

SECOND REGULAR SESSION

HOUSE BILL NO. 2466

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIS.

6338H.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Section A. Section 42.007, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 42.007, to read as follows: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 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. In addition, the

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.

17 chair of the Missouri military preparedness and enhancement commission or the chair's designee
18 shall be an ex officio member of the commission.

19 3. The governor shall make appointments to the commission from lists of nominees
20 recommended by each of the statewide veterans' organizations incorporated in this state,
21 chartered by Congress **after 1905**, or authorized under Title 38, United States Code. Vacancies
22 shall be filled by appointment made in the same manner as the original appointments. A member
23 of the commission, not a member of the senate or house of representatives, shall be a resident
24 of the state of Missouri but shall not be an employee of the state. Members of the commission
25 shall not be compensated for their services, but shall be reimbursed from funds appropriated
26 therefor for actual and necessary expenses incurred in the performance of their duties.

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

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

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

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

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

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

51 (5) Arrange for and accept through such mutual arrangements as may be made the
52 volunteer services, equipment, facilities, properties, supplies, funds and personnel of all federal,

53 welfare, civic and service organizations, and other organized groups and individuals which are
54 in furtherance of the purposes of sections 42.002 to 42.135 and section 143.1001;

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

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

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

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

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

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