

SENATE BILL No. 910

December 4, 2001, Introduced by Senator MC COTTER and referred to the Committee on Government Operations.

A bill to amend 1955 PA 8, entitled
"Korean veterans' military pay fund act of 1955,"
by amending sections 7 and 9 (MCL 35.977 and 35.979).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 910

1 Sec. 7. (1) Upon submission to ~~him~~ THE ADJUTANT GENERAL
2 of satisfactory proof that the applicant is entitled to payment
3 under this act, the adjutant general shall compute the amount of
4 payment due the applicant, make a record ~~thereof~~ OF THE
5 PAYMENT, and transmit the claim for payment directly to the
6 ~~auditor general~~ STATE TREASURER for payment upon ~~such~~ THE
7 form as the ~~auditor general~~ STATE TREASURER shall prescribe.
8 Payment shall be made from the Korean veterans' military pay fund
9 of 1955, which is hereby created as a special fund in the state
10 treasury to consist of all ~~moneys~~ MONEY received from the
11 issuance and sale of bonds pursuant to FORMER section 26 of

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1 article 10 of the constitution OF 1908, AND UNDER SECTION 13 OF
2 SCHEDULE AND TEMPORARY PROVISION OF THE STATE CONSTITUTION OF
3 1963, and which ~~moneys are~~ MONEY IS hereby appropriated for
4 ~~such~~ THAT purpose and for the administration of this act:
5 Provided, That no claim for payment under this act shall be
6 assignable, or subject to garnishment, attachment, or levy of
7 execution.

8 (2) Whenever the proof as to eligibility for payment submit-
9 ted by an applicant either with or as a part of his OR HER ini-
10 tial application, or pursuant to request of the adjutant general
11 thereafter, is not satisfactory to the adjutant general, ~~he~~ THE
12 ADJUTANT GENERAL shall reject ~~said~~ THE claim.

13 (3) Upon rejection of ~~any such~~ A claim the adjutant gen-
14 eral shall cause to be mailed to each claimant whose claim has
15 been ~~thus~~ rejected, a notice of ~~such~~ rejection and ~~said~~
16 THE notice shall inform ~~such~~ THE claimant of his OR HER right
17 to file with the adjutant general a request for appeal to the
18 court of claims of the state of Michigan within 6 months after
19 the mailing of ~~such~~ THE notice by the adjutant general.

20 (4) ~~Such~~ THE notice OF REJECTION shall also inform ~~such~~
21 THE claimant that a failure to file a request for appeal to the
22 Michigan court of claims within the stipulated time shall render
23 the determination of the adjutant general final without any fur-
24 ther right of claimant to appeal from same.

25 (5) The claimant shall have 6 months from the mailing by the
26 adjutant general of a notice of rejection of ~~such~~ THE claim in
27 which to appeal to the court of claims from ~~such~~ THE rejection,

1 and upon failure by the claimant to file with the adjutant
2 general a request for appeal to the court of claims within such 6
3 months' period the determination by the adjutant general in
4 ~~such~~ THE claim shall be final.

5 (6) Upon the filing of ~~any such~~ A request for appeal to
6 the Michigan court of claims, and in ~~such~~ THAT event only, the
7 adjutant general shall forthwith certify the entire record of
8 ~~such~~ THE claim to the court of claims and shall furnish to
9 ~~said~~ THE court any additional information in or which may
10 thereafter come into his OR HER possession or which may be
11 requested by ~~said~~ THE court.

12 (7) Upon receipt of an order by the court of claims that a
13 claimant whose claim has been so certified as in this act pro-
14 vided is entitled to payment and upon said order becoming final
15 the claim shall be paid in the same manner as provided ~~herein~~
16 IN THIS ACT.

17 (8) In each case in which the court of claims shall enter
18 its order allowing or denying ~~such~~ A claim, and upon ~~such~~ THE
19 order becoming final, the files and records ~~therein~~ IN THAT
20 CASE shall be returned by the court of claims to the adjutant
21 general, to be retained by him OR HER as permanent records.

22 Sec. 9. The expenses of the administration of this act sub-
23 sequent to the issuance of the bonds ~~therein~~ authorized IN THIS
24 ACT, shall be paid from the Korean veterans' military pay fund of
25 1955, in accordance ~~with~~ WITH the accounting laws of the
26 state. For this purpose there is hereby appropriated a sum of
27 not to exceed \$655,000.00 from said Korean veterans' military pay

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1 fund of 1955, which shall be released by the state administrative
2 board at ~~such~~ THE time and in amounts determined and recom-
3 mended by the ~~controller~~ DIRECTOR of the department of
4 ~~administration~~ MANAGEMENT AND BUDGET, to the adjutant general,
5 ~~the auditor general~~ and the state treasurer as required to
6 carry out the provisions of this act, subsequent to the issuance
7 of the bonds ~~therein~~ authorized IN THIS ACT. Any necessary
8 expense incurred by the adjutant general prior to the effective
9 date of this act in preparation for the prompt payment of
10 veterans' claims in administering the purposes of this act shall
11 be refunded to the military establishment, out of the appropria-
12 tion hereby made, after an itemized claim ~~therefor~~ shall have
13 been submitted to and approved by the state administrative
14 board.