Appeal may be had as provided by Act No. 236 of the Public Acts of 1961, being section 600.101, et seq. of the Michigan Compiled Laws.

**History:** Add. 1975, Act 27, Imd. Eff. Apr. 24, 1975

### **35.1028 Expenses of administration; appropriation.**

Sec. 8.

The expenses of the administration of this act shall be paid from the general fund in accordance with the accounting laws of the state. For this purpose there is appropriated a sum of not more than \$1,200,000.00 from the general fund which shall be released by the state administrative board on recommendation of the state budget director to the department of military affairs as required to carry out the provisions of this act. Any necessary expense incurred by the adjutant general prior to the effective date of this act in preparation for the prompt payment of veterans' claims in administering the purposes of this act shall be refunded to the department of military affairs, out of the appropriation hereby made, after an itemized claim therefor shall have been submitted to and approved by the state administrative board.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974

### **35.1029 Wilful false statement; penalty.**

Sec. 9.

A person who wilfully makes a false statement in the application for benefits under the provisions of this act is guilty of a felony, and shall be imprisoned for not less than 1 year nor more than 3 years.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974

### **35.1030 Payments deemed gifts or gratuities.**

Sec. 10.

The payments provided in this act are gifts or gratuities and are not pay for services rendered.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974

### **35.1031 Time limitation on application for benefits; exception.**

Sec. 11.

An application for benefits under this act shall not be filed or received, except for applications under section 5(2), after June 30, 1980.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974 ;-- Am. 1975, Act 23, Imd. Eff. Apr. 10, 1975 ;-- Am. 1980, Act 194, Imd. Eff. July 8,

**35.1032 Person not disqualified by eligibility or application for other benefits.**

## Sec. 12.

A person making claim for receiving benefits provided by Act No. 12 of the Public Acts of 1947, as amended, being sections 35.921 to 35.932 of the Michigan Compiled Laws, or who may be eligible for benefits under the Korean veterans' military pay act of 1955, being Act No. 8 of the Public Acts of 1955, as amended, being sections 35.971 to 35.984 of the Michigan Compiled Laws, is not disqualified from receiving benefits under this act by reason of accepting benefit payment as provided by Act No. 12 of the Public Acts of 1947, as amended, or Act No. 8 of the Public Acts of 1955, as amended.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974

**35.1033 Federal financial aid or other assistance.**

## Sec. 13.

If the Congress of the United States adopts measures providing for financial aid or other assistance available to the state in the payment of the bonus under the provisions of this act, the state administrative board is authorized on behalf of the state to accept that financial or other assistance.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974

**35.1034 Bonds; issuance; purpose; procedure; source of payments to qualified veterans or beneficiaries.**

## Sec. 14.

(1) The state shall borrow the sum of \$205,000,000.00 and issue the general obligation bonds of the state therefor pledging the faith and credit of the state for the payment of the principal and interest thereon for the purpose of providing money for payment of benefits to veterans, in accordance with conditions, methods, and procedures therefor to be established by law.

(2) A person who qualifies for a bonus as a veteran or as a beneficiary both under this act and under section 1 of Act No. 106 of the Public Acts of 1974, being section 35.1001 of the Michigan Compiled Laws, shall receive the payments authorized by this act from the proceeds of the sale of bonds authorized by this act. All other persons defined as veterans qualified for a bonus or as beneficiaries by this act, pursuant to the power of the legislature to prescribe eligibility as provided in section 4 of Act No. 106 of the Public Acts of 1974, being section 35.1004 of the Michigan Compiled Laws, shall receive the payments authorized by this act from such funds as are appropriated by the legislature for the purpose of making those payments.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974 ;-- Am. 1975, Act 191, Imd. Eff. Aug. 8, 1975

**35.1035 Bonds; series; maturities; interest; prior redemption; registration; form; execution; investment and reinvestment of proceeds; sale; notice; bonds and notes not subject to revised municipal finance act; issuance subject to agency financing reporting act.**

Sec. 15.

(1) The bonds shall be issued in 1 or more series, each series to be in the principal amount, to be dated, to have the maturities that may be either serial, term, or term and serial, at the lowest possible interest cost, to be subject or not subject to prior redemption and if subject to prior redemption with the call premiums, to be payable at the place or places, to have or have not the provisions for registration as to principal only or as to both principal and interest, to be in the form and to be executed in the manner as shall be determined by resolution to be adopted by the administrative board. The administrative board may in the resolution provide for the investment and reinvestment of bond sales proceeds and any other details for the bonds and security of the bonds as may be deemed to be necessary and advisable. The bonds or any series of the bonds shall be sold for not less than the par value and shall be sold at public sale after publication of a notice of sale in a newspaper circulating in this state, which carries as part of its regular service notices of sale of municipal bonds, at least 7 days before the date fixed for sale of the bonds or series of bonds.

(2) Bonds and notes issued under this act are not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(3) The issuance of bonds and notes under this act is subject to the agency financing reporting act.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974 ;-- Am. 2002, Act 380, Imd. Eff. May 24, 2002

**35.1036 Bonds; disposition and disbursement of proceeds; deposit of premium and accrued interest.**

Sec. 16.

The proceeds of sale of the bonds or any series thereof shall be deposited in the state treasury in a separate account and shall be disbursed therefrom only for the purposes for which the bonds have been authorized and the expense of issuing said bonds. Any premium and accrued interest received on the delivery of the bonds shall be deposited in the general fund. Proceeds of sale of the bonds or any series thereof shall be expended for the purposes set forth in this act in the manner as provided by law.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974

**35.1037 Bonds; negotiable; tax exempt.**

Sec. 17.

Bonds issued under this act shall be fully negotiable under the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.11102, and the bonds and the interest thereon are exempt from all taxation by this state or any of its political subdivisions.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974 ;-- Am. 2000, Act 349, Eff. Mar. 28, 2001

**35.1038 Bonds as investment securities.**

Sec. 18.

Bonds issued under the provisions of this act are hereby made securities in which all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business and all administrators, executors, guardians, trustees, and other fiduciaries may properly and legally invest any funds, including capital, belonging to them or within their control.

**History:** 1974, Act 370, Imd. Eff. Dec. 23, 1974

## **MICHIGAN VIETNAM VETERANS MEMORIAL ACT**

### **Act 234 of 1988**

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

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

*The People of the State of Michigan enact:*

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

Sec. 1.

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

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

#### **35.1052 Definitions.**

Sec. 2.

As used in this act:

(a) "Commission" means the Michigan Vietnam veterans memorial monument fund commission established in section 4.

(b) "Monument fund" means the Vietnam veterans memorial monument fund created in section 3.

(c) "Vietnam veteran" means a veteran of the Vietnam era as prescribed in section 1 of 1965 PA 190, MCL 35.61.

(d) "Veterans memorial park" means the veterans memorial park established in section 5a.

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

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

Sec. 3.

The Vietnam veterans memorial monument fund is created as a separate fund in the department of treasury. The state treasurer may receive money or other assets from any source for deposit into the monument fund. The state treasurer shall seek appropriate federal tax status for the monument fund. The state treasurer shall credit to the

monument fund the money appropriated to the monument fund, money received for the monument fund under section 6, and all interest that accrues on money in the monument fund. The commission may use money in the monument fund for purposes of this act.

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

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

**Sec. 4.**

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

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

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

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

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

**Sec. 5.**

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

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

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

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

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

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

Sec. 5a.

(1) The veterans memorial park is established.

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

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

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

### **35.1056 Grants or gifts; disposition.**

Sec. 6.

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

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

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

Sec. 7.

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

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

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

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

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

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

## **PURPLE HEART RECOGNITION ACT**

### **Act 96 of 2006**

AN ACT to establish a monument to honor citizens of this state who have received the purple heart medal.

**History:** 2006, Act 96, Imd. Eff. Apr. 4, 2006

*The People of the State of Michigan enact:*

#### **35.1061 Short title.**

Sec. 1.

This act shall be known and may be cited as the "purple heart recognition act".

**History:** 2006, Act 96, Imd. Eff. Apr. 4, 2006

#### **35.1062 Erection of monument.**

Sec. 2.

A monument to honor Michigan citizens who have received the purple heart medal shall be erected in veterans memorial park.

**History:** 2006, Act 96, Imd. Eff. Apr. 4, 2006

#### **35.1063 Expenses; payment; style; design.**

Sec. 3.

The monument and all expenses associated with its erection shall be paid for at the expense of the Michigan chapter of the military order of the purple heart. The monument shall conform to the style and design that has been established by the military order of the purple heart of the United States of America.

**History:** 2006, Act 96, Imd. Eff. Apr. 4, 2006

#### **35.1064 "Veterans memorial park" defined.**

Sec. 4.



As used in this act, "veterans memorial park" means the 2.5-acre parcel of land established and legally described in section 5a of 1988 PA 234, MCL 35.1055a.

**History:** 2006, Act 96, Imd. Eff. Apr. 4, 2006

## **AGENT ORANGE AWARD EXEMPTION ACT**

### **Act 144 of 1990**

AN ACT to exempt certain judgments and settlements for damages from consideration as income for certain state programs.

**History:** 1990, Act 144, Imd. Eff. June 27, 1990

*The People of the State of Michigan enact:*

#### **35.1071 Short title.**

Sec. 1.

This act shall be known and may be cited as the "agent orange award exemption act".

**History:** 1990, Act 144, Imd. Eff. June 27, 1990

#### **35.1072 Assistance or services based on income level; exclusion of judgment or settlement for exposure to agent orange.**

Sec. 2.

A department or agency of the state that grants assistance, provides services, or charges for services based upon income level shall not take into consideration as income or resources an amount paid to a person that is a judgment or settlement for damages suffered as a result of exposure to agent orange, as defined in section 5701 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.5701 of the Michigan Compiled Laws.

**History:** 1990, Act 144, Imd. Eff. June 27, 1990

## **EXECUTIVE REORGANIZATION ORDER**

### **E.R.O. No. 1992-4**

#### **35.1081 Transfer of powers and duties relating to property designated as Michigan veterans' memorial park**

**from Michigan capitol park commission to Michigan veterans' memorial park commission created in department of military affairs.**

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Capitol Park Commission was created by Act No. 306 of the Public Acts of 1988, as amended, being Section 18.1298 et seq. of the Michigan Compiled Laws, in the Department of Management and Budget; and

WHEREAS, the Michigan Veterans' Memorial Park Commission was created by Executive Order 1992-11 in the Department of Military Affairs; and

WHEREAS, certain functions, duties and responsibilities assigned to the Michigan Capitol Park Commission can be more effectively organized and carried out by the Michigan Veterans' Memorial Park Commission; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

(1) The property described below, which is contained within the Michigan Capitol Park to be developed and operated by the Michigan Capitol Park Commission, is hereby designated as the Michigan Veterans' Memorial Park and is hereby transferred from the jurisdiction of the Michigan Capitol Park Commission to the Michigan Veterans' Memorial Park Commission;

Commencing at the E 1/4 corner of Section 17, T4N, R2W, City of Lansing, Ingham County, Michigan; thence westerly approximately 470 feet, on the E-W 1/4 line of said Section 17 to the point of beginning; thence southerly approximately 295 feet, to the right-of-way line of the proposed Capitol Loop; thence approximately 840 feet, on the arc of a curve to the right with a central angle of approximately 160 degrees and a radius of approximately 300 feet on said right-of-way; thence southerly approximately 295 feet, to the point of beginning, containing 2.5 acres, more or less. The described parcel is subject to any easements and/or rights of record as may pertain to said parcel.

(2) All the statutory authority, powers, duties, functions and responsibilities of the Michigan Capitol Park Commission relating to the property designated herein as the Michigan Veterans' Memorial Park are hereby transferred to the Michigan Veterans' Memorial Park Commission, by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws; provided, however, that the Michigan Capitol Park Commission shall retain jurisdiction over the balance of the Michigan Capitol Park and shall continue to carry out all of its statutory authority, powers, duties, functions and responsibilities with respect to the balance of the Michigan Capitol Park.

(3) The Director of the Department of Military Affairs shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Military Affairs.

(4) All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Capitol Park Commission for the activities transferred to the Michigan Veterans' Memorial Park Commission by this Order are hereby transferred to the Michigan Veterans' Memorial Park Commission.

(5) The Director of the Department of Military Affairs shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(6) The Director of the Department of Military Affairs and the Director of the Department of Management and Budget shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or other obligations to be resolved by the Michigan Capitol Park Commission.

(7) All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

(8) Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Order shall become effective 60 days after the filing of this Order.

**History:** 1992 E.R.O. No. 1992-4, Eff. July 1, 1992

## EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2001-4

**35.1082 Creation of new Michigan veterans' memorial park commission as type II entity; transfer of powers and duties of existing Michigan veterans' memorial park commission located within department of military and veterans affairs to new Michigan veterans' memorial park commission located within department of management and budget by type III transfer.**

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the citizens of this state are forever indebted to those men and women who have loyally served in our nation's armed forces; and

WHEREAS, the Michigan Veterans' Memorial Park Commission was established by Executive Order 1992-11 within the Department of Military and Veterans Affairs; and

WHEREAS, the veterans memorial park was established within the City of Lansing by Section 5a of Act No. 234 of 1988, as amended, being Section 35.1055a of the Michigan Compiled Laws; and

WHEREAS, it is necessary to create a new Michigan Veterans' Memorial Park Commission to oversee the completed Michigan Vietnam Memorial Monument and the veterans memorial park; and

WHEREAS, the purposes and functions of the current Veterans' Memorial Park Commission have evolved since the Commission's creation in 1992; and

WHEREAS, the powers, functions, duties and responsibilities assigned to the current Michigan Veterans' Memorial Park Commission can be more effectively carried out by a new Michigan Veterans' Memorial Park Commission; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

### I. DEFINITIONS

A. "Commission" means the Michigan Veterans' Memorial Park Commission established by this Executive Order.

B. "Department of Management and Budget" means the principal department of state government created by Section 121 of Act No. 431 of the Public Acts of 1984, being Section 18.1121 of the Michigan Compiled Laws.

C. "Department of Military and Veterans Affairs" means the principal department of state government created as the Department of Military Affairs by Section 125 of Act No. 380 of the Public Acts of 1965, being Section 16.225 of the Michigan Compiled Laws and renamed the Department of Military and Veterans Affairs by Executive Order 1997-7, being Section 32.91 of the Michigan Compiled Laws.

D. "Veterans memorial park" means the 2.5-acre parcel of land established and legally described by Section 5a of Act No. 234 of the Public Acts of 1988, as amended, being Section 35.1055a of the Michigan Compiled Laws.

### II. ESTABLISHMENT OF THE MICHIGAN VETERANS' MEMORIAL PARK COMMISSION

A. A new Michigan Veterans' Memorial Park Commission is hereby created as a Type II entity within the Department of Management and Budget.

B. All the statutory authority, powers, duties, functions and responsibilities of the current Michigan Veterans' Memorial Park Commission, including, but not limited to, the statutory authority, powers, duties, functions and responsibilities set forth in:

1. Executive Order 1992-11 (creating the Michigan Veterans' Memorial Park Commission; and,)

2. Executive Order 1992-12, being Section 35.1081 of the Michigan Compiled Laws (transferring authority over the Michigan Veterans' Memorial Park and the duties of the Michigan Capitol Park Commission related to the Michigan Veterans' Memorial Park from the Michigan Capitol Park Commission to the Michigan Veterans' Memorial Park Commission;) are hereby transferred from the existing Michigan Veterans' Memorial Park Commission located within the Department of Military and Veterans Affairs to the new Michigan Veterans' Memorial Park Commission located within the Department of Management and Budget by a Type III transfer, as

defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

C. The Commission shall consist of seven (7) members:

Five members of the general public appointed by the Governor;

The Director of the Department of Military and Veterans Affairs who is the Adjutant General of state of Michigan, or the designee of the Director/Adjutant General; and

The Director of the Department of Management and Budget, or the designee of the Director of the Department of Management and Budget.

D. The members of the Commission appointed by the Governor shall serve a term of three (3) years, except that, of the members first appointed, two (2) members shall be appointed for a term of three (3) years, two (2) members shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year.

E. Any vacancy on the commission shall be filled in the same manner as the original appointment.

F. A person appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms.

### III. CHARGE TO THE COMMISSION

The Commission shall assist the Department of Management and Budget with the following functions pursuant to the applicable law:

A. The Commission shall advise the Department of Management and Budget on the development, management and maintenance of the Michigan Veterans' Memorial Park.

B. The Commission shall advise the Department and work with organizations on the operation of programs, exclusive to the Michigan Veterans' Memorial Park.

C. The Commission shall advise the state police regarding the provisions of police and security services for the Michigan Veterans' Memorial Park and the enforcement of rules for the care and preservation of the park.

D. The Commission shall coordinate with the City of Lansing regarding state activities or development of the Michigan Veterans' Memorial Park affecting city operations.

E. The Commission shall annually report to the Governor and the Legislature on the activities of the Commission.

### IV. OPERATIONS OF THE COMMISSION

A. The Governor shall designate one (1) member of the Commission to serve as chairperson. This member shall serve as Chair at the pleasure of the Governor.

B. The Commission may promulgate bylaws, not inconsistent with law and with this Order, governing its organization, operation and procedure.

C. A majority of the serving members constitutes a quorum for the transaction of business at a meeting. The Commission shall act by a majority vote of its serving members.

D. The Commission shall meet at the call of the chairperson and as may be provided in the bylaws of the Commission. Meetings of the Commission may be held at any location within the state of Michigan. The Commission shall meet at least semi-annually.

E. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Commission may consult with outside experts in order to perform its duties.

F. The Commission may establish one or more subcommittees consisting of Commission members to investigate and analyze specific issues, consistent with the charge to the Commission contained in Section III of this order. The chair of the Commission, or a member of the Commission designated by the chair, shall chair each subcommittee established by the Commission. Subcommittees shall recommend proposed actions, plans, comments, formulas, measures, reports or policies to the Commission, consistent with the Commission's charge. The Commission may adopt, reject or modify recommendations proposed by subcommittees.

G. Members of the Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses according to relevant statutes, rules and procedures of the Department of Management and Budget and the Civil Service Commission.

H. The Department of Management and Budget may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the performance of the Commission's duties, as the Department Director deems appropriate. Such procurements shall be in accordance with the relevant statutes, rules and procedures of the Department of Management and Budget and the Civil Service Commission.

I. The Commission may apply for, receive and expend monies from any source, public or private, including but not limited to, gifts, grants, donations of monies and government appropriations. The Commission may also accept donations of labor, services, or other things of value from any public or private agency or person. Individual members of the Commission shall fully comply with the provisions of the Act No. 196 of the Public Acts of 1973, as amended, being Section 15.341 et seq. of the Michigan Compiled Laws, governing the standards of conduct for public officers and employees of the state of Michigan.

J. Members of the Commission shall refer all legal, legislative and media issues to the Department of

Management and Budget.

K. The Commission shall be staffed by personnel within the Department of Management and Budget as designated by the Director.

V. MISCELLANEOUS

A. All departments, committees, commissioners or officers of the state or of any political subdivision thereof shall give to the Commission, or to any member or representative thereof, any necessary assistance required by the Commission, or any member or representative thereof, in the performance of the duties of the Commission so far as is compatible with its, his or her duties; free access shall also be given to any books, records or documents in its, his or her custody, relating to matters within the scope of inquiry, study or investigation of the Commission.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

C. The Michigan Veterans' Park Commission, established with the Department of Military and Veterans Affairs by Executive Order 1992-11, is hereby abolished.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after the filing of this order.

**History:** 2001, E.R.O. No. 2001-4, Eff. Jan. 21, 2002

## VETERAN RIGHT TO EMPLOYMENT SERVICES ACT

### Act 39 of 1994

AN ACT to require those agencies and departments administering federally or state funded employment services or job training programs to provide, to the extent permitted by federal law, effective and equitable service to veterans.

**History:** 1994, Act 39, Imd. Eff. Mar. 14, 1994

*The People of the State of Michigan enact:*

#### 35.1091 Short title.

##### Sec. 1.

This act shall be known and may be cited as the "veteran right to employment services act".

**History:** 1994, Act 39, Imd. Eff. Mar. 14, 1994

#### 35.1092 Definitions.

##### Sec. 2.

As used in this act:

(a) "Employment services" means referrals to employers, supportive services, or assistance in finding employment training.

(b) "Job training services" means any program that provides training or training services to eligible applicants.

(c) "Veteran" means an individual who meets both of the following:

(i) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.

(ii) Served at least 180 days of active duty in the armed forces of the United States or has a service-connected disability as a result of service in the armed forces of the United States.

**History:** 1994, Act 39, Imd. Eff. Mar. 14, 1994 ;-- Am. 2016, Act 205, Eff. Sept. 20, 2016

**35.1093 Federally or state funded employment services or job training program; services provided to candidates.**

Sec. 3.

An agency or department that administers a federally or state funded employment services or job training program, including a service or program administered under the job training partnership act, Public Law 97-300, 96 Stat. 1322, shall, to the extent permitted by federal law, provide to a veteran who is a candidate for a program or service both of the following:

- (a) Effective and equitable services, including effective and equitable employment and job training services.
- (b) Referral assistance and a pamphlet prepared by the Michigan jobs commission that identifies employment services, job training services, and related benefits available to that veteran through other agencies or departments.

**History:** 1994, Act 39, Imd. Eff. Mar. 14, 1994

**35.1094 Repealed. 2018, Act 300, Eff. Sept. 27, 2018.**

**Compiler's Notes:** The repealed section pertained to an annual report.

**PRIVATE EMPLOYER'S VETERANS' PREFERENCE POLICY ACT**

**Act 508 of 2014**

AN ACT to authorize private employers to adopt and apply a veterans' preference employment policy.

**History:** 2014, Act 508, Imd. Eff. Jan. 14, 2015

*The People of the State of Michigan enact:*

**35.1201 Short title; definitions.**

Sec. 1.

- (1) This act shall be known and may be cited as the "private employer's veterans' preference policy act".
- (2) As used in this act:
  - (a) "Private employer" means a sole proprietor, corporation, partnership, limited liability company, or other private entity with 1 or more employees.
  - (b) "Veteran" means an individual who meets both of the following:
    - (i) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.
    - (ii) Served at least 180 days of active duty in the armed forces of the United States or has a service-connected disability as a result of service in the armed forces of the United States.
  - (c) "Veterans' preference employment policy" means a private employer's voluntary preference for hiring, promoting, or retaining a veteran over another equally qualified applicant or employee.

**History:** 2014, Act 508, Imd. Eff. Jan. 14, 2015 ;-- Am. 2016, Act 207, Eff. Sept. 20, 2016

**35.1202 Voluntary veterans' preference employment policy; adoption by private employer; writing; uniform application.**

Sec. 2.

- (1) A private employer may adopt and apply a voluntary veterans' preference employment policy.
- (2) A veterans' preference employment policy shall be in writing and shall be applied uniformly to employment decisions regarding the hiring or promotion of veterans or the retention of veterans during a reduction in the workforce.

**History:** 2014, Act 508, Imd. Eff. Jan. 14, 2015

**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) "Need" means an unforeseen situation that causes a temporary or short-term financial emergency or hardship that a grant under this act will resolve and for which an applicant can demonstrate the ability to meet expenses in the future.
- (e) "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 or the United



State coast guard based in this state or is a resident of this state serving in a reserve component of the United States armed forces or the United States coast guard 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 after a unit received an alert order for active federal service or within 6 months after a unit returned from active federal service.

(B) The need occurred because the individual has incurred a line of duty injury or illness.

(f) "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.

(g) "Unit" means a mobilized unit in which the qualified individual is in active federal service.

**History:** 2004, Act 363, Imd. Eff. Oct. 6, 2004 ;-- Am. 2014, Act 62, Imd. Eff. Mar. 27, 2014

### **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; limitation.**

#### **Sec. 4.**

(1) Each year that the contribution designation program administered under section 435 of the income tax act of 1967, 1967 PA 281, MCL 206.435, 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. Except as otherwise provided in this subsection, 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. Not more than \$50,000.00 shall be allocated annually from the fund to be used for advertising, marketing, and promoting the goals of the fund to the public.

(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 ;-- Am. 2014, Act 62, Imd. Eff. Mar. 27, 2014

**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

**VETERANS WELCOME HOME ACT**

**Act 176 of 2008**

AN ACT to assure that returning veterans are informed of state-funded veterans service organizations; and to prescribe certain duties of certain state agencies.

**History:** 2008, Act 176, Imd. Eff. July 9, 2008

*The People of the State of Michigan enact:*

**35.1231 Short title.**

Sec. 1.

This act shall be known and may be cited as the "veterans welcome home act".

**History:** 2008, Act 176, Imd. Eff. July 9, 2008

**35.1232 Welcome home letter; inclusion of list of state-funded veterans service organizations.**

Sec. 2.

The Michigan veterans affairs agency shall develop and send a welcome home letter to all returning veterans which shall include a list of all state-funded veterans service organizations. The list shall be ordered by the amount of state funding, with the veterans service organization that receives the highest amount of state funding listed first and the remaining organizations listed in descending order.

**History:** 2008, Act 176, Imd. Eff. July 9, 2008 ;-- Am. 2015, Act 38, Eff. Aug. 19, 2015

**WORLD WAR I CENTENNIAL COMMISSION ACT**

**Act 97 of 2017**

35.1241-35.1245 Repealed. 2017, Act 97, Eff. Dec. 31, 2018.

**VETERANS CEMETERY ACT**

**Act 267 of 2022**

AN ACT to provide for a military veterans cemetery; to create the veterans cemetery fund; to authorize the purchase of land; and to provide for the powers and duties of certain state governmental officers and entities.

**History:** 2022, Act 267, Imd. Eff. Dec. 22, 2022

*The People of the State of Michigan enact:*

**35.1251 Short title.**

Sec. 1.

This act may be cited as the "veterans cemetery act".

**History:** 2022, Act 267, Imd. Eff. Dec. 22, 2022

### **35.1252 Definitions.**

Sec. 2.

As used in this act:

- (a) "Department" means the department of military and veterans affairs.
- (b) "Director" means the director of the department.
- (c) "Fund" means the veterans cemetery fund created in section 5.

**History:** 2022, Act 267, Imd. Eff. Dec. 22, 2022

### **35.1253 Veterans cemetery; purchase, acquisition, or designation of land.**

Sec. 3.

(1) The department may acquire and purchase land in a county with a population of not less than 12,500 and not greater than 13,500 that is suitable for a veterans cemetery or designate land owned by this state under the jurisdiction of the department in a county with a population of not less than 12,500 and not greater than 13,500 as a veterans cemetery.

(2) The director shall apply for and accept all grants available under 38 USC 2408.

**History:** 2022, Act 267, Imd. Eff. Dec. 22, 2022

### **35.1255 Veterans cemetery fund.**

Sec. 5.

(1) The veterans cemetery fund is created in the state treasury.

(2) The treasurer shall deposit money and other assets from any source in the fund. The state treasurer shall direct the investment of money in the fund and credit interest and earnings from the investments to the fund.

(3) The department is the administrator of the fund for audits of the fund. Money in the fund at the close of the fiscal year does not lapse to the general fund.

(4) The department shall expend money from the fund, on appropriation, for 1 or more of only the following purposes:

(a) For architectural design or engineering plans, or both, and any necessary environmental impact studies prescribed by law.

(b) Necessary expenses to qualify for federal grants under 38 USC 2408.

(c) To prepare land that is acquired or purchased for a veterans cemetery or designated as a veterans cemetery for operational use.

(d) For ongoing expenses related to the operation of a veterans cemetery.

**History:** 2022, Act 267, Imd. Eff. Dec. 22, 2022

**35.1257 Administration of veterans cemetery; compliance with federal laws and regulations.**

Sec. 7.

- (1) The director shall administer a veterans cemetery created under this act.
- (2) The director shall comply with federal laws and regulations in administering a cemetery created under this act.

**History:** 2022, Act 267, Imd. Eff. Dec. 22, 2022

**35.1259 Appropriation.**

Sec. 9.

The legislature shall appropriate sufficient money to accomplish the purpose of this act.

**History:** 2022, Act 267, Imd. Eff. Dec. 22, 2022

**VETERAN'S EMPLOYEE RESOURCE NOTIFICATION ACT**

**Act 197 of 2024**

AN ACT to require certain employers to post information related to services for veterans; and to provide for the powers and duties of certain state governmental offices and entities.

**History:** 2024, Act 197, Eff. Apr. 2, 2025

*The People of the State of Michigan enact:*

**35.1271 Short title.**

Sec. 1.

This act may be cited as the "veteran's employee resource notification act".

**History:** 2024, Act 197, Eff. Apr. 2, 2025

### **35.1273 Definitions.**

#### **Sec. 3.**

As used in this act:

- (a) "Employee" means an individual who receives compensation for performing services for an employer under an express or implied contract of hire.
- (b) "Employer" means any person or entity that employs 1 or more full-time employees.

**History:** 2024, Act 197, Eff. Apr. 2, 2025.

### **35.1275 Poster of services available to veterans; employer posting requirements.**

#### **Sec. 5.**

(1) An employer shall display a poster at the employer's place of business, in a conspicuous place accessible to the employer's employees, that includes, but is not limited to, information related to all of the following services that are available to veterans:

- (a) The telephone number and website for the department of military and veterans affairs.
  - (b) Mental health and substance abuse services.
  - (c) Education, workforce, or job training resources.
  - (d) Tax benefits.
  - (e) Obtaining a veteran designation on a driver license issued under section 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310, or on an official state personal identification card issued under section 2 of 1972 PA 222, MCL 28.292.
  - (f) Eligibility for unemployment benefits under the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL 421.1 to 421.75, or federal law.
  - (g) Legal services.
  - (h) The telephone number and website for the United States Department of Veterans Affairs.
  - (i) The telephone number for the United States Department of Veterans Affairs' veterans crisis line.
- (2) The department of labor and economic opportunity shall work with the department of military and veterans affairs to create and make available free of charge to employers the poster that contains the information required under subsection (1) for the employers' use in complying with this section. In addition, the department of labor and economic opportunity and the department of military and veterans affairs shall make the poster described in this section available in a downloadable format on the website of each department.

**History:** 2024, Act 197, Eff. Apr. 2, 2025