

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 978
93RD GENERAL ASSEMBLY

Reported from the Committee on Pensions, Veterans' Affairs and General Laws, April 12, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3153S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 42, RSMo, by adding thereto four new sections relating to the Vietnam War medallion program.

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

Section A. Chapter 42, RSMo, is amended by adding thereto four new sections, to be known as sections 42.220, 42.222, 42.224, and 42.226, to read as follows:

42.220. 1. There is hereby created within the state adjutant general's office the "Vietnam War Medallion Program". Every veteran who honorably served on active duty in the United States military service at any time beginning February 28, 1961, and ending May 7, 1975, shall be entitled to receive a Vietnam War medallion, medal, and a certificate of appreciation under sections 42.220 to 42.226, provided that:

(1) Such veteran is a legal resident of this state or was a legal resident of this state at the time he or she entered or was discharged from military service or 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 Vietnam War medallion, medal, and a 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

19 was under eighteen years of age at the time of enlistment. For
20 purposes of sections 42.220 to 42.226, "veteran" means any person
21 defined as a veteran by the United States Department of Veterans'
22 Affairs or its successor agency.

42.222. 1. Except as otherwise provided in sections 42.220 to
2 42.226, the adjutant general of the state of Missouri shall administer the
3 provisions of sections 42.220 to 42.226, and may adopt all rules and
4 regulations necessary to administer the provisions of sections 42.220 to
5 42.226. Any rule or portion of a rule, as that term is defined in section
6 536.010, RSMo, that is created under the authority delegated in sections
7 42.220 to 42.226 shall become effective only if it complies with and is
8 subject to all of the provisions of chapter 536, RSMo, and, if applicable,
9 section 536.028, RSMo. Sections 42.220 to 42.226 and chapter 536, RSMo,
10 are nonseverable and if any of the powers vested with the general
11 assembly pursuant to chapter 536, RSMo, to review, to delay the
12 effective date or to disapprove and annul a rule are subsequently held
13 unconstitutional, then the grant of rulemaking authority and any rule
14 proposed or adopted after August 28, 2006, shall be invalid and void.

15 2. The adjutant general shall determine as expeditiously as
16 possible the persons who are entitled to a Vietnam War medallion,
17 medal, and a certificate under sections 42.220 to 42.226 and distribute
18 the medallions, medals, and the certificates as provided in sections
19 42.220 to 42.226. Applications for the Vietnam War medallion, medal,
20 and the certificate shall be filed with the office of the adjutant general
21 at any time after January 1, 2007, on forms prescribed and furnished
22 by the adjutant general's office. The adjutant general shall approve all
23 applications that are in order, and shall cause a Vietnam War
24 medallion, medal, and a certificate to be prepared for each approved
25 veteran in the form created by the veterans' commission under section
26 42.224. The medallions, medals, and certificates shall be awarded until
27 the supply of medallions, medals, and certificates is exhausted. The
28 adjutant general shall notify the general assembly when such supply
29 totals less than one hundred.

30 3. The following persons may apply for a Vietnam War medallion,
31 medal, and a certificate under sections 42.220 to 42.226:

32 (1) Any veteran who is entitled to a Vietnam War medallion,
33 medal, and a certificate under sections 42.220 to 42.226;

34 (2) Any spouse or eldest living survivor of a deceased veteran
35 who would be entitled to a Vietnam War medallion, medal, and a
36 certificate under sections 42.220 to 42.226 but who died prior to having
37 made application for such medallion, medal, and certificate.

38 4. If any spouse or eldest living survivor applies for the Vietnam
39 War medallion, medal, and certificate under subsection 3 of this section
40 or if any veteran dies after applying for a Vietnam War medallion,
41 medal, and a certificate under sections 42.220 to 42.226 and such
42 veteran would have been entitled to the Vietnam War medallion, medal,
43 and the certificate, the adjutant general shall give the Vietnam War
44 medallion, medal, and the certificate to the spouse or eldest living
45 survivor of the deceased veteran.

46 5. If the adjutant general disallows any veteran's claim to a
47 Vietnam War medallion, medal, and a certificate under sections 42.220
48 to 42.226, a statement of the reason for the disallowance shall be filed
49 with the application and notice of this disallowance shall be mailed to
50 the applicant at the applicant's last known address.

 42.224. The veterans' commission shall design the form of the
2 Vietnam War medallion, medal, and the certificate and forward the
3 approved designs to the adjutant general for distribution under
4 sections 42.220 to 42.226. It is the intent of the general assembly to
5 create statewide involvement in the design of these symbols in
6 recognition of this historic endeavor. Therefore, in designing the
7 forms, the veterans' commission may solicit potential designs from
8 elementary and secondary schools, veterans' groups, civic
9 organizations, or any other interested party, and may select the best
10 design from among such solicited designs, or may select another design.

 42.226. 1. The "Vietnam War Veterans' Recognition Award Fund"
2 is hereby created in the state treasury, and shall consist of all gifts,
3 donations, and bequests to the fund and all funds transferred to the
4 veterans' commission capital improvement trust fund from any
5 remaining balances in the World War II veterans' recognition award
6 fund and the Korean Conflict veterans' recognition award fund. The
7 fund shall be administered by the adjutant general. Notwithstanding
8 the provisions of section 33.080, RSMo, to the contrary, moneys in the
9 Vietnam veterans' recognition award fund shall not be transferred to
10 the credit of the general revenue fund at the end of the

11 biennium. Interest and moneys earned on the fund shall be credited to
12 the fund.

13 2. Moneys in the fund shall be used solely to promote the
14 solicitation for designs for, aid in the manufacture of, and aid in the
15 distribution of the medallion, medal, and the certificate.

16 3. When all allowed Vietnam War medallions, medals, and
17 certificates have been distributed, the fund shall automatically be
18 terminated. Any balance remaining in the fund after all such
19 distributions shall be transferred to the veterans' commission capital
20 improvement trust fund created in section 313.835, RSMo.

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