

SECOND REGULAR SESSION
[CORRECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1398
91ST GENERAL ASSEMBLY

Reported from the Committee on Public Safety, Law Enforcement and Veteran Affairs, February 13, 2002, with recommendation that the House Committee Substitute for House Bill No. 1398 Do Pass.

TED WEDEL, Chief Clerk

3700L.04C

AN ACT

To repeal sections 42.170 and 42.175, RSMo, and to enact in lieu thereof two new sections relating to World War II medals, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 42.170 and 42.175, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 42.170 and 42.175, to read as follows:

42.170. 1. Every veteran who honorably served on active duty in the United States military service at any time beginning December 7, 1941, and ending [September 30, 1945] **December 31, 1946**, shall be entitled to receive a medallion, medal and a certificate of appreciation pursuant to sections 42.170 to 42.185, provided that:

(1) Such veteran is a legal resident of this state on August 28, 2000, **or was a legal resident of this state at the time of his or her death**; and

(2) Such veteran was honorably separated or discharged from military service or is still in active service in an honorable status, **or was in active service in an honorable status at the time of his or her death**.

2. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran was under eighteen years of age at the time of enlistment. For purposes of sections 42.170 to 42.185, "veteran" means any person defined as a veteran by the United States Department of Veterans' Affairs or

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 its successor agency.

42.175. 1. Except as otherwise provided in sections 42.170 to 42.185, the adjutant
2 general of the state of Missouri shall administer sections 42.170 to 42.185, and may adopt all
3 rules and regulations necessary to administer the provisions of sections 42.170 to 42.185. No
4 rule or portion of a rule promulgated pursuant to sections 42.170 to 42.185 shall become
5 effective unless promulgated pursuant to chapter 536, RSMo.

6 2. The adjutant general shall determine as expeditiously as possible the persons who are
7 entitled to a medallion, medal and a certificate pursuant to sections 42.170 to 42.185 and
8 distribute the medallions, medals and the certificates as provided in sections 42.170 to 42.185.
9 Applications for the medallion, medal and the certificate shall be filed with the office of the
10 adjutant general at any time after January 1, 2001, and before [January 1, 2002] **July 1, 2003**,
11 on forms prescribed and furnished by the adjutant general's office. The adjutant general shall
12 approve all applications that are in order, and shall cause a medallion, medal and a certificate to
13 be prepared for each approved veteran in the form created by the veterans' commission pursuant
14 to section 42.180.

15 3. **The following persons may apply for a medallion, medal and certificate pursuant**
16 **to sections 42.170 to 42.185:**

17 (1) **Any veteran who is entitled to a medallion, medal and certificate pursuant to**
18 **sections 42.170 to 42.185;**

19 (2) **Any spouse of a veteran who is entitled to a medallion, medal and certificate**
20 **pursuant to sections 42.170 to 42.185 but who died prior to having made application for**
21 **such medallion, medal and certificate.**

22 4. **If any spouse applies for the medallion, medal and certificate pursuant to**
23 **subsection 3 of this section or if any [person] veteran dies after applying for a medallion or**
24 **medal and a certificate pursuant to sections 42.170 to 42.185 and such [person] veteran would**
25 **have been entitled to the medallion, medal and the certificate, the adjutant general shall give the**
26 **medallion, medal and the certificate to the [person to whom the largest portion of the veteran's**
27 **estate was given in such veteran's will. If the estate was split evenly among two or more persons,**
28 **the surviving spouse, the eldest living child or the closest relative by degree of consanguinity,**
29 **in that order, shall receive the medallion, medal and the certificate. If there was no will, the**
30 **veteran's intestate survivor shall receive the medallion, medal and the certificate] spouse of the**
31 **deceased veteran.**

32 [4.] 5. If the adjutant general disallows any veteran's claim to a medallion, medal and a
33 certificate pursuant to sections 42.170 to 42.185, a statement of the reason for the disallowance
34 shall be filed with the application and notice of this disallowance shall be mailed to the applicant
35 at the applicant's last known address.

Section B. Because immediate action is necessary to ensure the award of medals, section
2 A of this act is deemed necessary for the immediate preservation of the public health, welfare,
3 peace, and safety, and is hereby declared to be an emergency act within the meaning of the
4 constitution, and section A of this act shall be in full force and effect upon its passage and
5 approval.