

# HOUSE BILL No. 4290

February 23, 1999, Introduced by Reps. Schermesser, Wojno, Hale, Bovin, Clark, Dennis, Ehardt, Spade, Pappageorge and DeHart and referred to the Committee on Veterans Affairs.

A bill to provide for payments to persons who served in the armed forces of the United States from August 2, 1990 to July 31, 1991, or to beneficiaries of those persons; to prescribe the duties of certain state officers; to create the Persian Gulf veterans' military pay fund in the state treasury; to make certain appropriations; and to prescribe penalties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "Persian Gulf War veterans' military pay act".

3       Sec. 2. As used in this act:

4       (a) "Adjutant general" means the adjutant general of the  
5 state of Michigan.

6       (b) "Eligible beneficiary" means the surviving spouse,  
7 child, mother, father, brother, or sister of a deceased veteran.

1 (c) "Eligible period" means from August 2, 1990 to July 31,  
2 1991.

3 (d) "Eligible veteran" means an individual person who served  
4 honorably and faithfully in the army, air force, navy, marine  
5 corps, or coast guard of the United States, at any time during  
6 the eligible period, and who was a resident of this state at the  
7 time of entering the service on August 2, 1990, and for at least  
8 6 months immediately prior to that date, and who has not received  
9 a similar payment from another state.

10 (e) "Honorable and faithful service" means service that  
11 resulted in any 1 of the following:

12 (i) An honorable discharge.

13 (ii) For an officer, a certificate of service.

14 (iii) For a veteran who has not been discharged, a certifi-  
15 cate from the appropriate service authority that his or her serv-  
16 ice was honorable and faithful. Honorable and faithful service  
17 does not include time lost while absent without leave, in deser-  
18 tion, in confinement while undergoing the sentence of a court  
19 martial, or time lost while in a nonduty status because of dis-  
20 ease contracted through the veteran's own misconduct.

21 (f) "Resident" means a person who has lived in or maintained  
22 a residence within this state for at least 6 months immediately  
23 before entering military service.

24 (g) "Southwest Asia service medal" means the award estab-  
25 lished by Exec. Order No. 12,754, 3 C.F.R., 1991 Comp. p. 322.

26 Sec. 3. (1) The Persian Gulf War veterans fund is created  
27 within the state treasury.

1           (2) The state treasurer may receive money or other assets  
2 from any source for deposit into the fund. The state treasurer  
3 shall direct the investment of the fund. The state treasurer  
4 shall credit to the fund interest and earnings from fund  
5 investments.

6           (3) Money in the fund at the close of the fiscal year shall  
7 remain in the fund and shall not lapse to the general fund.

8           (4) The department of military and veterans affairs shall  
9 expend money from the fund, upon appropriation, only for 1 or  
10 more of the following purposes:

11           (a) To pay an eligible veteran who served in the United  
12 States armed forces during the eligible period and as authorized  
13 in section 4.

14           (b) To pay an eligible beneficiary as authorized in section  
15 4.

16           Sec. 4. Each eligible veteran shall be paid \$600.00 for  
17 service that qualifies that veteran to receive the Southwest Asia  
18 service medal. Each eligible veteran shall be paid \$300.00 if he  
19 or she served during the Persian Gulf War but is not qualified to  
20 receive the Southwest Asia service medal. If an eligible veteran  
21 is deceased, payment of \$2,000.00 shall be made to the eligible  
22 beneficiary.

23           Sec. 5. To obtain payment under section 4, an eligible vet-  
24 eran or an eligible beneficiary shall apply to the adjutant gen-  
25 eral on a form prescribed by the adjutant general. If a veteran  
26 is incompetent or a veteran's beneficiary is incompetent or is a  
27 minor, a guardian may apply on his or her behalf. The applicant

1 shall include evidence of honest and faithful service during the  
2 period of service. Each application shall be subscribed and  
3 sworn to by the applicant before a notary public.

4       Sec. 6. (1) Upon receipt of satisfactory proof that the  
5 applicant is entitled to payment under this act, the adjutant  
6 general shall determine the amount of payment due the applicant,  
7 make a record of the amount, and transmit the claim for payment  
8 directly to the state treasurer for payment. Payment shall be  
9 made from the fund.

10       (2) If the proof as to eligibility for payment submitted by  
11 an applicant either with or as a part of his or her initial  
12 application, or pursuant to a further request by the adjutant  
13 general, is not satisfactory to the adjutant general, he or she  
14 shall reject the claim.

15       (3) Upon rejection of a claim, the adjutant general shall  
16 notify each applicant. The notice of rejection shall inform the  
17 claimant of a right to appeal to the court of claims within 6  
18 months after the mailing of the notice by the adjutant general.  
19 The notice shall also inform the claimant that a failure to file  
20 an appeal to the court of claims within 6 months after mailing  
21 the notice shall make the adjutant general's decision final.

22       (4) Upon the filing of an appeal to the Michigan court of  
23 claims, the adjutant general shall immediately certify the entire  
24 record of the claim to the court of claims and shall furnish to  
25 the court any additional information relevant to the claim that  
26 is in his or her possession or that is requested by the court.

1           (5) Upon conclusion of the case, the court of claims shall  
2 enter its order allowing or denying the claim. When the order  
3 becomes final, the files and records shall be returned to the  
4 adjutant general and retained as a permanent record.

5           Sec. 7. A person shall not knowingly make a false applica-  
6 tion for benefits under this act. A person who violates this  
7 section is guilty of a felony punishable by imprisonment for not  
8 more than 3 years or a fine of not more than \$5,000.00, or both.

9           Sec. 8. A payment authorized by this act is a gift and not  
10 pay for service.