

FILED JAN 10 1996

SENATE FILE 2031

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(COMPANION TO LSB 3137HH
BY GRIES)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the compensation of merchant marines for
2 active service, creating a merchant marine service
3 compensation fund, providing for administrative procedures,
4 providing for other properly related matters, making an
5 appropriation, and providing a penalty.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2031

1 Section 1. NEW SECTION. 35E.1 DEFINITIONS.

2 As used in this Act, unless the context otherwise requires:

3 1. "Active duty" means full-time duty in the merchant
4 marine service of the United States, excluding active duty for
5 training purposes only, excluding any period a person was
6 assigned to a civilian institution for a course of study or
7 training which was substantially the same as established
8 courses offered to civilians, and including a cadet or
9 midshipman enrolled at one of the service academies.

10 2. "Board" means the merchant marine service compensation
11 board.

12 3. "Fund" means the merchant marine service compensation
13 fund.

14 Sec. 2. NEW SECTION. 35E.2 MERCHANT MARINE SERVICE
15 COMPENSATION BOARD.

16 A merchant marine service compensation board is created.
17 The membership of the board consists of the auditor of state,
18 the treasurer of state, and the adjutant general of this
19 state.

20 Sec. 3. NEW SECTION. 35E.3 MERCHANT MARINE SERVICE
21 COMPENSATION FUND CREATED.

22 A merchant marine service compensation fund is created in
23 the state treasury. The proceeds of the fund shall be used to
24 pay the compensation claims, administrative expenses and
25 costs, and legal fees as otherwise provided in this chapter.

26 Sec. 4. NEW SECTION. 35E.4. DUTIES OF THE BOARD --
27 APPLICATIONS -- DEADLINE.

28 1. The board shall administer the provisions of this
29 chapter, shall examine all applications for service
30 compensation, shall approve or disapprove the applications,
31 and shall carry out any investigations as necessary to
32 establish facts. If an application is disapproved by the
33 board, the applicant may appeal to the district court of the
34 state of Iowa in the county of the applicant's legal residence
35 as provided in section 17A.19.

1 2. When an application is approved by the board, the
2 applicant shall be paid as provided in this chapter. The
3 board shall prepare and transmit vouchers to the department of
4 revenue and finance in payment of the compensation claims
5 provided for in this chapter and other necessary
6 administrative expenses. The director of revenue and finance
7 shall issue a warrant for the amount stated in the voucher and
8 the treasurer of state shall pay the warrants out of the
9 merchant marine compensation fund.

10 3. The board may employ assistants and incur other
11 expenses as may be necessary for the administration of this
12 chapter. The assistants as the board may determine shall be
13 exempt from the provisions of chapter 19A and shall give bond
14 in an amount as may be determined by the board. The board
15 shall adopt rules, pursuant to chapter 17A, as necessary to
16 administer this chapter.

17 4. To receive compensation as provided in this chapter, an
18 applicant, or the applicant's successor in interest, shall
19 file an application with the board before July 1, 1998. The
20 application shall be made on forms provided by the board.

21 Sec. 5. NEW SECTION. 35E.5 MERCHANT MARINE COMPENSATION
22 -- QUALIFIED PERSONS.

23 1. Each person who served on active duty in the merchant
24 marine service of the United States, at any time between
25 September 16, 1940, and September 2, 1945, both dates
26 inclusive, and who served for a period of not less than one
27 hundred twenty days on or before December 31, 1946, and who at
28 the time of entering into the merchant marine service was a
29 legal resident of the state of Iowa, and who had maintained
30 the person's residence in this state for a period of at least
31 six months immediately before entering the merchant marine
32 service and was honorably discharged or separated from the
33 merchant marine service is entitled to receive from the fund
34 the sum of twenty-two dollars and seventy-five cents for each
35 month that the person was on active duty in the merchant

1 marine service, all before December 31, 1946, not to exceed a
2 total sum of five hundred dollars. Compensation for a
3 fraction of a month shall not be considered unless the
4 fraction is sixteen days or more, in which case the fraction
5 shall be computed as a full month.

6 2. A person is not entitled to compensation pursuant to
7 this chapter if the person received a bonus or compensation of
8 a similar nature as provided in this chapter from another
9 state.

10 3. A person is not entitled to compensation pursuant to
11 this chapter if the person was on active duty in the merchant
12 marine service after September 16, 1940, and the person
13 refused on conscientious, political, religious, or other
14 grounds, to be subject to military discipline.

15 4. The surviving widow or widower, child or children,
16 mother, father, or person standing in loco parentis, in the
17 order named and none other, of any deceased person, shall be
18 paid the compensation that the deceased person would be
19 entitled to pursuant to this chapter, if living, but if any
20 person has died or shall die, or is disabled, from service-
21 connected causes incurred during the period and in the area
22 from which the person is entitled to receive compensation
23 pursuant to this chapter, the person or the first survivor as
24 designated by this chapter and in the order named, shall be
25 paid five hundred dollars, regardless of the length of
26 service.

27 Sec. 6. NEW SECTION. 35E.6 FALSE STATEMENT -- PENALTY.

28 A person who knowingly makes a false statement relating to
29 a material fact in supporting an application under this
30 chapter is guilty of a serious misdemeanor. A person
31 convicted pursuant to this section shall forfeit all benefits
32 to which the person may have been entitled under this chapter.

33 Sec. 7. NEW SECTION. 35E.7 TAX EXEMPTION.

34 All payments and allowances made under this chapter shall
35 be exempt from taxation and from levy and sale on execution.

