

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 427
95TH GENERAL ASSEMBLY

1350L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 42.007, 173.234, 301.451, and 452.412, RSMo, and to enact in lieu thereof six new sections relating to members of the military and their families.

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

Section A. Sections 42.007, 173.234, 301.451, and 452.412, RSMo, are repealed and six
2 new sections enacted in lieu thereof, to be known as sections 9.074, 42.007, 173.234, 194.360,
3 301.451, and 452.412, to read as follows:

**9.074. May first of every year shall be known and designated as "Silver Star
2 Families of America Day". It shall be a day on which to honor the wounded soldiers of this
3 state and the efforts of the Silver Star Families of America to honor the wounded members
4 of the United States armed forces. The Silver Star Families of America has worked
5 tirelessly since its inception to distribute silver star banners, flags, and care packages to
6 wounded service members and their families to ensure that the people of this state and
7 nation remember the blood sacrifice made by those service members.**

42.007. 1. There is hereby established within the department of public safety the
2 "Missouri Veterans' Commission", such commission to be a type III agency within the
3 department of public safety under the Omnibus State Reorganization Act of 1974. All duties and
4 activities carried on by the division of veterans' affairs on August 28, 1989, shall be vested in
5 such commission as provided by the Omnibus Reorganization Act of 1974.

6 2. The commission shall be composed of five members, who shall be veterans appointed
7 by the governor, with the advice and consent of the senate, for a four-year term; except that
8 initial appointments to the commission shall consist of two veterans to serve four-year terms, two
9 veterans to serve three-year terms, and one veteran to serve a two-year term. In addition, the

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.

10 chair of the Missouri military preparedness and enhancement commission or the chair's designee
11 shall be an ex officio member of the commission.

12 3. The governor shall make all appointments to the commission from lists of nominees
13 recommended by each of the statewide veterans' organizations incorporated in this state,
14 chartered by Congress, or authorized under Title 38, United States Code, **including only those**
15 **veterans who have been members of any such organization for a period of at least two**
16 **consecutive years prior to their recommendation.** Vacancies shall be filled by appointment
17 made in the same manner as the original appointments. A member of the commission shall be
18 a resident of the state of Missouri but shall not be an employee of the state. Members of the
19 commission shall not be compensated for their services, but shall be reimbursed from funds
20 appropriated therefor for actual and necessary expenses incurred in the performance of their
21 duties.

22 4. The commission shall organize by electing one member as chairman and another as
23 vice chairman. Such officers shall serve for a term of two years. The commission shall meet no
24 fewer than four times per calendar year, at the call of the chairman, and at times and places
25 established by the chairman by written notice. The commission's executive director shall serve
26 as secretary to the commission.

27 5. The commission shall aid and assist all veterans and their dependents and legal
28 representatives, who are legal Missouri residents or who live in the state of Missouri, in all
29 matters relating to the rights of veterans under the laws of the United States and under the rules
30 and regulations of federal agencies, boards, commissions and other authorities which are in any
31 manner concerned with the interest and welfare of veterans and their dependents. In addition to
32 any other duties imposed by sections 42.002 to 42.135 and [section] **sections 143.1001, and**
33 **173.234**, RSMo, the commission shall:

34 (1) Disseminate by all means available information concerning the rights of veterans and
35 their dependents;

36 (2) Provide aid and assistance to all veterans, their dependents and legal representatives,
37 in preparing, presenting and prosecuting claims for compensation, education, pensions, insurance
38 benefits, hospitalization, rehabilitation and all other matters in which a veteran may have a claim
39 against the United States or any state arising out of or connected with service in the military
40 forces of the United States;

41 (3) Prosecute all claims listed in subdivision (2) of this subsection to conclusion, when
42 so authorized and empowered by a veteran, his survivors or legal representatives;

43 (4) Cooperate with the United States Employment Service, the United States Department
44 of Veterans' Affairs and all federal and state offices legally concerned with and interested in the
45 welfare of veterans and their dependents;

46 (5) Arrange for and accept through such mutual arrangements as may be made the
47 volunteer services, equipment, facilities, properties, supplies, funds and personnel of all federal,
48 welfare, civic and service organizations, and other organized groups and individuals which are
49 in furtherance of the purposes of sections 42.002 to 42.135 and section 143.1001, RSMo;

50 (6) Volunteers shall be deemed unpaid employees and shall be accorded the protection
51 of the legal expense fund and liability provisions. Reimbursement for transportation and other
52 necessary expenses may be furnished to those volunteers whose presence on special assignment
53 is determined to be necessary by the commission. Such expenses shall be reimbursed from the
54 regular appropriations of the commission. Volunteers may utilize state vehicles in the
55 performance of commission-related duties, subject to those rules and regulations governing use
56 of state vehicles by paid staff;

57 (7) Establish, maintain and operate offices throughout this state as necessary to carry out
58 the purposes of sections 42.002 to 42.135 and section 143.1001, RSMo;

59 (8) Provide to the executive director of the commission all appropriate authority for the
60 execution of the duties of the commission under this chapter;

61 (9) Employ such staff as necessary for performance of the duties and purposes of this
62 chapter.

63 **6. The commission shall make all rules and regulations necessary for the**
64 **management and administration of its veteran service programs and cemeteries. All rules**
65 **and regulations shall be consistent with the provisions of sections 42.002 to 42.135, and**
66 **sections 143.1001 and 173.234, RSMo. Any rule or portion of a rule, as that term is defined**
67 **in section 536.010, RSMo, that is created under the authority delegated in this subsection**
68 **shall become effective only if it complies with and is subject to all provisions of chapter 536,**
69 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
70 **nonseverable and if any of the powers vested with the general assembly pursuant to**
71 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
72 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
73 **rule proposed or adopted after August 28, 2009, shall be invalid and void.**

173.234. 1. As used in this section, unless the context clearly requires otherwise, the
2 following terms mean:

3 (1) "Board", the coordinating board for higher education;

4 (2) "Books", any books required for any course for which tuition was paid by a grant
5 awarded under this section;

6 (3) "Eligible student", the natural, adopted, or stepchild of a qualifying military
7 member, who is less than twenty-five years of age and who was a dependent of a qualifying

8 **military member at the time of death or injury, or the spouse of a qualifying military**
9 **member which was the spouse of a veteran at the time of death or injury;**

10 (4) "Grant", the [war] veteran's survivors grant as established in this section;

11 [(4)] (5) "Institution of postsecondary education", any approved Missouri public
12 institution of postsecondary education, as defined in section 173.205;

13 (6) **"Qualifying military member", any member of the military of the United States,**
14 **whether active duty, reserve, or national guard, who served in the military after September**
15 **11, 2001, during time of war and for whom the following criteria apply:**

16 (a) A veteran was a Missouri resident when first entering the military service or at
17 the time of death or injury;

18 (b) A veteran died or was injured as a result of combat action or a veteran's death
19 or injury was certified by the Department of Veterans Affairs medical authority to be
20 attributable to an illness or accident that occurred while serving in combat, or became
21 eighty percent disabled as a result of injuries or accidents sustained in combat action after
22 September 11, 2001; and

23 (c) "Combat Veteran", a Missouri resident who is discharged for active duty
24 service having served since September 11, 2001, and received a DD214 in a geographic area
25 entitled to receive combat pay tax exclusion exemption, hazardous duty pay, or imminent
26 danger pay, or hostile fire pay;

27 [(5)] (7) "Survivor", [a child or spouse of a war veteran] **an eligible student of a**
28 **qualifying military member;**

29 [(6)] (8) "Tuition", any tuition or incidental fee, or both, charged by an institution of
30 postsecondary education for attendance at the institution by a student as a resident of this state.
31 The tuition grant shall not exceed the amount of tuition charged a Missouri resident at the
32 University of Missouri-Columbia for attendance[;

33 (7) "War veteran", a person who served in armed combat in the military and to whom
34 the following criteria shall apply:

35 (a) The veteran was a Missouri resident when first entering the military service and at
36 the time of death or injury; and

37 (b) The veteran dies as a result of combat action or the veteran's death was certified by
38 a Veterans' Administration medical authority to be attributable to an illness that was contracted
39 while serving in combat, or who became eighty percent disabled as a result of injuries or
40 accidents sustained in combat action].

41 2. Within the limits of the amounts appropriated therefor, the coordinating board for
42 higher education shall award annually up to twenty-five grants to survivors of war veterans to
43 attend institutions of postsecondary education in this state, which shall continue to be awarded

44 annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade
45 point average of at least two and one-half on a four-point scale, or its equivalent. If the waiting
46 list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly
47 to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting
48 list shall be extended.

49 3. A survivor may receive a grant under this section only so long as the survivor is
50 enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event
51 shall a survivor receive a grant beyond the completion of the first baccalaureate degree,
52 regardless of age.

53 4. The coordinating board for higher education shall:

54 (1) Promulgate all necessary rules and regulations for the implementation of this section;
55 and

56 (2) Provide the forms and determine the procedures necessary for a survivor to apply for
57 and receive a grant under this section.

58 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
59 is created under the authority delegated in this section shall become effective only if it complies
60 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
61 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
62 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
63 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
64 grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be
65 invalid and void.

66 6. In order to be eligible to receive a grant under this section, a survivor shall be certified
67 as eligible by the Missouri veterans' commission. [In the case of an illness-related death, such
68 certification shall be made upon qualified medical certification by a Veterans' Administration
69 medical authority that the illness was both a direct result of the veteran's combat service and a
70 substantial factor in the cause of the resulting death of the veteran.]

71 7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate
72 postsecondary student at an approved institution of postsecondary education, and who is selected
73 to receive a grant under this section, shall receive the following:

74 (1) An amount not to exceed the actual tuition charged at the approved institution of
75 postsecondary education where the survivor is enrolled or accepted for enrollment;

76 (2) An allowance of up to two thousand dollars per semester for room and board; and

77 (3) The actual cost of books, up to a maximum of five hundred dollars per semester.

78 8. A survivor who is a recipient of a grant may transfer from one approved public
79 institution of postsecondary education to another without losing his or her entitlement under this

80 section. The board shall make necessary adjustments in the amount of the grant. If a grant
81 recipient at any time withdraws from the institution of postsecondary education so that under the
82 rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room
83 and board, books, or other charges, the institution shall pay the portion of the refund to which
84 he or she is entitled attributable to the grant for that semester or similar grading period to the
85 board.

86 9. If a survivor is granted financial assistance under any other student aid program,
87 public or private, the full amount of such aid shall be reported to the board by the institution and
88 the eligible survivor.

89 10. Nothing in this section shall be construed as a promise or guarantee that a person will
90 be admitted to an institution of postsecondary education or to a particular institution of
91 postsecondary education, will be allowed to continue to attend an institution of postsecondary
92 education after having been admitted, or will be graduated from an institution of postsecondary
93 education.

94 11. The benefits conferred by this section shall be available to any academically
95 [qualified surviving spouse or children of war veterans] **eligible student of a qualifying**
96 **military member**. Surviving children who are eligible shall be permitted to apply for full
97 benefits conferred by this section until they reach twenty-five years of age.

98 12. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

99 (1) The provisions of the new program authorized under this section shall sunset
100 automatically six years after August 28, 2008, unless reauthorized by an act of the general
101 assembly; and

102 (2) If such program is reauthorized, the program authorized under this section shall
103 sunset automatically twelve years after the effective date of the reauthorization of this section;
104 and

105 (3) This section shall terminate on September first of the calendar year immediately
106 following the calendar year in which the program authorized under this section is sunset.

194.360. 1. As used in this section the following terms shall mean:

2 (1) "Funeral establishment", as defined in section 333.011, RSMo, a funeral home,
3 a funeral director, an embalmer, or an employee of any of the individuals or entities;

4 (2) "Veterans' service organization", an association or other entity organized for
5 the benefit of veterans that has been recognized or chartered by the United States congress,
6 including the disabled American veterans, veterans of foreign wars, the American legion,
7 the legion of honor, the missing in America project, and the Vietnam veterans of America.
8 The term includes a member or employee of any of those associations or entities.

9 **2. A funeral establishment is not liable for simple negligence in the disposition of**
10 **the human remains or cremated remains of a veteran to a veterans' service organization**
11 **for the purposes of internment by that organization if:**

12 **(1) The remains have been in the possession of the funeral establishment for a**
13 **period of at least one year, all or any part of which period may occur or may have occurred**
14 **before or after August 28, 2009;**

15 **(2) The funeral establishment has given notice, as provided in subdivision (1) or (2)**
16 **of subsection 3 of this section, to the person entitled to the remains under section 194.350**
17 **of the matters provided in subsection 4 of this section; and**

18 **(3) The remains have not been claimed by the person entitled to the remains under**
19 **section 194.350 within the period of time provided for in subsection 4 of this section**
20 **following notice to the person entitled to the remains under section 194.350.**

21 **3. In order for the immunity provided in subsection 2 of this section to apply, a**
22 **funeral establishment shall take the following action, alone or in conjunction with a**
23 **veterans' service organization, to provide notice to the person entitled to the remains under**
24 **section 194.350:**

25 **(1) Give written notice by mail to the person entitled to the remains under section**
26 **194.350 for whom the address of the person entitled to the remains under section 194.350**
27 **is known or can reasonably be ascertained by the funeral establishment giving the notice;**
28 **or**

29 **(2) If the address of the person entitled to the remains under section 194.350 is not**
30 **known or cannot reasonably be ascertained, give notice to the person entitled to the**
31 **remains under section 194.350 by publication in a newspaper of general circulation:**

32 **(a) In the county of the veterans' residence; or**

33 **(b) If the residence of the veteran is unknown, in the county in which the veteran**
34 **died; or**

35 **(c) If the county in which the veteran died is unknown, in the county in which the**
36 **funeral establishment giving notice is located.**

37 **4. The notice required by subsection 3 of this section must include a statement to**
38 **the effect that the remains of the veteran must be claimed by the person entitled to the**
39 **remains under section 194.350 within thirty days after the date of mailing of the written**
40 **notice provided for in subdivision (1) of subsection 3 of this section or within four months**
41 **of the date of the first publication of the notice provided for in subdivision (2) of subsection**
42 **3 of this section, as applicable, and that if the remains are not claimed, the remains may**
43 **be given to a veterans' service organization for internment.**

44 **5. A veterans' service organization receiving human remains or cremated remains**
45 **of a veteran from a funeral establishment for the purposes of internment is not liable for**
46 **simple negligence in the custody or internment of the remains if the veterans' service**
47 **organization inters and does not scatter the remains and does not know and has no reason**
48 **to know that the remains do not satisfy the requirements of subdivision (1) or (2) of**
49 **subsection 3 of this section, as applicable.**

50 **6. A veterans' service organization accepting remains under this section shall take**
51 **all reasonable steps to inter the remains in a veterans' cemetery.**

301.451. Any person who has been awarded the purple heart medal may apply for special
2 motor vehicle license plates for any vehicle he **or she** owns, either solely or jointly, other than
3 commercial vehicles weighing over twelve thousand pounds. Any such person shall make
4 application for the special license plates on a form provided by the director of revenue and
5 furnish such proof as a recipient of the purple heart medal as the director may require. The
6 director shall then issue license plates bearing letters or numbers or a combination thereof, with
7 the words "PURPLE HEART" in place of the words "SHOW-ME STATE" in a form prescribed
8 by the advisory committee established in section 301.129. Such license plates shall be made
9 with fully reflective material with a common color scheme and design, shall be clearly visible
10 at night, and shall be aesthetically attractive, as prescribed by section 301.130. **One set of**
11 **license plates shall be provided to the applicant free of charge as provided in section**
12 **301.130, and** there shall be an additional fee charged for each **subsequent** set of special purple
13 heart license plates issued equal to the fee charged for personalized license plates, but the
14 additional fee shall only have to be paid once by the qualified applicant at the time of initial
15 application **for the additional set of plates.** There shall be no limit on the number of license
16 plates any person qualified under this section may obtain so long as each set of license plates
17 issued under this section is issued for vehicles owned solely or jointly by such person. License
18 plates issued under the provisions of this section shall not be transferable to any other person
19 except that any registered co-owner of the motor vehicle shall be entitled to operate the motor
20 vehicle for the duration of the year licensed in the event of the death of the qualified person.

452.412. **1.** A party's absence, relocation, or failure to comply with custody and
2 visitation orders shall not, by itself, be sufficient to justify a modification of a custody or
3 visitation order if the reason for the absence, relocation, or failure to comply is the party's
4 activation to military service and deployment out-of-state.

5 **2. For a party in active military service and deployed out-of-state, any court order**
6 **issued or modified regarding child custody or visitation during the time of such out-of-state**
7 **military deployment of the party shall be temporary in nature and shall not exceed the**
8 **length of time of such deployment. Upon such party's return from out-of-state military**

9 deployment, the party shall be given an opportunity to be heard on the child custody and
10 visitation order prior to a permanent order being entered by the court.

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