

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1524 & 2260
95TH GENERAL ASSEMBLY

4001L.07C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 41.030, 41.216, 41.470, 41.480, 41.500, 41.560, 115.279, 115.281, 115.287, 115.291, 115.292, 160.545, 194.119, 447.503, and 447.559, RSMo, and to enact in lieu thereof twenty-eight new sections relating to military forces, with an emergency clause for certain sections.

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41.480, 41.500, 41.560, 115.279, 115.281, 115.287, 115.291, 115.292, 160.545, 194.119, 447.503, and 447.559, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 41.025, 41.030, 41.206, 41.207, 41.216, 41.470, 41.480, 41.500, 41.560, 41.572, 41.578, 41.582, 41.584, 41.586, 41.588, 115.156, 115.278, 115.279, 115.281, 115.287, 115.291, 115.292, 160.545, 194.119, 447.503, 447.559, 1, and 2, to read as follows:

41.025. The state of Missouri hereby recognizes the designations of Prisoner of War (POW) and Missing in Action (MIA) as valid descriptions of casualty status and category classification for military personnel.

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

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

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

41.206. 1. The adjutant general shall establish the "Missouri Youth Challenge Academy" in order to provide positive interventions in the lives of at-risk high school age

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.

3 youth. The academy will utilize residential military-based training and supervised work
4 experience to build life skills of high school dropouts. Academy participants will receive
5 training that focuses on responsible citizenship, life-coping skills, academic skills, job
6 training and placement, physical fitness, services to the community, personal development,
7 group skills, professional values, and additional subjects as directed by the adjutant
8 general.

9 2. Rules necessary to administer and implement this section may be established by
10 the adjutant general. Any rule or portion of a rule, as that term is defined in section
11 536.010, that is created under the authority delegated in this section shall become effective
12 only if it complies with and is subject to all of the provisions of chapter 536 and, if
13 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
14 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
15 the effective date, or to disapprove and annul a rule are subsequently held
16 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
17 after August 28, 2010, shall be invalid and void.

41.207. The "Missouri Youth Challenge Foundation Fund" is hereby created in the
2 state treasury and shall consist of all gifts, donations, appropriations, transfers, and
3 bequests to the fund. The adjutant general shall have the power to make grants from the
4 fund to support the Missouri youth challenge academy as specified in section 41.206. The
5 provisions of section 33.080 requiring all unexpended balances remaining in various state
6 funds to be transferred and placed to the credit of the general revenue fund of the state at
7 the end of each biennium shall not apply to the Missouri youth challenge foundation fund.
8 Interest and moneys earned on the fund shall be credited to the fund. Moneys in the fund
9 shall be used for the sole purpose of funding the Missouri youth challenge academy
10 established under section 41.206.

41.216. 1. Subject to appropriation and upon the recommendation of a panel consisting
2 of a command [sergeants] **sergeant** major **or sergeant major** of the Missouri national guard, a
3 command [sergeants] **sergeant** major **or sergeant major** of a reserve component or its
4 equivalent, and a representative of the Missouri veterans commission who shall establish criteria
5 for the grants by the promulgation of rules and regulations, the adjutant general shall have the
6 power to make grants from the Missouri military family relief fund to families of persons who
7 are members of the Missouri national guard or Missouri residents who are members of the
8 reserves of the armed forces of the United States and who have been called to active duty as a
9 result of the September 11, 2001, terrorist attacks.

10 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
11 is created under the authority delegated in this section shall become effective only if it complies

12 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
13 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
14 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
15 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
16 grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be
17 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 members of the Missouri national guard who have served in direct support of Operation
5 Iraqi Freedom. The area of eligibility encompasses all land area of the country of Iraq,
6 and the contiguous water area out to twelve nautical miles, and all air spaces above the
7 land area of Iraq and above the contiguous water area out to twelve nautical miles. The
8 period of eligibility is on or after March 19, 2003, to a future date to be determined by the

9 adjutant general of Missouri or the cessation of Operation Iraqi Freedom. Not more than
10 one Missouri Iraq campaign ribbon shall be awarded or presented under the provisions
11 of this section to any one person, nor shall such ribbon be awarded to or retained by any
12 person whose entire service subsequent to the service in direct support of Operation Iraqi
13 Freedom shall not have been honorable. In the event of the death of any person during or
14 subsequent to their service in direct support of Operation Iraqi Freedom, who, in the
15 opinion of the governor, as recommended by the adjutant general of Missouri, would be
16 entitled to the Missouri Iraq campaign ribbon, the same may be presented to the surviving
17 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 members of the Missouri national guard who have served in direct support
5 of Operation Enduring Freedom. The area of eligibility encompasses all land area of the
6 country of Afghanistan and all air spaces above the land. The period of eligibility is on or
7 after October 24, 2001, to a future date to be determined by the adjutant general of
8 Missouri or the cessation of Operation Enduring Freedom. Not more than one Missouri
9 Afghanistan campaign ribbon shall be awarded or presented under the provisions of this
10 section to any one person, nor shall such ribbon be awarded to or retained by any person
11 whose entire service subsequent to their service in direct support of Operation Enduring
12 Freedom shall not have been honorable. In the event of the death of any person during or
13 subsequent to their service in direct support of Operation Enduring Freedom, who, in the
14 opinion of the governor, as recommended by the adjutant general of Missouri, would be
15 entitled to the Missouri Afghanistan campaign ribbon, the same may be presented to the
16 surviving primary next 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 members of the Missouri national guard who, after March 24, 1999, participated in or
5 served in direct support of Kosovo Operations: Allied Force; Joint Guardian; Allied
6 Harbour; Sustain Hope/Shining Hope; Noble Anvil; or Kosovo Task Forces: Hawk;
7 Saber; or Hunter within the Kosovo air campaign or Kosovo defense campaign areas of
8 eligibility described as follows:

9 (1) Kosovo air campaign, the Kosovo air campaign began on March 24, 1999, and
10 ended on June 10, 1999. The area of eligibility for the air campaign includes the total land
11 area and air space of Serbia (including Kosovo), Montenegro, Albania, Macedonia, Bosnia,

12 Croatia, Hungary, Romania, Greece, Bulgaria, Italy, and Slovenia; and the waters and air
13 space of the Adriatic and Ionian Sea north of the thirty-ninth north latitude;

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

20
21 The period of eligibility is after March 24, 1999, to a future date to be determined by the
22 adjutant general of Missouri or the cessation of the Kosovo defense campaign. Not more
23 than one Missouri Kosovo campaign ribbon shall be awarded or presented under the
24 provisions of this section to any one person, nor shall such ribbon be awarded to or
25 retained by any person whose entire service subsequent to their Kosovo campaign service
26 shall not have been honorable. In the event of the death of any person during or
27 subsequent to their Kosovo service, who, in the opinion of the governor, as recommended
28 by the adjutant general of Missouri, would be entitled to the Missouri Kosovo campaign
29 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 members of the Missouri national guard who served on active duty in the United States
5 military service at any time beginning February 28, 1961 through May 7, 1975. Not more
6 than one Missouri Vietnam campaign ribbon shall be awarded or presented under the
7 provisions of this section to any one person, nor shall such ribbon be awarded to or
8 retained by any person whose entire service subsequent to their service described above
9 shall not have been honorable. In the event of the death of any person during or
10 subsequent to their service as described above, who, in the opinion of the governor, as
11 recommended by the adjutant general of Missouri, would be entitled to the Missouri
12 Vietnam campaign ribbon, the same may be presented to the surviving primary next of kin.

115.156. 1. The secretary of state shall establish procedures for absent uniformed
2 services voters and overseas voters to request, by mail or electronically, that voter
3 registration applications be sent to the voter, and to request that such voter registration
4 applications be sent by mail or electronically in the preferred method of transmission
5 designated by the voter. The secretary of state shall designate not less than one means of

6 **electronic communication for use by absent uniformed services voters and overseas voters**
7 **to request voter registration applications and to send such voter registration applications.**

8 **2. No election authority shall refuse to accept and process any otherwise valid voter**
9 **registration application submitted by an absent uniformed services voter or an overseas**
10 **voter solely on the basis of restrictions on paper type.**

115.278. The secretary of state shall establish procedures for absent uniformed
2 **services voters and overseas voters to request, by mail or electronically, that absentee ballot**
3 **applications be sent to the voter, and to request that such absentee ballot applications be**
4 **sent by mail or electronically in the preferred method of transmission designated by the**
5 **voter. The secretary of state shall designate not less than one means of electronic**
6 **communication for use by absent uniformed services voters and overseas voters to request**
7 **absentee ballot applications, to send such absentee ballot applications, and to provide**
8 **related voting, balloting, and election information to such voters.**

115.279. 1. Application for an absentee ballot may be made by the applicant in person,
2 or by mail, or for the applicant, in person, by his or her guardian or a relative within the second
3 degree by consanguinity or affinity. The election authority shall accept applications by facsimile
4 transmission within the limits of its telecommunications capacity.

5 2. Each application shall be made to the election authority of the jurisdiction in which
6 the person is or would be registered. Each application shall be in writing and shall state the
7 applicant's name, address at which he or she is or would be registered, his or her reason for
8 voting an absentee ballot [and] , the address to which the ballot is to be mailed, if mailing is
9 requested, **and for absent uniformed services and overseas applicants, the applicant's email**
10 **address if electronic transmission is requested.** Each application to vote in a primary election
11 shall also state which ballot the applicant wishes to receive. If any application fails to designate
12 a ballot, the election authority shall, within three working days after receiving the application,
13 notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant
14 designates which political party ballot he or she wishes to receive. If the applicant does not
15 respond to the request for political party designation, the election authority is authorized to
16 provide the voter with that part of the ballot for which no political party designation is required.

17 **3. Except as provided in subsection 3 of section 115.281,** all applications for absentee
18 ballots received prior to the sixth Tuesday before an election shall be stored at the office of the
19 election authority until such time as the applications are processed in accordance with section
20 115.281. No application for an absentee ballot received in the office of the election authority by
21 mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday
22 immediately prior to the election shall be accepted by any election authority. No application for
23 an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the

24 election shall be accepted by any election authority, except as provided in subsections 6, 8 and
25 9 of this section.

26 4. Each application for an absentee ballot shall be signed by the applicant or, if the
27 application is made by a guardian or relative pursuant to this section, the application shall be
28 signed by the guardian or relative, who shall note on the application his or her relationship to the
29 applicant. If an applicant, guardian or relative is blind, unable to read or write the English
30 language or physically incapable of signing the application, he or she shall sign by mark,
31 witnessed by the signature of an election official or person of his or her own choosing. Any
32 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be
33 guilty of a class one election offense.

34 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
35 resides outside the boundaries of the United States or who is on active duty with the armed forces
36 of the United States or members of their immediate family living with them may request an
37 absentee ballot for both the primary and subsequent general election with one application. [In
38 addition, the election authority shall provide to each absent uniformed services voter and each
39 overseas voter who submits an absentee ballot request an absentee ballot through the next two
40 regularly scheduled general elections for federal office.]

41 (2) The election authority shall provide each absent uniformed services voter and each
42 overseas voter who submits a voter registration application or an absentee ballot request, if the
43 election authority rejects the application or request, with the reasons for the rejection.

44 (3) Notwithstanding any other law to the contrary, if a standard oath regarding material
45 misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America
46 Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee
47 ballot, or other election-related materials.

48 (4) Not later than sixty days after the date of each regularly scheduled general election
49 for federal office, each election authority which administered the election shall submit to the
50 secretary of state in a format prescribed by the secretary a report on the combined number of
51 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas
52 voters for the election. The secretary shall submit to the Election Assistance Commission a
53 combined report of such information not later than ninety days after the date of each regularly
54 scheduled general election for federal office and in a standardized format developed by the
55 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report
56 available to the general public.

57 (5) As used in this section, the terms "absent uniformed services voter" and "overseas
58 voter" shall have the meaning prescribed in 42 U.S.C. 1973ff-6.

59 6. An application for an absentee ballot by a new resident, as defined in section 115.275,
 60 shall be submitted in person by the applicant in the office of the election authority in the election
 61 jurisdiction in which such applicant resides. The application shall be received by the election
 62 authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form
 63 of an affidavit, executed in duplicate in the presence of the election authority or any authorized
 64 officer of the election authority, and in substantially the following form:

65 "STATE OF.....

66 COUNTY OF....., ss.

67 I,....., do solemnly swear that:

68 (1) Before becoming a resident of this state, I resided at
 69 (residence address) in (town, township,
 70 village or city) of County in the state of

71 (2) I moved to this state after the last day to register to vote in such general presidential
 72 election and I am now residing in the county of, state of Missouri;

73 (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential
 74 election to be held November, (year);

75 (4) I hereby make application for a presidential and vice presidential ballot. I have not
 76 voted and shall not vote other than by this ballot at such election.

77 Signed

78 (Applicant)

79

80 (Residence Address)

81 Subscribed and sworn to before me this day of

82 ,

83 Signed

84 (Title and name of officer authorized to administer oaths)"

85 7. The election authority in whose office an application is filed pursuant to subsection
 86 6 of this section shall immediately send a duplicate of such application to the appropriate official
 87 of the state in which the new resident applicant last resided and shall file the original of such
 88 application in its office.

89 8. An application for an absentee ballot by an intrastate new resident, as defined in
 90 section 115.275, shall be made in person by the applicant in the office of the election authority
 91 in the election jurisdiction in which such applicant resides. The application shall be received by
 92 the election authority no later than 7:00 p.m. on the day of the election. Such application shall
 93 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
 94 an authorized officer of the election authority, and in substantially the following form:

95 "STATE OF

96 COUNTY OF, ss.

97 I,, do solemnly swear that:

98 (1) Before becoming a resident of this election jurisdiction, I resided at
99 (residence address) in (town, township,
100 village or city) of county in the state of

101 (2) I moved to this election jurisdiction after the last day to register to vote in such
102 election;

103 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be
104 held (date);

105 (4) I hereby make application for an absentee ballot for candidates and issues on which
106 I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other
107 than by this ballot at such election.

108 Signed

109 (Applicant)

110

111 (Residence Address)

112 Subscribed and sworn to before me this day of,

113 Signed

114 (Title and name of officer authorized to administer oaths)"

115 9. An application for an absentee ballot by an interstate former resident, as defined in
116 section 115.275, shall be received in the office of the election authority where the applicant was
117 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the
118 application is made in person by the applicant in the office of the election authority, in which
119 case such application shall be made no later than 7:00 p.m. on the day of the election.

115.281. 1. **Except as provided in subsection 3 of this section**, not later than the sixth
2 Tuesday prior to each election, or within fourteen days after candidates' names or questions are
3 certified pursuant to section 115.125, the election authority shall cause to have printed and made
4 available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As
5 soon as possible after the proper officer calls a special state or county election, the election
6 authority shall cause to have printed and made available a sufficient quantity of absentee ballots,
7 ballot envelopes and mailing envelopes.

8 2. All absentee ballots for an election shall be in the same form as the official ballots for
9 the election, except that in lieu of the words "Official Ballot" at the top of the ballot, the words
10 "Official Absentee Ballot" shall appear.

11 **3. Not later than forty-five days before each general, primary, and special election**
12 **for federal office, the election authority shall cause to have printed and made available a**
13 **sufficient quantity of absentee ballots, ballot envelopes, and mailing envelopes for absent**
14 **uniformed services voters and overseas voters and shall begin transmitting such ballots to**
15 **absent uniformed services and overseas voters who have submitted an absentee ballot**
16 **application.**

 115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three
3 working days after receiving the application, or if absentee ballots are not available at the time
4 the application is received, within five working days after they become available, deliver to the
5 voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant
6 to vote. Delivery shall be made to the voter personally in the office of the election authority or
7 by bipartisan teams appointed by the election authority, or by first class, registered, or certified
8 mail at the discretion of the election authority, **or in the case of absent uniformed services**
9 **voters and overseas voters, by electronic transmission if electronic transmission is**
10 **requested by the voter.** Where the election authority is a county clerk, the members of
11 bipartisan teams representing the political party other than that of county clerk shall be selected
12 from a list of persons submitted to the county clerk by the county chairman of that party. If no
13 list is provided by the time that absentee ballots are to be made available, the county clerk may
14 select a person or persons from lists provided in accordance with section 115.087. If the election
15 authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not
16 deliver an absentee ballot to the applicant. Within three working days of receiving such an
17 application, the election authority shall notify the applicant and state the reason he or she is not
18 entitled to vote by absentee ballot. The applicant may appeal the decision of the election
19 authority to the circuit court in the manner provided in section 115.223.

20 2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction
21 has become hospitalized, becomes confined due to illness or injury, or is confined in an adult
22 boarding facility, intermediate care facility, residential care facility, or skilled nursing facility,
23 as defined in section 198.006, RSMo, in the county in which the jurisdiction is located or in the
24 jurisdiction or an adjacent election authority within the same county, the election authority shall
25 appoint a team to deliver, witness the signing of and return the voter's application and deliver,
26 witness the voting of and return the voter's absentee ballot. In counties with a charter form of
27 government and in cities not within a county, and in each city which has over three hundred
28 thousand inhabitants, and is situated in more than one county, if the election authority receives
29 ten or more applications for absentee ballots from the same address it may appoint a team to
30 deliver and witness the voting and return of absentee ballots by voters residing at that address,

31 except when such addresses are for an apartment building or other structure wherein individual
32 living units are located, each of which has its own separate cooking facilities. Each team
33 appointed pursuant to this subsection shall consist of two registered voters, one from each major
34 political party. Both members of any team appointed pursuant to this subsection shall be present
35 during the delivery, signing or voting and return of any application or absentee ballot signed or
36 voted pursuant to this subsection.

37 3. On the mailing and ballot envelopes for each applicant in federal service, the election
38 authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF
39 MISSOURI" and "U.S. Postage Paid, 39 U.S.C. 3406".

40 4. No information which encourages a vote for or against a candidate or issue shall be
41 provided to any voter with an absentee ballot.

115.291. 1. Upon receiving an absentee ballot **in person or by mail**, the voter shall
2 mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the
3 statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall
4 be subscribed and sworn to before the election official receiving the ballot, a notary public or
5 other officer authorized by law to administer oaths, unless the voter is voting absentee due to
6 incapacity or confinement due to the provisions of section 115.284, illness or physical disability,
7 **or the voter is an absent uniformed services voter or an overseas voter**. If the voter is blind,
8 unable to read or write the English language, or physically incapable of voting the ballot, the
9 voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who
10 is not entitled to such assistance, and any person who assists a voter and in any manner coerces
11 or initiates a request or a suggestion that the voter vote for or against or refrain from voting on
12 any question, ticket or candidate, shall be guilty of a class one election offense. If, upon
13 counting, challenge or election contest, it is ascertained that any absentee ballot was voted with
14 unlawful assistance, the ballot shall be rejected.

15 2. **Except as provided in subsection 4 of this section**, each absentee ballot shall be
16 returned to the election authority in the ballot envelope and shall only be returned by the voter
17 in person, or in person by a relative of the voter who is within the second degree of consanguinity
18 or affinity, by mail or registered carrier or by a team of deputy election authorities; except that
19 persons in federal service, when sent from a location determined by the secretary of state to be
20 inaccessible on election day, shall be allowed to return their absentee ballots cast by use of
21 facsimile transmission or under a program approved by the Department of Defense for electronic
22 transmission of election materials.

23 3. In cases of an emergency declared by the President of the United States or the
24 governor of this state where the conduct of an election may be affected, the secretary of state may
25 provide for the delivery and return of absentee ballots by use of a facsimile transmission device

26 or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of
27 voters as provided for by the secretary of state.

28 **4. No election authority shall refuse to accept and process any otherwise valid**
29 **marked absentee ballot submitted in any manner by an absent uniformed services voter**
30 **or overseas voter solely on the basis of restrictions on envelope type.**

31 **5. As provided in the Military and Overseas Voter Empowerment Act, the secretary**
32 **of state shall, in coordination with local election authorities, develop a free access system**
33 **by which an absent uniformed services voter or overseas voter may determine whether the**
34 **voter's absentee ballot has been received by the appropriate election authority.**

115.292. 1. Notwithstanding any other provision of this chapter, a qualified absentee
2 voter[, as described in subsection 3 of this section,] may apply for a special write-in absentee
3 ballot within eighty days of a special, primary, or general election for federal office. Such a
4 ballot shall be for voting for all offices being contested at such election.

5 2. A qualified absentee voter applying for a special write-in absentee ballot pursuant to
6 this section shall apply to the local election authority of the area which contains his last residence
7 in this state for such ballot. The application for a special write-in absentee ballot may be made
8 on the federal postcard application form, by letter, or on a form provided by the local election
9 authority.

10 3. [In order to qualify for a special write-in absentee ballot, the voter shall state that he
11 is unable to vote by any other means due to requirements of military service or due to living in
12 isolated or extremely remote areas of the world. This statement may be made by federal postcard
13 application, by letter, or on a form prepared by the local election authority.

14 4.] Upon receipt of the application, the election authority shall issue a special write-in
15 absentee ballot. Such ballot shall permit the voter to cast a ballot by writing in a party preference
16 for each office, the names of specific candidates, or the names of persons whom the voter
17 prefers.

18 [5.] 4. The election authority shall issue a regular absentee ballot as soon as such ballots
19 are available. If both the regular absentee ballot and the special write-in absentee ballot are
20 returned, the regular absentee ballot shall be counted and the special write-in absentee ballot
21 shall be voided.

22 **5. The special write-in absentee ballot provided for in this section shall be used**
23 **instead of the federal write-in absentee ballot in general, special, and primary elections for**
24 **federal office as authorized in Title 42, U.S.C. Section 1973ff-2(e), as amended.**

160.545. 1. There is hereby established within the department of elementary and
2 secondary education the "A+ Schools Program" to be administered by the commissioner of

3 education. The program shall consist of grant awards made to public secondary schools that
4 demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is challenging and for
7 which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or postsecondary
9 vocational or technical school or high-wage job with work place skill development opportunities.

10 2. The state board of education shall promulgate rules and regulations for the approval
11 of grants made under the program to schools that:

12 (1) Establish measurable districtwide performance standards for the goals of the program
13 outlined in subsection 1 of this section; and

14 (2) Specify the knowledge, skills and competencies, in measurable terms, that students
15 must demonstrate to successfully complete any individual course offered by the school, and any
16 course of studies which will qualify a student for graduation from the school; and

17 (3) Do not offer a general track of courses that, upon completion, can lead to a high
18 school diploma; and

19 (4) Require rigorous coursework with standards of competency in basic academic
20 subjects for students pursuing vocational and technical education as prescribed by rule and
21 regulation of the state board of education; and

22 (5) Have a partnership plan developed in cooperation and with the advice of local
23 business persons, labor leaders, parents, and representatives of college and postsecondary
24 vocational and technical school representatives, with the plan then approved by the local board
25 of education. The plan shall specify a mechanism to receive information on an annual basis from
26 those who developed the plan in addition to senior citizens, community leaders, and teachers to
27 update the plan in order to best meet the goals of the program as provided in subsection 1 of this
28 section. Further, the plan shall detail the procedures used in the school to identify students that
29 may drop out of school and the intervention services to be used to meet the needs of such
30 students. The plan shall outline counseling and mentoring services provided to students who will
31 enter the work force upon graduation from high school, address apprenticeship and intern
32 programs, and shall contain procedures for the recruitment of volunteers from the community
33 of the school to serve in schools receiving program grants.

34 3. A school district may participate in the program irrespective of its accreditation
35 classification by the state board of education, provided it meets all other requirements.

36 4. By rule and regulation, the state board of education may determine a local school
37 district variable fund match requirement in order for a school or schools in the district to receive
38 a grant under the program. However, no school in any district shall receive a grant under the

39 program unless the district designates a salaried employee to serve as the program coordinator,
40 with the district assuming a minimum of one-half the cost of the salary and other benefits
41 provided to the coordinator. Further, no school in any district shall receive a grant under the
42 program unless the district makes available facilities and services for adult literacy training as
43 specified by rule of the state board of education.

44 5. For any school that meets the requirements for the approval of the grants authorized
45 by this section and specified in subsection 2 of this section for three successive school years, by
46 August first following the third such school year, the commissioner of education shall present
47 a plan to the superintendent of the school district in which such school is located for the waiver
48 of rules and regulations to promote flexibility in the operations of the school and to enhance and
49 encourage efficiency in the delivery of instructional services in the school. The provisions of
50 other law to the contrary notwithstanding, the plan presented to the superintendent shall provide
51 a summary waiver, with no conditions, for the pupil testing requirements pursuant to section
52 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the
53 plan shall detail a means for the waiver of requirements otherwise imposed on the school related
54 to the authority of the state board of education to classify school districts pursuant to subdivision
55 (9) of section 161.092, RSMo, and such other rules and regulations as determined by the
56 commissioner of education, except such waivers shall be confined to the school and not other
57 schools in the school district unless such other schools meet the requirements of this subsection.
58 However, any waiver provided to any school as outlined in this subsection shall be void on June
59 thirtieth of any school year in which the school fails to meet the requirements for the approval
60 of the grants authorized by this section as specified in subsection 2 of this section.

61 6. For any school year, grants authorized by subsections 1 to 3 of this section shall be
62 funded with the amount appropriated for this program, less those funds necessary to reimburse
63 eligible students pursuant to subsection 7 of this section.

64 7. The commissioner of education shall, by rule and regulation of the state board of
65 education and with the advice of the coordinating board for higher education, establish a
66 procedure for the reimbursement of the cost of tuition, books and fees to any public community
67 college or vocational or technical school or within the limits established in subsection 9 of this
68 section for any two-year private vocational or technical school for any student:

69 (1) Who has attended a public high school in the state for at least three years immediately
70 prior to graduation that meets the requirements of subsection 2 of this section, except that
71 students who are active duty military dependents, **and students who are dependants of retired**
72 **military who relocate to Missouri within one year of the date of the parent's retirement**
73 **from active duty**, who, in the school year immediately preceding graduation, meet all other
74 requirements of this subsection and are attending a school that meets the requirements of

75 subsection 2 of this section shall be exempt from the three-year attendance requirement of this
76 subdivision; and

77 (2) Who has made a good faith effort to first secure all available federal sources of
78 funding that could be applied to the reimbursement described in this subsection; and

79 (3) Who has earned a minimal grade average while in high school as determined by rule
80 of the state board of education, and other requirements for the reimbursement authorized by this
81 subsection as determined by rule and regulation of said board.

82 8. The commissioner of education shall develop a procedure for evaluating the
83 effectiveness of the program described in this section. Such evaluation shall be conducted
84 annually with the results of the evaluation provided to the governor, speaker of the house, and
85 president pro tempore of the senate.

86 9. For a two-year private vocational or technical school to obtain reimbursements under
87 subsection 7 of this section, the following requirements shall be satisfied:

88 (1) Such two-year private vocational or technical school shall be a member of the North
89 Central Association and be accredited by the Higher Learning Commission as of July 1, 2008,
90 and maintain such accreditation;

91 (2) Such two-year private vocational or technical school shall be designated as a
92 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

93 (3) No two-year private vocational or technical school shall receive tuition
94 reimbursements in excess of the tuition rate charged by a public community college for course
95 work offered by the private vocational or technical school within the service area of such college;
96 and

97 (4) The reimbursements provided to any two-year private vocational or technical school
98 shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri
99 Constitution or the first amendment of the United States Constitution.

194.119. 1. As used in this section, the term "right of sepulcher" means the right to
2 choose and control the burial, cremation, or other final disposition of a dead human body.

3 2. For purposes of this chapter and chapters 193, 333, and 436, RSMo, and in all cases
4 relating to the custody, control, and disposition of deceased human remains, including the
5 common law right of sepulcher, where not otherwise defined, the term "next-of-kin" means the
6 following persons in the priority listed if such person is eighteen years of age or older, is
7 mentally competent, and is willing to assume responsibility for the costs of disposition:

8 (1) An attorney in fact designated in a durable power of attorney wherein the deceased
9 specifically granted the right of sepulcher over his or her body to such attorney in fact;

10 (2) **For a decedent who was on active duty in the United States military at the time**
11 **of death, the person designated by such decedent in the written instrument known as the**

12 **United States Department of Defense Form 93, Record of Emergency Data, in accordance**
13 **with P.L. 109-163, Section 564, 10 U.S.C. Section 1482;**

14 **(3)** The surviving spouse;

15 **[(3)] (4)** Any surviving child of the deceased. If a surviving child is less than eighteen
16 years of age and has a legal or natural guardian, such child shall not be disqualified on the basis
17 of the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in
18 the place of the child unless such child's legal or natural guardian was subject to an action in
19 dissolution from the deceased. In such event the person or persons who may serve as next-of-kin
20 shall serve in the order provided in subdivisions **[(4) to (8)] (5) to (9)** of this subsection;

21 **[(4)] (5)** (a) Any surviving parent of the deceased; or

22 (b) If the deceased is a minor, a surviving parent who has custody of the minor; or

23 (c) If the deceased is a minor and the deceased's parents have joint custody, the parent
24 whose residence is the minor child's residence for purposes of mailing and education;

25 **[(5)] (6)** Any surviving sibling of the deceased;

26 **[(6)] (7)** The next nearest surviving relative of the deceased by consanguinity or affinity;

27 **[(7)] (8)** Any person or friend who assumes financial responsibility for the disposition
28 of the deceased's remains if no next-of-kin assumes such responsibility;

29 **[(8)] (9)** The county coroner or medical examiner; provided however that such
30 assumption of responsibility shall not make the coroner, medical examiner, the county, or the
31 state financially responsible for the cost of disposition.

32 3. The next-of-kin of the deceased shall be entitled to control the final disposition of the
33 remains of any dead human being consistent with all applicable laws, including all applicable
34 health codes.

35 4. A funeral director or establishment is entitled to rely on and act according to the
36 lawful instructions of any person claiming to be the next-of-kin of the deceased; provided
37 however, in any civil cause of action against a funeral director or establishment licensed pursuant
38 to this chapter for actions taken regarding the funeral arrangements for a deceased person in the
39 director's or establishment's care, the relative fault, if any, of such funeral director or
40 establishment may be reduced if such actions are taken in reliance upon a person's claim to be
41 the deceased person's next-of-kin.

42 5. Any person who desires to exercise the right of sepulcher and who has knowledge of
43 an individual or individuals with a superior right to control disposition shall notify such
44 individual or individuals prior to making final arrangements.

45 6. If an individual with a superior claim is personally served with written notice from a
46 person with an inferior claim that such person desires to exercise the right of sepulcher and the
47 individual so served does not object within forty-eight hours of receipt, such individual shall be

48 deemed to have waived such right. An individual with a superior right may also waive such right
49 at any time if such waiver is in writing and dated.

50 7. If there is more than one person in a class who are equal in priority and the funeral
51 director has no knowledge of any objection by other members of such class, the funeral director
52 or establishment shall be entitled to rely on and act according to the instructions of the first such
53 person in the class to make arrangements; provided that such person assumes responsibility for
54 the costs of disposition and no other person in such class provides written notice of his or her
55 objection.

447.503. As used in sections 447.500 to 447.595, unless the context otherwise requires,
2 the following terms mean:

3 (1) "Banking organization", any bank, trust company, or safe deposit company, engaged
4 in business in this state;

5 (2) "Business association", any corporation, joint stock company, business trust,
6 partnership, limited partnership, or any association for business purposes, or any mutual fund or
7 other similar entity, whether operating in the form of a corporation or a trust, including but not
8 limited to any investment companies registered under the federal Investment Company Act of
9 1940;

10 (3) "Engaged in business in this state", any transaction of business within this state
11 sufficient to support personal jurisdiction in the courts of this state;

12 (4) "Financial organization", any savings and loan association, credit union, or loan and
13 investment company engaged in business in this state;

14 (5) "Holder", any person in possession of property subject to sections 447.500 to 447.595
15 belonging to another, or who is trustee in case of a trust, or is indebted to another on an
16 obligation subject to sections 447.500 to 447.595;

17 (6) "Insurance corporation", any association or corporation transacting within this state
18 the business of property insurance or casualty insurance or life insurance on the lives of persons
19 or insurance appertaining thereto, including, but not by way of limitation, endowments and
20 annuities;

21 (7) "Owner", a depositor in case of a deposit, a beneficiary in case of a trust except a
22 trust defined in section 456.500, RSMo, the unclaimed property of which has not escheated
23 pursuant to the provisions of section 456.650, RSMo, a creditor, claimant, or payee in case of
24 other choses in action, or any person having a legal or equitable interest in property subject to
25 sections 447.500 to 447.595, or such person's legal representative;

26 (8) "Person", any individual, business association, government or political subdivision,
27 public corporation, public authority, estate, trust except a trust defined in section 456.500,

28 RSMo, two or more persons having a joint or common interest, or any other legal or commercial
29 entity;

30 (9) "Reasonable and necessary diligence as is consistent with good business practice",
31 efforts appropriate to and commensurate with the nature and value of the property at issue;
32 however, the holder shall send a notice regarding the unclaimed property via first class mail
33 postage prepaid, marked "Address Correction Requested". Such letter shall be sent by the holder
34 within twelve months prior to turning the property over to the treasurer. Notwithstanding the
35 provisions of this section, the holder may treat letters sent in the ordinary course of business, first
36 class and "Address Correction Requested" as satisfying the definition of "reasonable and
37 necessary diligence as is consistent with good business practice". The holder may treat notices
38 regarding the unclaimed property as satisfying the "reasonable and necessary standard" for
39 contacting owners. If the postal service provides the holder with additional information as part
40 of the address correction process, the holder shall send second and subsequent notices in the
41 same format as the first notice to any new address provided to the holder;

42 (10) "Treasurer", the Missouri state treasurer;

43 (11) "Utility", any person who owns or operates within this state, for public use, any
44 plant, equipment, property, franchise, or license for the transmission of communications or the
45 production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas
46 or who engages in such business in this state;

47 **(12) "Military medals", any decoration or award that may be presented or**
48 **awarded to a member of a unit of the armed forces or national guard.**

447.559. All abandoned tangible personal property delivered to the treasurer pursuant
2 to subdivision (4) of section 447.505 that has possible historical significance shall be reviewed
3 as follows:

4 (1) The treasurer at the treasurer's discretion shall screen such property to determine if
5 the property indicates a need for further review;

6 (2) In the event it is determined that such property needs further review, the treasurer
7 shall make available such property to the state historical society of Missouri for historical review.
8 The state historical society shall issue to the treasurer its report and recommend to the treasurer
9 the appropriate state department or agency to act as custodian of any property deemed to be of
10 such historical significance as to be retained;

11 (3) The state historical society shall receive a reasonable fee for its services. If the
12 treasurer and the state historical society cannot agree on the amount of the fee, the commissioner
13 of administration shall determine the fee. The fee shall be paid out of appropriations made from
14 the abandoned fund account;

15 **(4) The state treasurer's office upon receiving military medals shall hold and**
16 **maintain such military medals until the original owner or their respective heirs or**
17 **beneficiaries can be identified and the military medal returned. The state treasurer may**
18 **designate a veteran's organization or other appropriate organization as custodian of**
19 **medals until the original owner or their respective heirs or beneficiaries are located.**

Section 1. The adjutant general of Missouri is hereby authorized to present, in the
2 **name of the state of Missouri, a Missouri national guard first sergeant ribbon, which shall**
3 **be of suitable design, as may be determined by the governor, to individual members of the**
4 **Missouri national guard who have been assigned to a unit first sergeant position for a**
5 **period of three years and have been recommended by their squadron or company**
6 **commander. In order to qualify for the award the individual must have demonstrated**
7 **exceptional and honorable leadership qualities and dedication as a first sergeant. This**
8 **award will be granted for those individuals which have previously served as first sergeants**
9 **provided their service demonstrated exceptional and honorable leadership.**

Section 2. The governor is hereby authorized, upon the recommendation of the
2 **adjutant general of Missouri, to present in the name of the state of Missouri, a governor's**
3 **unit citation, which shall be of suitable design, as may be determined by the governor, to**
4 **units, teams, or task forces of the Missouri national guard which served during state**
5 **emergency duty or federal deployments with outstanding honor and distinction, or whose**
6 **service resulted in the preservation of life and property. Individuals assigned or attached**
7 **to the units, teams, or task forces will be authorized to wear the governor's unit citation**
8 **ribbon. This award will be granted to those units, teams, or task forces whose service or**
9 **deployments occurred after September 11, 2001.**

Section B. Because of the need to address high school dropout rates in Missouri, the
2 **enactment of sections 41.206 and 41.207 of section A of this act are deemed necessary for the**
3 **immediate preservation of the public health, welfare, peace, and safety, and are hereby declared**
4 **to be an emergency act within the meaning of the constitution, and the enactment of sections**
5 **41.206 and 41.207 of section A of this act shall be in full force and effect upon its passage and**
6 **approval.**

✓