

FIRST REGULAR SESSION

# SENATE BILL NO. 219

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR STEELMAN.

Pre-filed January 3, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0802S.011

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## AN ACT

To amend chapter 42, RSMo, by adding thereto four new sections relating to the Korean conflict medallion program.

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*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 42.200, 42.202, 42.204, and 42.206, to read as follows:

**42.200. 1. There is hereby created within the state adjutant general's office, the "Korean Conflict Medallion Program". Every veteran who honorably served on active duty in the United States military service at any time beginning June 25, 1950, and ending July 27, 1953, shall be entitled to receive a Korean conflict medallion, medal, and a certificate of appreciation pursuant to sections 42.200 to 42.206, provided that:**

**(1) Such veteran is a legal resident of this state on August 28, 2003, or was a legal resident of this state 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.**

**2. The Korean conflict medallion, medal, and a certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal, and the certificate shall be awarded regardless of whether or not such veteran was under eighteen years of age at the time of enlistment. For purposes of sections 42.200 to 42.206, "veteran" means any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency.**

42.202. 1. Except as otherwise provided in sections 42.200 to 42.206, the adjutant general of the state of Missouri shall administer the provisions of sections 42.200 to 42.206, and may adopt all rules and regulations necessary to administer the provisions of sections 42.200 to 42.206. 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 sections 42.200 to 42.206 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. Sections 42.200 to 42.206 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, 2003, shall be invalid and void.

2. The adjutant general shall determine as expeditiously as possible the persons who are entitled to a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206 and distribute the medallions, medals, and the certificates as provided in sections 42.200 to 42.206. Applications for the Korean conflict medallion, medal, and the certificate shall be filed with the office of the adjutant general at any time after January 1, 2004, and before January 1, 2005, 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 Korean conflict medallion, medal, and a certificate to be prepared for each approved veteran in the form created by the veterans' commission pursuant to section 42.204.

3. The following persons may apply for a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206:

(1) Any veteran who is entitled to a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206;

(2) Any spouse of a deceased veteran who would be entitled to a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206 but who died prior to having made application for such medallion, medal, and certificate.

4. If any spouse applies for the Korean conflict medallion, medal, and certificate pursuant to subsection 3 of this section or if any veteran dies after applying for a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206 and such veteran would have been entitled to the Korean conflict medallion, medal, and the certificate, the adjutant general shall give the Korean conflict medallion, medal, and the certificate to the spouse of the deceased veteran.

5. If the adjutant general disallows any veteran's claim to a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206, a statement

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

42.204. The veterans' commission shall design the form of the Korean conflict medallion, medal, and the certificate and forward the approved designs to the adjutant general for distribution pursuant to sections 42.200 to 42.206. It is the intent of the general assembly to create statewide involvement in the design of these symbols in recognition of this historic endeavor. Therefore, in designing the forms, the veterans' commission may solicit potential designs from elementary and secondary schools, veterans' groups, civic organizations, or any other interested party, and may select the best design from among such solicited designs, or may select another design.

42.206. 1. The "Korean Conflict Veterans' Recognition Award Fund" is hereby created in the state treasury, and shall consist of all gifts, donations, and bequests to the fund. The fund shall be administered by the adjutant general. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Korean conflict veterans' recognition award fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be credited to the fund.

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

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

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