

SECOND REGULAR SESSION

HOUSE BILL NO. 1524

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LARGENT (Sponsor), SATER, HOSKINS (121),
FUNDERBURK, JONES (89) AND DAY (Co-sponsors).

4001L.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 41.030, 41.216, 41.470, 41.480, 41.500, and 41.560, RSMo, and to enact in lieu thereof twelve new sections relating to military forces.

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

Section A. Sections 41.030, 41.216, 41.470, 41.480, 41.500, and 41.560, RSMo, are
2 repealed and twelve new sections enacted in lieu thereof, to be known as sections 41.030,
3 41.216, 41.470, 41.480, 41.500, 41.560, 41.572, 41.578, 41.582, 41.584, 41.586, and 41.588, to
4 read as follows:

41.030. 1. The word "militia" as used in this code means all the active and potential
2 military forces of the state, whether organized or unorganized.

3 2. Whenever reference is made in the articles of Uniform Code of Military Justice to the
4 "military service" or to the "armed forces" of the United States the reference is deemed to include
5 the military service and militia of this state.

6 **3. "Primary next of kin" are, in order of precedence, surviving spouse, eldest child,**
7 **father or mother, eldest brother or sister, or eldest grandchild.**

41.216. 1. Subject to appropriation and upon the recommendation of a panel consisting
2 of a [command] sergeants major of the Missouri national guard, a [command] sergeants major
3 of a reserve component or its equivalent, and a representative of the Missouri veterans
4 commission who shall establish criteria for the grants by the promulgation of rules and
5 regulations, the adjutant general shall have the power to make grants from the Missouri military
6 family relief fund to families of persons who are members of the Missouri national guard or

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.

7 Missouri residents who are members of the reserves of the armed forces of the United States and
8 who have been called to active duty as a result of the September 11, 2001, terrorist attacks.

9 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
10 is created under the authority delegated in this section shall become effective only if it complies
11 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
12 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
13 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
14 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
15 grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be
16 invalid and void.

41.470. 1. Members of the organized militia, or any portion or individual thereof, may
2 be ordered to active duty to perform military training or special duty, or to participate in small
3 arms gunnery competitions in this state or in any other state or territory or the District of
4 Columbia, or in any fort, camp, air base, installation or reservation of the United States. Cruise
5 duty ordered for the naval militia may be required to be performed on United States vessels.

6 2. Notwithstanding any provisions of this chapter to the contrary, an officer, warrant
7 officer, flight officer, or enlisted person of the organized militia may be ordered to perform any
8 of the types of military duty prescribed in this chapter or chapter 40, RSMo, pursuant to orders
9 issued by competent military, either without his consent, but with the pay and allowances
10 provided by law, or with his consent, with or without pay and allowances, provided that,
11 necessary traveling expenses, subsistence and per diem allowances may be furnished to such
12 members in accordance with instructions prescribed by the adjutant general and approved by the
13 commissioner of administration.

14 3. With the approval of the governor, the adjutant general shall administer the provisions
15 of this section and effect orders to active duty. Orders shall be effective as orders of the governor
16 to active duty for purposes of section 40.490, RSMo.

17 4. Members of the organized militia shall not receive from the state the pay and
18 allowances otherwise provided by law for active duty under this section when eligible for pay
19 and allowances from federal funds, nor are they entitled to paid leaves of absence while on duty
20 under this section for purposes of section 105.270, RSMo.

21 **5. When ordered to active duty under this section, members of the organized militia**
22 **shall be considered state employees for purposes of the state legal expense fund as provided**
23 **under section 105.711 and for purposes of workers' compensation coverage, as provided**
24 **under section 105.810.**

41.480. 1. The governor may, when in his opinion the circumstances so warrant, call out
2 the organized militia or any portion or individual thereof to execute the laws, suppress actual and

3 prevent threatened insurrection and repel invasion. The governor, if in his judgment the
4 maintenance of law and order will thereby be promoted, may by proclamation declare martial
5 law throughout the state or any part thereof.

6 2. The governor may, when in his opinion circumstances so warrant, call out the
7 organized militia or any portion thereof as he deems necessary to provide emergency relief to a
8 distressed area in the event of earthquake, flood, tornado or other actual or threatened public
9 catastrophe creating conditions of distress or hazard to public health and safety beyond the
10 capacities of local or other established agencies.

11 **3. When called to duty under this section, members of the organized militia shall**
12 **be considered state employees for purposes of the state legal expense fund as provided**
13 **under section 105.711 and for purposes of workers' compensation coverage, as provided**
14 **under section 105.810.**

41.500. 1. The governor may call out the reserve forces, or any part of the same, to
2 execute the laws, to suppress insurrections, repel invasion, and suppress lawlessness and provide
3 emergency relief to distressed areas in the event of earthquake, flood, tornado, or other actual or
4 threatened public catastrophe creating conditions of distress or hazard to public health and safety
5 beyond the capacities of local or other established agencies, under the same circumstances and
6 in the same manner as is in this chapter provided for the use of the national guard, the air
7 national guard and the organized militia in such emergencies, and when so placed on duty, the
8 reserve forces shall have the same status, power and authority conferred upon the national guard,
9 the air national guard and the organized militia by this chapter.

10 **2. When called to duty under this section, members of the reserve forces shall be**
11 **considered state employees for purposes of the state legal expense fund as provided under**
12 **section 105.711 and for purposes of workers' compensation coverage, as provided under**
13 **section 105.810.**

41.560. The governor is hereby authorized, upon recommendation of the adjutant general
2 of Missouri, to present, in the name of the state of Missouri, a meritorious service medal, which
3 shall be of suitable design, as may be determined by the governor, to individuals who have done
4 and performed valorous or meritorious military service which reflects honorably and creditably
5 upon the state of Missouri. Not more than one meritorious military service medal shall be
6 awarded or presented under the provisions of this section to any one person, nor shall such medal
7 be awarded to or retained by any person whose entire service subsequent to the valorous or
8 meritorious military service shall not have been honorable. In the event of the death of any
9 person during or subsequent to the meritorious military service, who, in the opinion of the
10 governor, as recommended by the adjutant general of Missouri, would be entitled to a
11 meritorious military service medal, the same may be presented to [a] **the** surviving [relative of

12 the deceased in the following order, to wit: widow, if not remarried, eldest living son, eldest
13 living daughter, father, mother, eldest living brother, eldest living sister, and eldest living
14 grandchild] **primary next of kin.**

**41.572. The governor is hereby authorized, upon recommendation of the adjutant
2 general of Missouri, to present, in the name of the state of Missouri, a legion of merit
3 medal, which shall be of suitable design, as may be determined by the governor, to
4 individuals who have exceptionally meritorious conduct in the performance of outstanding
5 military service and achievement reflecting honorably and creditably upon the state of
6 Missouri. Not more than one Missouri legion of merit medal shall be awarded or presented
7 under the provisions of this section to any one person, nor shall such medal be awarded to
8 or retained by any person whose entire military service subsequent to the exceptionally
9 meritorious conduct in the performance of outstanding military service and achievement
10 shall not have been honorable. In the event of the death of any person during or
11 subsequent to the exceptionally meritorious conduct in the performance of outstanding
12 military service and achievement, who, in the opinion of the governor, as recommended by
13 the adjutant general of Missouri, would be entitled to a legion of merit medal, the same
14 may be presented to the surviving primary next of kin.**

**41.578. The adjutant general of Missouri is hereby authorized to present, in the
2 name of the state of Missouri, a Missouri adjutant general staff identification badge, which
3 is of suitable design as may be determined by the adjutant general of Missouri, and is
4 neither an award nor decoration, but is a distinguished mark of service on the adjutant
5 general's staff. This visible sign of professional growth associated with the important
6 duties and responsibilities of the adjutant general's staff is not automatic, but is based on
7 demonstrated outstanding performance of duty and approval by the adjutant general of
8 Missouri. Not more than one Missouri adjutant general staff identification badge shall be
9 presented under the provisions of this section to any one person, nor shall such badge be
10 awarded to or retained by any person whose service shall not have been honorable. In the
11 event of the death of any person during or subsequent to their service, which, in the
12 opinion of the adjutant general of Missouri, would be entitled to the Missouri adjutant
13 general staff identification badge, the same may be presented to the surviving primary next
14 of kin.**

**41.582. The governor is hereby authorized, upon recommendation of the adjutant
2 general of Missouri, to present, in the name of the state of Missouri, a Missouri Iraq
3 campaign ribbon, which shall be of suitable design, as may be determined by the governor,
4 to individuals who have served in direct support of Operation Iraqi Freedom. The area
5 of eligibility encompasses all land area of the country of Iraq, and the contiguous water**

6 area out to twelve nautical miles, and all air spaces above the land area of Iraq and above
7 the contiguous water area out to twelve nautical miles. The period of eligibility is on or
8 after March 19, 2003, to a future date to be determined by the adjutant general of Missouri
9 or the cessation of Operation Iraqi Freedom. Not more than one Missouri Iraq campaign
10 ribbon shall be awarded or presented under the provisions of this section to any one
11 person, nor shall such ribbon be awarded to or retained by any person whose entire service
12 subsequent to the service in direct support of Operation Iraqi Freedom shall not have been
13 honorable. In the event of the death of any person during or subsequent to their service
14 in direct support of Operation Iraqi Freedom, who, in the opinion of the governor, as
15 recommended by the adjutant general of Missouri, would be entitled to the Missouri Iraq
16 campaign ribbon, the same may be presented to the surviving primary next of kin.

41.584. The governor is hereby authorized, upon recommendation of the adjutant
2 general of Missouri, to present, in the name of the state of Missouri, a Missouri
3 Afghanistan campaign ribbon, which shall be of suitable design, as may be determined by
4 the governor, to individuals who have served in direct support of Operation Enduring
5 Freedom. The area of eligibility encompasses all land area of the country of Afghanistan
6 and all air spaces above the land. The period of eligibility is on or after October 24, 2001,
7 to a future date to be determined by the adjutant general of Missouri or the cessation of
8 Operation Enduring Freedom. Not more than one Missouri Afghanistan campaign ribbon
9 shall be awarded or presented under the provisions of this section to any one person, nor
10 shall such ribbon be awarded to or retained by any person whose entire service subsequent
11 to their service in direct support of Operation Enduring Freedom shall not have been
12 honorable. In the event of the death of any person during or subsequent to their service
13 in direct support of Operation Enduring Freedom, who, in the opinion of the governor, as
14 recommended by the adjutant general of Missouri, would be entitled to the Missouri
15 Afghanistan campaign ribbon, the same may be presented to the surviving primary next
16 of kin.

41.586. The governor is hereby authorized, upon recommendation of the adjutant
2 general of Missouri, to present, in the name of the state of Missouri, a Missouri Kosovo
3 campaign ribbon, which shall be of suitable design, as may be determined by the governor,
4 to individuals who, after March 24, 1999, participated in or served in direct support of
5 Kosovo Operations: Allied Force; Joint Guardian; Allied Harbour; Sustain Hope/Shining
6 Hope; Noble Anvil; or Kosovo Task Forces: Hawk; Saber; or Hunter within the Kosovo
7 air campaign or Kosovo defense campaign areas of eligibility described as follows:

8 (1) Kosovo air campaign, the Kosovo air campaign began on March 24, 1999, and
9 ended on June 10, 1999. The area of eligibility for the air campaign includes the total land

10 area and air space of Serbia (including Kosovo), Montenegro, Albania, Macedonia, Bosnia,
11 Croatia, Hungary, Romania, Greece, Bulgaria, Italy, and Slovenia; and the waters and air
12 space of the Adriatic and Ionian Sea north of the thirty-ninth north latitude;

13 (2) Kosovo defense campaign, the Kosovo defense campaign began on June 11,
14 1999, to a date to be determined. The area of eligibility for the defense campaign includes
15 the total land area and air space of Serbia (including Kosovo), Montenegro, Albania,
16 Macedonia, and the waters and air space of the Adriatic Seas within twelve nautical miles
17 of the Montenegro, Albania, and Croatia coastlines south of forty-two degrees and fifty-
18 two minutes north latitude.

19
20 The period of eligibility is after March 24, 1999, to a future date to be determined by the
21 adjutant general of Missouri or the cessation of the Kosovo defense campaign. Not more
22 than one Missouri Kosovo campaign ribbon shall be awarded or presented under the
23 provisions of this section to any one person, nor shall such ribbon be awarded to or
24 retained by any person whose entire service subsequent to their Kosovo campaign service
25 shall not have been honorable. In the event of the death of any person during or
26 subsequent to their Kosovo service, who, in the opinion of the governor, as recommended
27 by the adjutant general of Missouri, would be entitled to the Missouri Kosovo campaign
28 ribbon, the same may be presented to the surviving primary next of kin.

41.588. The governor is hereby authorized, upon recommendation of the adjutant
2 general of Missouri, to present, in the name of the state of Missouri, a Missouri Vietnam
3 campaign ribbon, which shall be of suitable design, as may be determined by the governor,
4 to individuals who served on active duty in the United States military service at any time
5 beginning February 28, 1961 through May 7, 1975. Not more than one Missouri Vietnam
6 campaign ribbon shall be awarded or presented under the provisions of this section to any
7 one person, nor shall such ribbon be awarded to or retained by any person whose entire
8 service subsequent to their service described above shall not have been honorable. In the
9 event of the death of any person during or subsequent to their service as described above,
10 who, in the opinion of the governor, as recommended by the adjutant general of Missouri,
11 would be entitled to the Missouri Vietnam campaign ribbon, the same may be presented
12 to the surviving primary next of kin.

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