

SECOND REGULAR SESSION

HOUSE BILL NO. 978

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (14) (Sponsor), McGHEE, JACKSON, DAY, PAGE, WHORTON, DEMPSEY, BIVINS, STORCH, TILLEY, KUESSNER, MEADOWS, BEARDEN, HARRIS (110), FAITH, SATER, MUNZLINGER, SANDER, GEORGE, DUSENBERG, HENKE, WILSON (119), JOLLY, BAKER (123), PAGE, WILSON (130), DETHROW, FISHER, YAEGER, NOLTE, SUTHERLAND, SILVEY AND BROWN (30) (Co-sponsors).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3153L.011

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.

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.

12 **2. The Vietnam War medallion, medal, and a certificate shall be awarded**
13 **regardless of whether or not such veteran served within the United States or in a foreign**
14 **country. The medallion, medal, and the certificate shall be awarded regardless of whether**
15 **or not such veteran was under eighteen years of age at the time of enlistment. For purposes**
16 **of sections 42.220 to 42.226, "veteran" means any person defined as a veteran by the**
17 **United States Department of Veterans' Affairs or its successor agency.**

42.222. 1. Except as otherwise provided in sections 42.220 to 42.226, the adjutant
2 **general of the state of Missouri shall administer the provisions of sections 42.220 to 42.226,**
3 **and may adopt all rules and regulations necessary to administer the provisions of sections**
4 **42.220 to 42.226. Any rule or portion of a rule, as that term is defined in section 536.010,**
5 **RSMo, that is created under the authority delegated in sections 42.220 to 42.226 shall**
6 **become effective only if it complies with and is subject to all of the provisions of chapter**
7 **536, RSMo, and, if applicable, section 536.028, RSMo. Sections 42.220 to 42.226 and**
8 **chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**
9 **assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to**
10 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
11 **rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be**
12 **invalid and void.**

13 **2. The adjutant general shall determine as expeditiously as possible the persons**
14 **who are entitled to a Vietnam War medallion, medal, and a certificate under sections**
15 **42.220 to 42.226 and distribute the medallions, medals, and the certificates as provided in**
16 **sections 42.220 to 42.226. Applications for the Vietnam War medallion, medal, and the**
17 **certificate shall be filed with the office of the adjutant general at any time after January**
18 **1, 2006, on forms prescribed and furnished by the adjutant general's office. The adjutant**
19 **general shall approve all applications that are in order, and shall cause a Vietnam War**
20 **medallion, medal, and a certificate to be prepared for each approved veteran in the form**
21 **created by the veterans' commission under section 42.224. The medallions, medals, and**
22 **certificates shall be awarded until the supply of medallions, medals, and certificates is**
23 **exhausted. The adjutant general shall notify the general assembly when such supply totals**
24 **less than one hundred.**

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

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

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

32 **4. If any spouse or eldest living survivor applies for the Vietnam War medallion,**
33 **medal, and certificate under subsection 3 of this section or if any veteran dies after**
34 **applying for a Vietnam War medallion, medal, and a certificate under sections 42.220 to**
35 **42.226 and such veteran would have been entitled to the Vietnam War medallion, medal,**
36 **and the certificate, the adjutant general shall give the Vietnam War medallion, medal, and**
37 **the certificate to the spouse or eldest living survivor of the deceased veteran.**

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

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

42.226. 1. The "Vietnam War Veterans' Recognition Award Fund" is hereby
2 **created in the state treasury, and shall consist of all gifts, donations, and bequests to the**
3 **fund. The fund shall be administered by the adjutant general. Notwithstanding the**
4 **provisions of section 33.080, RSMo, to the contrary, moneys in the Vietnam veterans'**
5 **recognition award fund shall not be transferred to the credit of the general revenue fund**
6 **at the end of the biennium. Interest and moneys earned on the fund shall be credited to**
7 **the fund.**

8 **2. Moneys in the fund shall be used solely to promote the solicitation for designs**
9 **for, aid in the manufacture of, and aid in the distribution of the medallion, medal, and the**
10 **certificate.**

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

✓