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:

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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, § 15, and Schedule, § 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

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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.

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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, § 15, and Schedule, § 13.

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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

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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

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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