

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2047
91ST GENERAL ASSEMBLY

4912S.03T

2002

AN ACT

To repeal sections 41.150 and 41.948, RSMo, and to enact in lieu thereof two new sections relating to military forces.

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

Section A. Sections 41.150 and 41.948, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 41.150 and 41.948, to read as follows:

41.150. The adjutant general may assign two assistant adjutants general in the grade of
2 brigadier general or below, one from the ground forces and the other from the air forces of this
3 state, **as well as a third assistant adjutant general in the grade of major general or below**
4 **from the air forces of this state**, who, at the time of their appointment, have not less than four
5 years of previous military service as a commissioned officer with the military forces of this state,
6 another state or territory, the District of Columbia or the United States, or in any or all such
7 services combined. The assistant adjutants general shall perform such duties as are assigned by
8 the adjutant general; and during the absence of the adjutant general from the state, and during
9 any period when [he] **the adjutant general** is unable to perform [his] **such** duties, the senior
10 assistant adjutant general may perform the duties of the adjutant general. The assistant adjutants
11 general shall **serve in the grade and** receive such compensation as the adjutant general
12 determines.

41.948. 1. In the 1990-91 academic year and in any subsequent academic year, when
2 any person who is enrolled as a student in a public higher education institution in Missouri is
3 called[, under] **into service of the United States pursuant to 32 U.S.C. 502(f)(1), section**
4 **41.470 or 41.480 or** the authority of [10 U.S.C. 672(d) or 10 U.S.C. 673b] **10 U.S.C. 12301(d)**
5 **or 10 U.S.C. 12304** or any such subsequent call or order by the President or the Congress, to

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

6 active service in the armed forces of the United States, whether voluntarily or involuntarily, not
7 including active service for training, prior to the completion of the semester, or similar grading
8 period, that person shall be eligible for either:

9 (1) A complete refund of all tuition and incidental fees charged for enrollment at that
10 institution for that semester, or similar grading period; or

11 (2) The awarding of a grade of "incomplete" pursuant to this section.

12 2. If such person has been awarded a scholarship to be used to pursue an academic
13 program in any public higher education institution in Missouri and such person is unable to
14 complete the academic term for which the scholarship is granted, that person shall be awarded
15 that scholarship at any subsequent academic term, provided that the person returns to the
16 academic program at the same institution at the beginning of the next academic term after the
17 completion of active military service.

18 3. If the person chooses the option described in subdivision (1) of subsection 1 of this
19 section, **[he] such person** may request that the official transcript indicate the courses from which
20 **[he] such person** has withdrawn and the reason for the withdrawal, or **[he] such person** may
21 request that all course titles be expunged from **[his] such person's** record. Choosing the option
22 of a refund shall not affect the person's official academic record or standing at the public higher
23 education institution.

24 4. If the person chooses the option described in subdivision (2) of subsection 1 of this
25 section, **[he] such person** shall complete the course work to the satisfaction of the course
26 instructor and the institution. The grade of incomplete shall be converted to a failing grade if
27 the person does not apply to complete the course work within six months of discharge or release
28 from active military service. In the event the person cannot comply for medical reasons related
29 to the active military service, **[he] such person** shall apply to complete the course work within
30 three months of the end of the period of convalescence. Choosing the option of taking a grade
31 of incomplete shall not affect the person's official academic record or standing at the public
32 institution of higher education, unless the person fails to complete the course work. At the time
33 the grade of incomplete is converted to a final grade, the person may choose either to have the
34 grade of incomplete expunged from his official record or to have the grade of incomplete remain
35 with the final grade and the reason for the grade of incomplete.

36 5. The coordinating board for higher education shall promulgate rules for the
37 implementation of this section. For the purposes of this section, the term "public higher
38 education institution" shall include public community colleges and state-supported institutions
39 of higher education.

40 6. Notwithstanding any other provisions of this section to the contrary, nothing in this
41 section shall be construed to prevent the governing body of any public higher education

42 institution from enacting an academic policy more lenient in nature than the provisions of
43 subsections 1 to 4 of this section.

44 7. [No rule or portion of a rule promulgated under the authority of this section shall
45 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
46 RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
47 is created under the authority delegated in this section shall become effective only if it
48 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
49 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
50 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
51 to review, to delay the effective date or to disapprove and annul a rule are subsequently
52 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
53 adopted after August 28, 2002, shall be invalid and void.**