

FIRST REGULAR SESSION

# HOUSE BILL NO. 163

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SMITH (14) (Sponsor) AND JACKSON (Co-sponsor).

Pre-filed January 4, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0737L.011

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### AN ACT

To repeal section 42.202, RSMo, and to enact in lieu thereof one new section relating to the application deadline for Korean conflict medallions, medals, and certificates.

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

Section A. Section 42.202, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 42.202, to read as follows:

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

2. The adjutant general shall determine as expeditiously as possible the persons who are entitled to a Korean Conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206 and distribute the medallions, medals, and the certificates as provided in sections 42.200 to 42.206. Applications for the Korean Conflict medallion, medal, and the certificate shall be filed with the office of the adjutant general at any time after January 1, 2004, and before January

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 1, [2005] **2006**, on forms prescribed and furnished by the adjutant general's office. The adjutant  
18 general shall approve all applications that are in order, and shall cause a Korean Conflict  
19 medallion, medal, and a certificate to be prepared for each approved veteran in the form created  
20 by the veterans' commission pursuant to section 42.204.

21 3. The following persons may apply for a Korean Conflict medallion, medal, and a  
22 certificate pursuant to sections 42.200 to 42.206:

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

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

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

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