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:

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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.

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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, § 15.

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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.

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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

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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

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