

# 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:

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

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

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.