

FIRST REGULAR SESSION

# HOUSE BILL NO. 218

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FARNEN, GRAHAM,  
RIDGEWAY AND REINHART (Co-sponsors).

Pre-filed December 28, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

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### AN ACT

To repeal sections 172.037, 172.360, 174.610, 174.620, 175.020 and 175.021, RSMo 2000, relating to public schools, and to enact in lieu thereof fifteen new sections relating to the same subject.

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

Section A. Sections 172.037, 172.360, 174.610, 174.620, 175.020 and 175.021, RSMo 2000, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 9.140, 172.037, 172.360, 172.790, 172.792, 172.794, 172.796, 172.798, 174.056, 174.610, 174.620, 174.621, 175.020, 175.021 and 175.023, to read as follows:

**9.140. The governor shall annually issue a proclamation making the month of February "Missouri Lifelong Learning Month", and recommending that it be observed by the people with appropriate activities in the public schools and otherwise to promote public awareness of the importance of ongoing education throughout each person's lifetime.**

172.037. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not [a] student [or faculty representative] **representatives**, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative[, the faculty representative or both].

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

172.360. All youths, resident of the state of Missouri, over the age of sixteen years, shall  
2 be admitted to all the privileges and advantages of the various classes of all the departments of  
3 the University of the State of Missouri [without payment of tuition]; provided, that each  
4 applicant for admission therein shall possess such scholastic attainments and mental and moral  
5 qualifications as shall be prescribed in rules adopted and established by the board of curators;  
6 and provided further, that [nothing herein enacted shall be construed to prevent the board of  
7 curators from collecting reasonable tuition fees in the professional departments, and the  
8 necessary fees for maintenance of the laboratories in all departments of the university, and  
9 establishing such other reasonable fees for library, hospital, incidental expenses or late  
10 registration as they may deem necessary] **the board of curators may charge and collect**  
11 **reasonable tuition and other fees necessary for the maintenance and operation of all**  
12 **departments of the university, as they may deem necessary.**

**172.790. As used in sections 172.790 to 172.798, unless the context clearly requires**  
2 **otherwise, the following terms shall mean:**

3 (1) "Advisory board", a board appointed by the board of curators to advise on the  
4 administration of the program established by sections 172.790 to 172.798;

5 (2) "Board of curators", the board of curators of the University of Missouri;

6 (3) "Investigator", any person with medical, biological, or allied health or life  
7 science research credentials who seeks state funding for a research project under sections  
8 172.790 to 172.798;

9 (4) "Research project", any original investigation for the advancement of scientific  
10 knowledge in the area of spinal cord injuries;

11 (5) "Spinal cord injury", any condition related to the spinal cord which causes  
12 partial or complete paralysis.

**172.792. 1. The board of curators shall award funds to investigators for research**  
2 **projects that promote an advancement of knowledge in the area of spinal cord injury,**  
3 **subject to appropriation. For this purpose, the board of curators shall request annually**  
4 **an appropriation of not less than two hundred thousand dollars adjusted for inflation. The**  
5 **board of curators may also request additional funds for administrative overhead not to**  
6 **exceed ten percent of the annual appropriation of research funds.**

7 **2. The advisory board shall solicit and select proposals for research projects**  
8 **according to procedures approved by the board of curators. The selection procedures shall**  
9 **provide for peer review of the background and ability of each investigator, the merits of**  
10 **the work proposed and an evaluation of the potential for each research project to achieve**  
11 **productive results. The peer review shall be conducted by the advisory board in**  
12 **accordance with such procedures as are utilized by the National Institutes of Health and**

13 the National Science Foundation. Such review shall consist of professional evaluation of  
14 the proposal by experts on the topic who are not affiliated in any way with the submitting  
15 investigator. The results of this external evaluation and the related discussion by the  
16 advisory board shall not be open to the public. The final awards of the advisory board and  
17 all of its other proceedings shall be open to the public.

172.794. 1. The board of curators, with the recommendations of the advisory  
2 board, shall award, subject to appropriation, funds to selected investigators in accordance  
3 with the following provisions:

4 (1) Individual awards shall not exceed fifty thousand dollars per year and shall  
5 expire at the end of one or two years, depending on the recommendation of the advisory  
6 board for each award;

7 (2) Costs for overhead of the grantee individual or institution shall not be allowed;

8 (3) Investigators shall be affiliated with a public or private educational, health care,  
9 voluntary health association or research institution which shall specify the institutional  
10 official responsible for administration of the award;

11 (4) Subject to the provisions of subsection 3 of section 172.792, preference shall be  
12 given to investigators new to the field of spinal cord injuries and to those experienced in  
13 the field but departing in a research direction different from their previous work. Lesser  
14 preference shall be given to proposals to sustain meritorious research in progress;

15 (5) Awards shall be used to obtain preliminary data to test hypotheses and to  
16 enable investigators to develop subsequent competitive applications for long-term funding  
17 from other sources; and

18 (6) The research project shall be conducted in Missouri.

19 2. Funds appropriated for but not awarded to research projects in any given year  
20 shall be included in the board of curators' appropriations request for research projects in  
21 the succeeding year.

172.796. 1. The advisory board shall consist of:

2 (1) Two physicians who are active both in research addressing spinal cord injuries  
3 and in caring for patients with these injuries;

4 (2) Two nonphysicians engaged in research addressing spinal cord injuries;

5 (3) One nonphysician professional active in providing service or care to patients  
6 with these disorders;

7 (4) Two nonresearchers active in a spinal cord injury association or organization;

8 (5) One representative of the board of curators;

9 (6) One member of the general assembly.

10 2. The advisory board members shall be appointed for terms of three years, except

11 **that the terms of the original members shall be staggered among two, three and four years.**

12 **3. Members of the advisory board shall be appointed by the board of**  
13 **curators. Successor nominations shall be made by the advisory board itself.**

14 **4. Members of the advisory board may be dismissed by an affirmative vote of**  
15 **two-thirds of the members.**

16 **5. Members of the advisory board and its peer review committee shall be**  
17 **reimbursed by the board of curators for their actual expenses in providing services**  
18 **pursuant to sections 172.790 to 172.798.**

**172.798. The board of curators shall administer all provisions of sections 172.790**  
2 **to 172.798 and may promulgate rules and regulations necessary to carry out this duty.**

**174.056. 1. For the purposes of this chapter, confidentiality, as determined by the**  
2 **board and as provided by law, shall apply to all members and representatives on the**  
3 **board.**

4 **2. Any member or representative on the board may recuse himself or herself from**  
5 **any deliberation or proceeding of the board.**

6 **3. Upon a unanimous affirmative vote of the members of the board who are present**  
7 **and who are not student representatives, a given meeting closed pursuant to sections**  
8 **610.021 and 610.022, RSMo, shall be closed to the student representative.**

**174.610. [1.] The governing board of the Truman State University shall be a board of**  
2 **governors consisting of ten members, composed of seven voting members and three nonvoting**  
3 **members as provided in section 174.620, who shall be appointed by the governor of Missouri,**  
4 **by and with the advice and consent of the senate. No person shall be appointed a voting**  
5 **governor who is not a citizen of the United States and who has not been a resident of the state**  
6 **of Missouri for at least two years [next] immediately prior to [his] such person's appointment.**  
7 **Not more than four voting governors shall belong to any one political party. The appointed**  
8 **members of the board of regents serving on January 1, 1986, shall become members of the board**  
9 **of governors on January 1, 1986, and serve until the expiration of the terms for which they were**  
10 **appointed.**

11 **[2. The board of regents of the Truman State University is abolished.]**

**174.620. 1. The board of governors shall be appointed as follows:**

2 **(1) Four voting members [shall be selected] from the counties of Adair, Audrain, Boone,**  
3 **Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Linn, Marion, Macon, Monroe,**  
4 **Montgomery, Pike, Putnam, Ralls, Randolph, St. Charles, Schuyler, Scotland, Shelby, Sullivan,**  
5 **and Warren, provided that not more than one member shall be appointed from the same county**  
6 **[of these aforementioned counties];**

7 **(2) Three voting members [shall be selected] from any of the seven college districts as**

8 contained in section 174.010, provided that no more than one member shall be appointed from  
9 the same congressional district;

10 (3) Two nonvoting members whose residence is other than the state of Missouri and who  
11 are knowledgeable of the educational mission of liberal arts institutions [shall be selected]; and

12 (4) One nonvoting member who is a student [shall be selected as provided in section  
13 174.055]. **Such student representative shall attend all meetings and participate in all**  
14 **deliberations of the board. Such student representative shall not have the right to vote on**  
15 **any matter before the board, but shall have all other powers and duties of section 174.055,**  
16 **and shall also meet the qualifications of section 174.055.**

17 2. The term of service of the governors shall be as follows:

18 (1) The voting members shall be appointed for terms of six years; except, that of the  
19 voting members first appointed, two shall serve for terms of two years, two for terms of four  
20 years, and three for terms of six years;

21 (2) The nonvoting members who are not students shall be appointed for terms of six  
22 years; except, that of the nonvoting members first appointed, one shall serve for a term of three  
23 years, and one shall serve a term of six years; and

24 (3) The nonvoting student member shall serve a two-year term as provided in section  
25 174.055.

26 3. The governors, **both voting and nonvoting** while attending the meetings of the board  
27 shall receive their actual and necessary expenses, which shall be paid out of the ordinary  
28 revenues of the university. Vacancies in terms of office caused by death, resignation or removal  
29 shall be filled in the manner provided by law for such vacancies on the board of curators of the  
30 [State] University of Missouri.

**174.621. 1. For the purposes of sections 174.500 to 174.630, confidentiality, as**  
2 **determined by the board and as provided by law, shall apply to all members and**  
3 **representatives on the board.**

4 **2. Any member or representative on the board may recuse himself or herself from**  
5 **any deliberation or proceeding of the board.**

6 **3. Upon a unanimous affirmative vote of the members of the board who are present**  
7 **and who are not student representatives, a given meeting closed pursuant to sections**  
8 **610.021 and 610.022, RSMo, shall be closed to the student representative.**

175.020. The board of curators of Lincoln University of Missouri shall hereafter consist  
2 of nine members who shall be appointed by the governor, by and with the advice and consent of  
3 the senate. No person shall be appointed a curator who shall not be a citizen of the United States  
4 and who shall not have been a resident of the state of Missouri two years next prior to his **or her**  
5 appointment. Not more than five curators shall belong to any one political party.

175.021. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of Lincoln University, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government association of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of his **or her** appointment as a student at the university.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1989.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until his **or her** successor is appointed and qualified.

5. If the student representative ceases to be a student at the university, or a resident of the state of Missouri, or fails to attend any regularly called meeting of the board of which [he] **the representative** has due notice, [his] **the** position shall at once become vacant, unless [his] **the** absence is caused by sickness or some accident preventing [his] **the representative's** arrival at the time and place appointed for the meeting.

6. The student representative shall receive [no compensation or reimbursement for expenses] **the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030.**

7. [The student representatives of all public colleges and universities] **Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative** shall have paid all student and tuition fees due prior to [said appointments] **such appointment** and shall pay all future student and tuition fees during the term of office when [said] **such** fees are due.

**175.023. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.**

**2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.**

**3. Upon a unanimous affirmative vote of the members of the board who are present and who are not student representatives, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative.**