

FIRST REGULAR SESSION

HOUSE BILL NO. 794

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALKER (3).

1677H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 42.007, RSMo, and to enact in lieu thereof one new section relating to the Missouri veterans' commission.

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

Section A. Section 42.007, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 42.007, to read as follows:

42.007. 1. There is hereby established within the department of public safety the "Missouri Veterans' Commission", such commission to be a type III agency within the department of public safety under the Omnibus State Reorganization Act of 1974. All duties and activities carried on by the division of veterans' affairs on August 28, 1989, shall be vested in such commission as provided by the Omnibus Reorganization Act of 1974.

2. The commission shall be composed of ~~nine~~ **ten** members. Two members shall be members of the senate, one appointed by the president pro tem of the senate and one appointed by the senate minority floor leader, two members shall be members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the house minority floor leader, and in appointing such members, preference shall be given to current or former members of the military and their spouses, parents, and children. Members appointed from the house of representatives and the senate shall be appointed for a two-year term or until a successor is appointed and may be reappointed to the commission. Five members~~;~~ ~~who~~ shall be veterans appointed by the governor, with the advice and consent of the senate, for a four-year term; except that initial appointments to the commission shall consist of two veterans to serve four-year terms, two veterans to serve three-year terms, and one veteran to serve a two-year term. **One member shall be a veteran appointed by the governor, with the advice**

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.

18 **and consent of the senate, for a one-year term and shall be a student enrolled full-time in**
19 **a state college or university.** In addition, the chair of the Missouri military preparedness and
20 enhancement commission or the chair's designee shall be an ex officio member of the
21 commission.

22 3. The governor shall make appointments to the commission from lists of nominees
23 recommended by each of the statewide veterans' organizations incorporated in this state,
24 chartered by Congress, or authorized under Title 38, United States Code. Vacancies shall be
25 filled by appointment made in the same manner as the original appointments. A member of the
26 commission, not a member of the senate or house of representatives, shall be a resident of the
27 state of Missouri but shall not be an employee of the state. Members of the commission shall
28 not be compensated for their services, but shall be reimbursed from funds appropriated therefor
29 for actual and necessary expenses incurred in the performance of their duties.

30 4. The commission shall organize by electing one member as chairman and another as
31 vice chairman. Such officers shall serve for a term of two years.
32 The commission shall meet no fewer than four times per calendar year, at the call of the
33 chairman, and at times and places established by the chairman by written notice. The
34 commission's executive director shall serve as secretary to the commission.

35 5. The commission shall aid and assist all veterans and their dependents and legal
36 representatives, who are legal Missouri residents or who live in the state of Missouri, in all
37 matters relating to the rights of veterans under the laws of the United States and under the rules
38 and regulations of federal agencies, boards, commissions and other authorities which are in any
39 manner concerned with the interest and welfare of veterans and their dependents. In addition to
40 any other duties imposed by sections 42.002 to 42.135 and sections 143.1001 and 173.234, the
41 commission shall:

42 (1) Disseminate by all means available information concerning the rights of veterans and
43 their dependents;

44 (2) Provide aid and assistance to all veterans, their dependents and legal representatives
45 in preparing, presenting and prosecuting claims for compensation, education, pensions, insurance
46 benefits, hospitalization, rehabilitation and all other matters in which a veteran may have a claim
47 against the United States or any state arising out of or connected with service in the military
48 forces of the United States;

49 (3) Prosecute all claims listed in subdivision (2) of this subsection to conclusion, when
50 so authorized and empowered by a veteran, his survivors or legal representatives;

51 (4) Cooperate with the United States Employment Service, the United States Department
52 of Veterans' Affairs and all federal and state offices legally concerned with and interested in the
53 welfare of veterans and their dependents;

54 (5) Arrange for and accept through such mutual arrangements as may be made the
55 volunteer services, equipment, facilities, properties, supplies, funds and personnel of all federal,
56 welfare, civic and service organizations, and other organized groups and individuals which are
57 in furtherance of the purposes of sections 42.002 to 42.135 and section 143.1001;

58 (6) Volunteers shall be deemed unpaid employees and shall be accorded the protection
59 of the legal expense fund and liability provisions. Reimbursement for transportation and other
60 necessary expenses may be furnished to those volunteers whose presence on special assignment
61 is determined to be necessary by the commission. Such expenses shall be reimbursed from the
62 regular appropriations of the commission. Volunteers may utilize state vehicles in the
63 performance of commission-related duties, subject to those rules and regulations governing use
64 of state vehicles by paid staff;

65 (7) Establish, maintain and operate offices throughout this state as necessary to carry out
66 the purposes of sections 42.002 to 42.135 and section 143.1001;

67 (8) Provide to the executive director of the commission all appropriate authority for the
68 execution of the duties of the commission under this chapter;

69 (9) Employ such staff as necessary for performance of the duties and purposes of this
70 chapter.

71 6. The commission shall make all rules and regulations necessary for the management
72 and administration of its veteran service programs and cemeteries. All rules and regulations shall
73 be consistent with the provisions of sections 42.002 to 42.135, and sections 143.1001 and
74 173.234. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
75 under the authority delegated in this subsection shall become effective only if it complies with
76 and is subject to all provisions of chapter 536 and, if applicable, section 536.028. This section
77 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
78 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
79 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
80 proposed or adopted after August 28, 2009, shall be invalid and void.

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