

HOUSE BILL NO. 6043

August 06, 2020, Introduced by Rep. Elder and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1899 PA 214, entitled

"An act to provide relief outside of the soldiers' home for honorably discharged indigent soldiers, sailors, marines, nurses and members of women's auxiliaries and the indigent wives, widows and minor children of such indigent or deceased soldiers, sailors, marines, nurses and members of women's auxiliaries, and to repeal certain acts and parts of acts,"

by amending the title and sections 1, 2, 3, 4, and 5 (MCL 35.21, 35.22, 35.23, 35.24, and 35.25), section 1 as amended by 2016 PA 218 and section 2 as amended by 2016 PA 208, and by adding sections 9 and 10; and to repeal acts and parts of acts.



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THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide relief ~~outside of the soldiers' home for to~~
 3 honorably discharged indigent ~~soldiers, sailors, marines, nurses~~
 4 **veterans** and members of women's auxiliaries and the indigent ~~wives,~~
 5 **spouses, widows or widowers, and** minor children, **and parents** of
 6 such ~~those~~ indigent or deceased ~~soldiers, sailors, marines, nurses~~
 7 **veterans** and members of women's ~~auxiliaries,~~ **auxiliaries; to**
 8 **provide for the powers and duties of certain governmental officers**
 9 **and entities;** and to repeal certain acts and parts of acts.

10 Sec. 1. (1) The county board of commissioners of each county
 11 shall annually levy a tax, not exceeding 1/10 of a mill on each
 12 dollar, to be levied and collected as provided by law, upon the
 13 taxable property of each township and city, for their respective
 14 counties, for the purpose of creating a **soldiers' relief** fund for
 15 the **aid and** relief of honorably discharged indigent ~~members of the~~
 16 ~~Army, Navy, Air Force, Marine Corps, Coast Guard,~~ **veterans** and
 17 **members of** women's auxiliaries, and the indigent spouses, **widows or**
 18 **widowers,** minor children, and parents of ~~each those~~ indigent or
 19 deceased ~~member~~ **veterans or members of women's auxiliaries,** who
 20 served during a period of war as described in 38 CFR 3.2, except
 21 that for purposes of this section, "period of war" for the Vietnam
 22 era means the following:

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

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

28 (2) ~~Funds~~ **In addition to the use described in subsection (1),**



1 **funds** raised in accordance with this section may be expended for
 2 the **aid and** relief of indigent ~~wives-spouses~~ and children of active
 3 duty soldiers, ~~sailors, marines, airmen, coast guardsmen, nurses,~~
 4 and members of the women's auxiliaries **members of the Armed Forces**
 5 during the continuance of present hostilities and prior to ~~their~~
 6 **the member's** discharge.

7 (3) ~~However, in~~ **In** any year **in** which, in the opinion of the
 8 **county** board **of commissioners**, an emergency exists, the board may
 9 appropriate a sum not ~~to exceed~~ **exceeding** 2/10 of a mill on each
 10 dollar for the purposes of this section.

11 (4) The money ~~, when collected ,~~ **under this section** shall be
 12 paid to the county treasurer of the county where the tax is levied
 13 ~~in each of the counties in this state, to be~~ **and** paid out by the
 14 treasurer upon ~~the~~ **written** order of the soldiers' relief commission
 15 ~~if~~ **as** signed by the chairperson and secretary of the commission.

16 (5) If any money in the fund is not necessary for the purpose
 17 for which it was raised, the money shall remain in the ~~treasury of~~
 18 ~~the county as a~~ soldiers' relief fund, and shall be considered in
 19 raising future sums for ~~this~~ **that** purpose.

20 Sec. 2. (1) The **chief** judge of **the** probate ~~in court for~~ each
 21 county shall appoint 3 ~~veterans as that term is defined in 1965 PA~~
 22 ~~190, MCL 35.61 to 35.62,~~ **individuals** who are residents of the
 23 county and who ~~were~~ **are** honorably discharged ~~soldiers, sailors,~~
 24 ~~marines, nurses,~~ **veterans** or members of the women's auxiliaries ~~of~~
 25 ~~the United States Armed Forces,~~ to a commission to be known as the
 26 "soldiers' relief commission" of the county, with the powers and
 27 duties as provided in this act.

28 (2) Of the ~~persons~~ **individuals** appointed under subsection (1),
 29 1 ~~of the persons~~ shall be appointed for ~~a~~ **an initial** term of 1



1 year, ~~1~~ for ~~a~~**an initial** term of 2 years, ~~1~~ and 1 for ~~a~~**an**
 2 **initial** term of 3 years, ~~and at years~~. **At** the expiration of the
 3 term for which each of the persons ~~an individual~~ was appointed, **the**
 4 **chief judge of the probate court for the county shall appoint** his
 5 or her successor ~~shall be appointed~~ for a term of 3 years. The
 6 ~~persons so appointed~~ **commission** shall organize **itself** by the
 7 selection of 1 of ~~their number~~ **the commission members** as
 8 chairperson and 1 as ~~secretary~~, and in ~~secretary~~. **In** the event of
 9 the death, resignation, change of residence, or other disability of
 10 ~~any~~ **a** member of the commission, creating a vacancy, the **chief** judge
 11 of **the probate court for the county** shall fill the vacancy by an
 12 appointment for the unexpired term. The **commission** members shall
 13 each file ~~the~~ **a** constitutional oath of office with the probate
 14 court, and receive the proper ~~certificate~~ **certification** of their
 15 appointment. ~~They~~ **Commission members** are entitled to reasonable
 16 compensation for their services, to be fixed and paid by the county
 17 board of commissioners. ~~of their respective counties~~. The **chief**
 18 judge of **the probate court for the county** may remove any member of
 19 the commission for cause.

20 Sec. 3. (1) ~~The supervisor of each township and ward in each~~
 21 ~~of the counties of this state, and where there is no ward~~
 22 ~~supervisor the aldermen of the several wards of every incorporated~~
 23 ~~city in this state, shall, on~~ **On** or before the last Monday in
 24 September ~~in~~ **of** each year, ~~make and place in the hands of the~~
 25 ~~soldiers' relief~~ **the chairperson of the soldiers' relief commission**
 26 **for each county shall provide that** commission ~~of the county, with a~~
 27 list of all the ~~persons~~ **individuals residing in the county who are**
 28 entitled to **aid and** relief under ~~the provisions of this act~~. ~~and~~
 29 ~~the soldiers' relief commission, on~~



1 (2) On the first Monday in October ~~in~~ of each year, the
 2 **soldiers' relief commission** shall ~~proceed to~~ determine the amount
 3 necessary for **providing** aid and relief ~~to be granted such persons~~
 4 **to individuals entitled to that aid and relief** under this act,
 5 ~~which as identified under subsection (1).~~ **The amount determined**
 6 shall be ~~then and there~~ recorded in the ~~books to be kept~~ **records**
 7 **maintained** by the secretary of ~~said soldiers' relief the~~
 8 commission. The commission may determine ~~not only the sum to be~~
 9 ~~paid, but the manner of paying the same, and or~~ **providing the aid**
 10 **and relief determined under this subsection.**

11 (3) **The commission** may discontinue the payment **or provision** of
 12 ~~such aid and relief under this act in their~~ **its** discretion. ~~Appeal~~
 13 **An individual** may ~~be taken therefrom~~ **appeal by certiorari a**
 14 **decision by the commission to discontinue aid or relief to that**
 15 **individual** to the circuit court of ~~such county, by certiorari the~~
 16 **county where he or she resides** by filing an application ~~therefor~~
 17 with the clerk ~~within not more than 15 days following~~ **after** the
 18 ~~making of such decision.~~ **commission notifies the individual of its**
 19 **decision.** The court shall hear the case de novo and its decision
 20 shall be final.

21 Sec. 4. ~~Whenever any~~ **If an individual eligible for aid and**
 22 **relief under this act experiences an** emergency ~~shall arise in case~~
 23 ~~of~~ **due to** sickness, accident, or death, ~~which, that~~ in the opinion
 24 of ~~any supervisor or alderman, needs a commission member requires~~
 25 **aid or relief, such supervisor or alderman, that commission member,**
 26 when ~~inconvenient~~ **unable** to consult ~~any of~~ **with** the **other** members
 27 of ~~said commission, the commission in a timely manner, shall have~~
 28 ~~the power to draw an order on the county treasurer for a sum~~ **may**
 29 **provide that aid or relief to the individual. The amount or value**



1 of the aid or relief provided shall not ~~to exceed 10 dollars, and~~
 2 \$300.00. The commission member shall certify by signed
 3 documentation his or her action and the circumstances of the case
 4 to such ~~soldiers' relief commission, which the commission. The~~
 5 commission shall review the documentation and upon approval ratify
 6 the ~~same, certification and such commission may grant such further~~
 7 aid and relief to the individual at any time as ~~it may deem~~
 8 necessary: ~~Provided, however, That no it considers necessary. This~~
 9 section does not apply to a claim for aid or relief ~~shall be~~
 10 allowed and paid which shall ~~if the payment or provision of the aid~~
 11 or relief will create a deficiency in the fund.

12 Sec. 5. ~~Said The~~ soldiers' relief commission and the county
 13 treasurer shall ~~make to the board of supervisors, at its October~~
 14 session in each year, a full ~~provide an annual~~ report of its doings
 15 to the county board of commissioners. The report shall include a
 16 summary of the commission's activities and the amount of aid and
 17 relief money ~~on hand, remaining in the fund~~ the amount expended
 18 during the year preceding, and the amount estimated for the ensuing
 19 year, ensuing, ~~and such any~~ further information and suggestions
 20 recommendations as ~~they the commission~~ may consider necessary to
 21 the discharge of ~~their its~~ duties under this act.

22 Sec. 9. An individual is considered to be indigent under this
 23 act if he or she is experiencing a substantial financial hardship.
 24 Substantial financial hardship is rebuttably presumed if the
 25 individual receives personal public assistance, including under a
 26 food assistance program, temporary assistance for needy families,
 27 Medicaid, or disability insurance, resides in public housing, earns
 28 an income less than 140% of the federal poverty guideline, or is
 29 unemployed. An individual is also rebuttably presumed to have a



1 substantial financial hardship if he or she is currently serving a
2 sentence in a correctional institution or is receiving residential
3 treatment in a mental health or substance abuse facility.

4 Sec. 10. As used in this act:

5 (a) "Aid and relief" includes, but is not limited to, cash
6 assistance and services provided to, or supported on behalf of, an
7 individual entitled to aid and relief under this act, such as
8 providing for transportation to a veterans' or nonveteran hospital,
9 a health facility or clinic, or job training.

10 (b) "Armed forces" means the United States Army, Navy, Marine
11 Corps, Air Force, and Coast Guard, including the reserve
12 components.

13 (c) "Indigent" means meeting 1 or more of the conditions
14 described in section 9.

15 (d) "Reserve components" means all of the following:

16 (i) The Army National Guard of the United States.

17 (ii) The army, naval, marine corps, air force, and coast guard
18 reserves.

19 (iii) The Air National Guard of the United States.

20 (e) "Soldiers' relief commission" or "commission" means a
21 county soldiers' relief commission appointed under section 2.

22 (f) "Soldiers' relief fund" or "fund" means the soldiers'
23 relief fund described in section 1.

24 (g) "Veteran" means an individual who is a veteran as that
25 term is defined in section 1 of 1965 PA 190, MCL 35.61, and was
26 honorably discharged. Veteran includes individuals honorably
27 discharged who served in any of the nurse corps of the armed forces
28 regardless of the military status of that corps prior to becoming a
29 fully recognized branch of the regular armed forces.



1 (h) "Women's auxiliary" means any women's military unit that
2 served with the armed forces prior to becoming a fully recognized
3 branch of the regular armed forces including, but not limited to,
4 the Women's Auxiliary Army Corps.

5 Enacting section 1. Sections 6 and 7 of 1899 PA 214, MCL 35.26
6 and 35.27, are repealed.

