MISSOURI HOUSE OF REPRESENTATIVES

WITNESS APPEARANCE FORM

BILL NUMBER: **HB 2771**	DATE: **2/10/2026**
COMMITTEE: **Veterans and Armed Forces**	

TESTIFYING: ☑ IN SUPPORT OF ☐ IN OPPOSITION TO ☐ FOR INFORMATIONAL PURPOSES

WITNESS NAME

INDIVIDUAL:

WITNESS NAME: **ARNIE "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE**	PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:	TITLE:	
ADDRESS:		
CITY:	STATE:	ZIP:

EMAIL:	ATTENDANCE: **In-Person**	SUBMIT DATE: **2/10/2026 11:27 PM**

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

I am in Support of the intension of this Bill. I feel that this may be a duplication of State Revised Statue and Federal Codified Code.

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WITNESS NAME

REGISTERED LOBBYIST:

WITNESS NAME: **JEWELL PATEK**		PHONE NUMBER: **573-690-3573**	
REPRESENTING: **MISSOURI NATIONAL GUARD ASSOCIATION**		TITLE:	
ADDRESS: **PO BOX 1933**			
CITY: **JEFFERSON CITY**		STATE: **MO**	ZIP: **65102**
EMAIL: **jewell@patekandassociates.com**	ATTENDANCE: **In-Person**	SUBMIT DATE: **2/10/2026 10:53 AM**	

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Support both bills.

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WITNESS NAME

BUSINESS/ORGANIZATION:

WITNESS NAME: **MAJOR GENERAL (RET) WILL BLAYLOCK**		PHONE NUMBER: **314-799-1137**	
BUSINESS/ORGANIZATION NAME: **MISSOURI NATIONAL GUARD ASSOC**		TITLE: **EXECUTIVE DIRECTOR**	
ADDRESS: **2302 MILITIA DRIVE**			
CITY: **JEFFERSON CITY**		STATE: **MO**	ZIP: **65101**
EMAIL:	ATTENDANCE:	SUBMIT DATE: **2/10/2026 12:00 AM**	

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WITNESS NAME

INDIVIDUAL:

WITNESS NAME: **SARAH BERRY**	PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:	TITLE:	
ADDRESS:		
CITY:	STATE:	ZIP:

EMAIL:	ATTENDANCE: **Written**	SUBMIT DATE: **2/5/2026 5:15 PM**

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House Bill 2771 again attempts to extend federal military protections—specifically those arising under Title 38 of the United States Code and the Servicemembers Civil Relief Act (SCRA)—to individuals serving solely under state-ordered duty.

While the stated intent may be to support service members, the mechanism chosen is constitutionally defective.

The Missouri General Assembly does not possess the authority to redefine the scope, applicability, or enforcement of federal military statutes. Congress has exclusive constitutional authority over federal armed forces and the legal protections attached to federal military status.

State legislatures may not, by statute, graft federal protections onto state service where

Congress has not authorized such application.

HB 2771 conflates three legally distinct categories of service:
(1) state active duty,
(2) federal National Guard service, and
(3) federal reserve component service.

These categories carry different constitutional foundations, different chains of command, and different statutory protections.

Federal courts have consistently held that National Guard members operate under dual sovereignty and that federal military status does not automatically attach to state-ordered duty.
Of particular concern is subsection 2, which purports to extend the Servicemembers Civil Relief Act—a federal statute grounded in Congress's war powers—to individuals serving exclusively under state authority.

The SCRA is not a general employment-protection statute; it is a federal safeguard tied to federal military activation. A state statute cannot expand its scope without violating the Supremacy Clause.

Additionally, subsection 3 invites litigation by authorizing private causes of action and enforcement by the Missouri Attorney General based on an unconstitutional statutory extension. This exposes Missouri employers, courts, and the Attorney General's Office to unnecessary litigation risk and

inevitable judicial invalidation.

If the General Assembly wishes to protect state-ordered service members, it may do so through state-specific employment protections clearly grounded in state authority, rather than by improperly incorporating federal statutes that Missouri lacks power to modify or extend.

Because HB 2771 duplicates the same defect as HB 1993, you can legitimately argue:
legislative notice has already been given,
constitutional concerns are now willful, not inadvertent,
and advancing the bill increases deliberate litigation exposure.

Missouri's Constitution does not permit rights to be created by reference, enforcement power to be implied, or civil liability to be imposed without clear statutory standards. House Bill 2771 does all three. For that reason alone, it should not advance.

Missouri Case Law Support
State ex rel. Hawley v. Pilot Travel Ctrs., LLC, 558 S.W.3d 22 (Mo. banc 2018)
? AG authority must be expressly granted and cannot be implied expansively.
State ex rel. Missouri Growth Ass'n v. State Tax Comm'n, 998 S.W.2d 786 (Mo. banc 1999)
? Legislature must supply clear standards when delegating authority.
Blaske v. Smith & Entzeroth, Inc., 821 S.W.2d 822 (Mo. banc 1991)
? Employment protections and remedies must be clearly defined by statute.
Eastern Mo. Laborers Dist. Council v. St. Louis County, 781 S.W.2d 43 (Mo. banc 1989)
? Special laws granting selective employment protections are constitutionally suspect.
State v. Kinder, 89 S.W.3d 454 (Mo. banc 2002)
? Separation of powers violations occur when statutes force courts or executive officers to fill legislative gaps.

Footnotes / Endnotes
[1] U.S. Const. art. I, § 8, cls. 11–16.
(Granting Congress exclusive authority over war powers and federal armed forces.)
[2] Perpich v. Department of Defense, 496 U.S. 334, 353–54 (1990).
(Recognizing the distinct constitutional status of state National Guard service versus federal military service.)
[3] 50 U.S.C. § 3901 et seq. (Servicemembers Civil Relief Act).
(Establishing federal protections tied to federal military service.)
4 Tarble's Case, 80 U.S. (13 Wall.) 397, 408–09 (1872).
(Holding that states may not regulate or interfere with matters constitutionally assigned to the federal government.)
5 McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316, 436 (1819).
(Prohibiting states from enlarging, burdening, or altering federal authority.)
6 U.S. Const. art. VI, cl. 2 (Supremacy Clause).
(Invalidating state laws that conflict with or attempt to expand federal statutes.)
7 Free Enter. Fund v. Pub. Co. Accounting Oversight Bd., 561 U.S. 477, 499 (2010).
(Warning against statutory schemes that blur accountability and constitutional boundaries.)

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WITNESS NAME

BUSINESS/ORGANIZATION:

WITNESS NAME: **NICK HUMPHREY**		PHONE NUMBER: **573-638-9574**	
BUSINESS/ORGANIZATION NAME: **MISSOURI NATIONAL GUARD**		TITLE:	
ADDRESS: **2302 MILITIA DR**			
CITY: **JEFFERSON CITY**		STATE: **MO**	ZIP: **65101**
EMAIL:	ATTENDANCE:	SUBMIT DATE: **2/10/2026 12:00 AM**	

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