

SECOND REGULAR SESSION

# SENATE BILL NO. 728

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5599S.011

## AN ACT

To repeal sections 42.012, 42.105, 42.110, and 42.300, RSMo, and to enact in lieu thereof four new sections relating to veterans.

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

Section A. Sections 42.012, 42.105, 42.110, and 42.300, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 42.012, 42.105, 42.110, and 42.300, to read as follows:

42.012. 1. The commission shall have as its chief administrative officer  
2 an executive director, who shall be in charge of the staff of the commission and  
3 responsible for execution of the duties vested in the commission pursuant to this  
4 chapter. The executive director shall have served in military forces of the United  
5 States and have been honorably discharged therefrom. The executive director  
6 shall be appointed by and serve at the pleasure of the commission, and the  
7 commission shall fix his or her compensation as provided by law.

8 2. In carrying out the purposes and duties of the commission pursuant to  
9 this chapter, the executive director shall:

10 (1) Exercise for the commission the powers and duties of an appointing  
11 authority pursuant to chapter 36 to employ, with the consent of the commission,  
12 a staff composed of such professional, technical and clerical personnel as  
13 necessary to carry out the purposes of the commission and set compensation for  
14 such staff within the appropriations made for that purpose; provided, that no  
15 person shall be employed as [an administrative assistant or as] a veterans'  
16 service officer who has not served in the military forces of the United States and  
17 been honorably discharged therefrom. All members of the staff of the commission,  
18 except the executive director and his or her deputy, shall be employed pursuant

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 to the provisions of the state merit system law, chapter 36;

20 (2) Accept appointment as the attorney in fact by proper written power of  
21 attorney executed by veterans or their dependents or legal representatives as  
22 necessary to accomplish the purposes of sections 42.002 to 42.135 and section  
23 143.1001;

24 (3) Accept, in carrying out the purposes of sections 42.002 to 42.135 and  
25 section 143.1001, and for no other purpose, grants of services, personnel or money  
26 from any federal agency or any political subdivision of the state desiring to  
27 participate in the work of the executive director;

28 (4) Accept and distribute any federal or state funds which are available  
29 for veterans of the military forces of the United States, and, if a bond is required  
30 as a condition to securing such funds, to execute the bond required;

31 (5) Have access to all pertinent records of state agencies, not designated  
32 as confidential records pursuant to any law of this state, and political  
33 subdivisions of this state, that may be of assistance in accomplishing the  
34 purposes of sections 42.002 to 42.135 and section 143.1001. Upon the written  
35 request of the executive director, the person in charge of any such record shall  
36 furnish the executive director, without charge, authenticated or certified copies  
37 of the records requested;

38 (6) Have control of all veterans' cemeteries that are owned, purchased,  
39 leased, or provided by the state solely for the burial of veterans and eligible  
40 dependents as defined by the Department of Veterans Affairs or a successor  
41 federal agency. In the name of the state of Missouri, the executive director may  
42 acquire by purchase and may receive by donation or dedication any property  
43 which may be used for veterans' cemetery purposes. The executive director shall  
44 accept and receive any federal or state funds which are available for veterans'  
45 cemetery purposes.

46 3. The executive director shall have a seal of office and may administer  
47 oaths and acknowledge powers of attorney in favor of himself or herself, or any  
48 veterans' organization chartered by act of Congress of the United States.

42.105. Citizens of the state of Missouri who meet the criteria established  
2 by the United States Department of Veterans' Affairs, or its successor  
3 organization, for veteran status [or who have an honorable discharge from the  
4 national guard, with preference given to the Missouri national guard,] and who  
5 require institutional **skilled nursing care and** health care services **provided**  
6 **by a Missouri veterans' home**, shall be entitled to admission into a Missouri

7 veterans' home. [No spouse of a qualified veteran shall be required to vacate the  
8 premises of a Missouri veterans' home if the spouse was a resident of the home  
9 on August 28, 1989.]

42.110. Each resident of Missouri veterans' homes who has a regular  
2 source of income or other financial means shall make monthly payments by the  
3 [tenth] **last day** of each month to defray, or partially defray, the cost of  
4 maintaining residence at the home. The amount to be paid shall be determined  
5 by the executive director with the approval of the commission, who, in making the  
6 determination, shall take into consideration the income or other financial means  
7 of the resident, and the cost of the care provided. No charge to any resident shall  
8 be more than the averaged cost of the care provided.

42.300. 1. There is hereby created in the state treasury the "Veterans  
2 Commission Capital Improvement Trust Fund" which shall consist of money  
3 collected under section 313.835. The state treasurer shall administer the  
4 veterans commission capital improvement trust fund, and the moneys in such  
5 fund shall be used solely, upon appropriation, by the Missouri veterans  
6 commission for:

7 (1) The construction, maintenance or renovation or equipment needs of  
8 veterans' homes in this state;

9 (2) The construction, maintenance, renovation, equipment needs and  
10 operation of veterans' cemeteries in this state;

11 (3) Fund transfers to Missouri veterans' homes fund established under the  
12 provisions of section 42.121, as necessary to maintain solvency of the fund;

13 (4) Fund transfers to any municipality with a population greater than four  
14 hundred thousand and located in part of a county with a population greater than  
15 six hundred thousand in this state which has established a fund for the sole  
16 purpose of the restoration, renovation and maintenance of a memorial or museum  
17 or both dedicated to World War I. Appropriations from the veterans commission  
18 capital improvement trust fund to such memorial fund shall be provided only as  
19 a one-time match for other funds devoted to the project and shall not exceed five  
20 million dollars. Additional appropriations not to exceed ten million dollars total  
21 may be made from the veterans commission capital improvement trust fund as  
22 a match to other funds for the new construction or renovation of other facilities  
23 dedicated as veterans' memorials in the state. All appropriations for renovation,  
24 new construction, reconstruction, and maintenance of veterans' memorials shall  
25 be made only for applications received by the Missouri veterans commission prior

26 to July 1, 2004;

27           (5) **Training, outreach, and** the issuance of matching fund grants for  
28 veterans' service officer programs [to]. Any federally chartered veterans'  
29 organization or municipal government agency that is certified by the Veterans  
30 Administration to process veteran claims within the Veterans Administration  
31 System **may receive matching fund grants**; provided that such veterans'  
32 organization has maintained a veterans' service officer presence within the state  
33 of Missouri for the three-year period immediately preceding the issuance of any  
34 such grant. A total of one million [five] **six** hundred thousand dollars [in grants]  
35 shall be made available annually, **with a maximum of ten percent** for  
36 **outreach and** service officers [and] joint training [and outreach] between  
37 veterans' service organizations and the Missouri veterans commission. [with] **The**  
38 **joint training shall be coordinated by the Missouri veterans**  
39 **commission. The remainder shall be awarded as** grants being issued in  
40 July of each year. Application for the matching grants shall be made through and  
41 approved by the Missouri veterans commission based on the requirements  
42 established by the commission;

43           (6) For payment of Missouri national guard and Missouri veterans  
44 commission expenses associated with providing medals, medallions and  
45 certificates in recognition of service in the armed forces of the United States  
46 during World War II, the Korean Conflict, and the Vietnam War under sections  
47 42.170 to 42.226. Any funds remaining from the medals, medallions and  
48 certificates shall not be transferred to any other fund and shall only be utilized  
49 for the awarding of future medals, medallions, and certificates in recognition of  
50 service in the armed forces; and

51           (7) Fund transfers totaling ten million dollars to any municipality with  
52 a population greater than three hundred fifty thousand inhabitants and located  
53 in part in a county with a population greater than six hundred thousand  
54 inhabitants and with a charter form of government, for the sole purpose of the  
55 construction, restoration, renovation and maintenance of a memorial or museum  
56 or both dedicated to World War I.

57           2. Any interest which accrues to the fund shall remain in the fund and  
58 shall be used in the same manner as moneys which are transferred to the fund  
59 under this section. Notwithstanding the provisions of section 33.080, to the  
60 contrary, moneys in the veterans commission capital improvement trust fund at  
61 the end of any biennium shall not be transferred to the credit of the general

62 revenue fund.

63           3. Upon request by the veterans commission, the general assembly may  
64 appropriate moneys from the veterans commission capital improvement trust fund  
65 to the Missouri national guard trust fund to support the activities described in  
66 section 41.958.

67           4. The state auditor shall conduct an audit of all moneys in the veterans  
68 commission capital improvement trust fund every year beginning January 1,  
69 2011, and ending on December 31, 2013. The findings of each audit shall be  
70 distributed to the general assembly, governor, and lieutenant governor no later  
71 than ten business days after the completion of such audit.

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Bill

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