

SECOND REGULAR SESSION

HOUSE BILL NO. 2456

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KRATKY.

Read 1st time March 26, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5556L.01I

AN ACT

To amend chapter 42, RSMo, by adding thereto three new sections relating to the creation of a military medal of freedom.

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

Section A. Chapter 42, RSMo, is amended by adding thereto three new sections, to be known as sections 42.230, 42.232, and 42.234, to read as follows:

42.230. 1. Every veteran who honorably served on Title 10 active duty status in the United States military service at any time since August 2, 1990, and ending January 1, 2015, during a declared war or conflict shall be entitled to receive a medal of freedom, medallion, and certificate under sections 42.230 to 42.234, 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 in an honorable status, or was in active service in an honorable status at the time of his or her death.

2. The medal of freedom, medallion, and certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. For purposes of sections 42.230 to 42.234, "veteran" means any person who provides proof of Title 10 active duty in support of a declared war or conflict and not in a training status only.

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.

42.232. 1. Except as otherwise provided in sections 42.230 to 42.234, the adjutant general of the state of Missouri shall administer sections 42.230 to 42.234, and may adopt all rules necessary to administer the provisions of sections 42.230 to 42.234. 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 this section 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. This section 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, 2008, shall be invalid and void.

2. The adjutant general shall determine as expeditiously as possible the persons who are entitled to a medal of freedom, medallion, and certificate under sections 42.230 to 42.234 and distribute such medal, medallion, and certificate as provided in sections 42.230 to 42.234. Applications for the medal of freedom, medallion, and certificate shall be filed with the office of the adjutant general at any time after January 1, 2010, on forms prescribed and furnished by the adjutant general's office. The adjutant general shall approve all applications that are in order, and shall cause a medal, medallion, and certificate to be prepared for each approved veteran in the form created by the veterans' commission under section 42.234.

3. The following persons may apply for a medal of freedom, medallion, and certificate under sections 42.230 to 42.234:

(1) Any veteran who is entitled to a medal, medallion, and certificate under sections 42.230 to 42.234;

(2) Any spouse or eldest living survivor of a veteran who is entitled to a medal, medallion, and certificate under sections 42.230 to 42.234 but who died prior to having made application for such medal, medallion, and certificate.

4. If any spouse or eldest living survivor applies for the medal, medallion, and certificate under subsection 3 of this section or if any veteran dies after applying for a medal, medallion, and certificate under sections 42.230 to 42.234 and such veteran would have been entitled to the medal, medallion, and certificate, the adjutant general shall give the medal, medallion, and certificate to the spouse or eldest living survivor of the deceased veteran.

5. If the adjutant general disallows any veteran's claim to a medal, medallion, and certificate under sections 42.230 to 42.234, a statement of the reason for the disallowance

36 shall be filed with the application and notice of this disallowance shall be mailed to the
37 applicant at the applicant's last known address.

2 **42.234.** The veterans' commission shall design the form of the medal, medallion,
3 and certificate and forward the approved designs to the adjutant general for distribution
4 under sections 42.230 to 42.234. It is the intent of the general assembly to create statewide
5 involvement in the design of these symbols in recognition of this historic endeavor.
6 Therefore, in designing the forms, the veterans' commission may solicit potential designs
7 from elementary and secondary schools, veterans' groups, civic organizations or any other
8 interested party, and may select the best design from among such solicited designs, or may
select another design.

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