

FIRST REGULAR SESSION

HOUSE BILL NO. 213

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEEKEN.

Read 1st time January 12, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0909L.011

AN ACT

To repeal sections 42.170, 42.175, 42.200, and 42.202, RSMo, and to enact in lieu thereof four new sections relating to veterans.

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

Section A. Sections 42.170, 42.175, 42.200, and 42.202, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 42.170, 42.175, 42.200, and 42.202,
3 to read as follows:

42.170. 1. Every veteran who honorably served on active duty in the United States
2 military service at any time beginning December 7, 1941, and ending December 31, 1946, shall
3 be entitled to receive a medallion, medal and a certificate of appreciation pursuant to sections
4 42.170 to 42.185, provided that:

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

2. The adjutant general shall determine as expeditiously as possible the persons who are entitled to a medallion, medal and a certificate pursuant to sections 42.170 to 42.185 and distribute the medallions, medals and the certificates as provided in sections 42.170 to 42.185. Applications for the medallion, medal and the certificate shall be filed with the office of the adjutant general at any time after January 1, 2001, [and before July 1, 2004,] on forms prescribed and furnished by the adjutant general's office. The adjutant general shall approve all applications that are in order, and shall cause a medallion, medal and a certificate to be prepared for each approved veteran in the form created by the veterans' commission pursuant to section 42.180. **The medallion, medal, and certificates shall be awarded until the supply of medallions, medals, and certificates is exhausted. The adjutant general shall notify the general assembly when such supply totals less than one hundred.**

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

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

(2) Any spouse or eldest living survivor of a veteran who is entitled to a medallion, medal and certificate pursuant to sections 42.170 to 42.185 but who died prior to having made application for such medallion, medal and certificate.

4. If any spouse or eldest living survivor applies for the medallion, medal and certificate pursuant to subsection 3 of this section or if any veteran dies after applying for a medallion or medal and a certificate pursuant to sections 42.170 to 42.185 and such veteran would have been entitled to the medallion, medal and the certificate, the adjutant general shall give the medallion, medal and the certificate to the spouse or eldest living survivor of the deceased veteran.

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

42.200. 1. There is hereby created within the state adjutant general's office the "Korean Conflict Medallion Program". Every veteran who honorably served on active duty in the United States military service at any time beginning June 27, 1950, and ending January 31, 1955, shall be entitled to receive a Korean Conflict medallion, medal, and a certificate of appreciation

5 pursuant to sections 42.200 to 42.206, provided that:

6 (1) Such veteran is a legal resident of this state [on August 28, 2003,] or was a legal
7 resident of this state at the time of his or her death; and

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

11 2. The Korean Conflict medallion, medal, and a certificate shall be awarded regardless
12 of whether or not such veteran served within the United States or in a foreign country. The
13 medallion, medal, and the certificate shall be awarded regardless of whether or not such veteran
14 was under eighteen years of age at the time of enlistment. For purposes of sections 42.200 to
15 42.206, "veteran" means any person defined as a veteran by the United States Department of
16 Veterans' Affairs or its successor agency.

42.202. 1. Except as otherwise provided in sections 42.200 to 42.206, the adjutant
2 general of the state of Missouri shall administer the provisions of sections 42.200 to 42.206, and
3 may adopt all rules and regulations necessary to administer the provisions of sections 42.200 to
4 42.206. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is
5 created under the authority delegated in sections 42.200 to 42.206 shall become effective only
6 if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
7 applicable, section 536.028, RSMo. Sections 42.200 to 42.206 and chapter 536, RSMo, are
8 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
9 RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently
10 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
11 after August 28, 2003, shall be invalid and void.

12 2. The adjutant general shall determine as expeditiously as possible the persons who are
13 entitled to a Korean Conflict medallion, medal, and a certificate pursuant to sections 42.200 to
14 42.206 and distribute the medallions, medals, and the certificates as provided in sections 42.200
15 to 42.206. Applications for the Korean Conflict medallion, medal, and the certificate shall be
16 filed with the office of the adjutant general at any time after January 1, 2004, [and before January
17 1, 2005,] on forms prescribed and furnished by the adjutant general's office. The adjutant general
18 shall approve all applications that are in order, and shall cause a Korean Conflict medallion,
19 medal, and a certificate to be prepared for each approved veteran in the form created by the
20 veterans' commission pursuant to section 42.204. **The medallion, medal, and certificates shall**
21 **be awarded until the supply of medallions, medals, and certificates is exhausted. The**
22 **adjutant general shall notify the general assembly when such supply totals less than one**
23 **hundred.**

24 3. The following persons may apply for a Korean Conflict medallion, medal, and a

25 certificate pursuant to sections 42.200 to 42.206:

26 (1) Any veteran who is entitled to a Korean Conflict medallion, medal, and a certificate
27 pursuant to sections 42.200 to 42.206;

28 (2) Any spouse or eldest living survivor of a deceased veteran who would be entitled to
29 a Korean Conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206 but
30 who died prior to having made application for such medallion, medal, and certificate.

31 4. If any spouse or eldest living survivor applies for the Korean Conflict medallion,
32 medal, and certificate pursuant to subsection 3 of this section or if any veteran dies after applying
33 for a Korean Conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206
34 and such veteran would have been entitled to the Korean Conflict medallion, medal, and the
35 certificate, the adjutant general shall give the Korean Conflict medallion, medal, and the
36 certificate to the spouse or eldest living survivor of the deceased veteran.

37 5. If the adjutant general disallows any veteran's claim to a Korean Conflict medallion,
38 medal, and a certificate pursuant to sections 42.200 to 42.206, a statement of the reason for the
39 disallowance shall be filed with the application and notice of this disallowance shall be mailed
40 to the applicant at the applicant's last known address.