

FIRST REGULAR SESSION

HOUSE BILL NO. 440

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PRATT (Sponsor), HAYWOOD, YAEGER, COOPER (120), DENISON, FLOOK, BAKER (123), YATES, MEINERS, VOGT, SPRENG, BURNETT, BAKER (25), CHAPPELLE-NADAL, KUESSNER, ROBINSON, AULL, RUCKER, MOORE, JACKSON, STORCH AND STEVENSON (Co-sponsors).

Read 1st time February 2, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1315L.02I

AN ACT

To repeal sections 172.030, 172.037, 172.040, 172.060, 174.450, 174.610, 174.620, and 174.621, RSMo, and to enact in lieu thereof eight new sections relating to the governing boards of certain state higher education institutions.

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

Section A. Sections 172.030, 172.037, 172.040, 172.060, 174.450, 174.610, 174.620, and 174.621, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 172.030, 172.037, 172.040, 172.060, 174.450, 174.610, 174.620, and 174.621, to read as follows:

172.030. The board of curators of the University of the state of Missouri shall hereafter consist of nine members, **one of which shall be a student curator**, who shall be appointed by the governor, by and with the advice and consent of the senate; provided, that not more than one [person] **of the eight nonstudent curators** shall be appointed upon said board from the same congressional district, and no person shall be appointed a curator who shall not be a citizen of the United States, and who shall not have been a resident of the state of Missouri two years next prior to his **or her** appointment. **Beginning with the next appointment to the board of curators by the governor after August 28, 2005, one of the nine members of the board shall be a current full-time student of the University of Missouri, whose title shall be student curator, and notwithstanding the provisions of sections 172.040 and 172.060, whose term**

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.

11 **of service shall be two years or as long as the person maintains the status of a full-time**
12 **student. The student curator shall have the right to vote on any matter before the board.**
13 **At the end of the student curator's term of service, the governor shall appoint a current**
14 **full-time student from the University of Missouri to serve as student curator.** Not more than
15 five curators shall belong to any one political party.

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

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

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

172.040. **Except as provided in section 172.030 for student curators with voting**
2 **powers**, the term of service of the curators shall be six years, the terms of three expiring every
3 two years; the first expiration occurring on the first day of January, 1911, and succeeding
4 expirations of three members every two years thereafter. Said curators, while attending the
5 meetings of the board, shall receive their actual expenses, which shall be paid out of the ordinary
6 revenues of the university.

172.060. **Except as provided in section 172.030 for student curators with voting**
2 **powers**, all appointments to fill vacancies, except such as may be made to fill out unexpired
3 terms, shall be for the term of six years, and until the successors of such appointees shall be
4 appointed and qualified.

174.450. **1. Except as provided in subsection 2 of this section**, the governing board
2 of Central Missouri State University, Southwest Missouri State University, Missouri Southern
3 State University-Joplin, and of each other public institution of higher education which, through
4 the procedures established in subdivision (7) or (8) of section 173.030, RSMo, is charged with
5 a statewide mission shall be a board of governors consisting of eight members, composed of
6 seven voting members and one nonvoting member as provided in sections 174.453 and 174.455,
7 who shall be appointed by the governor of Missouri, by and with the advice and consent of the
8 senate. No person shall be appointed a voting member who is not a citizen of the United States
9 and who has not been a resident of the state of Missouri for at least two years immediately prior
10 to such appointment. Not more than four voting members shall belong to any one political party.
11 The appointed members of the board of regents serving on the date of the statutory mission
12 change shall become members of the board of governors on the effective date of the statutory
13 mission change and serve until the expiration of the terms for which they were appointed. The
14 board of regents of any such institution shall be abolished on the effective date of the statutory

15 mission change, as prescribed in subdivision (7) or (8) of section 173.030, RSMo.

16 **2. Beginning with the next appointment to the governing board by the governor of**
17 **Missouri after August 28, 2005, one of the seven voting members of the board of governors**
18 **of Southwest Missouri State University shall be a current full-time student of Southwest**
19 **Missouri State University, whose title shall be student governor, and, notwithstanding the**
20 **provisions of subsection 2 of section 174.453, whose term of service shall be two years or**
21 **as long as the person maintains the status of a full-time student. The student governor**
22 **shall have the right to vote on any matter before the board. At the end of the student**
23 **governor's term of service, the governor of Missouri shall appoint a current full-time**
24 **student from Southwest Missouri State University to serve as student governor.**

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

11 **2. Beginning with the next appointment to the governing board by the governor of**
12 **Missouri after August 28, 2005, one of the seven voting members of the board shall be a**
13 **current full-time student of Truman State University, whose title shall be student governor,**
14 **and, notwithstanding the provisions of subdivision (1) of subsection 2 of section 174.620,**
15 **whose term of service shall be two years, provided the person maintains the status of a full-**
16 **time student. The student governor shall have the right to vote on any matter before the**
17 **board. At the end of the student governor's term of service, the governor of Missouri shall**
18 **appoint a current full-time student from Truman State University to serve as student**
19 **governor.**

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

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

6 (2) Three voting members from any of the seven college districts as contained in section
7 174.010, provided that no more than one **nonstudent** member shall be appointed from the same

8 congressional district;

9 (3) Two nonvoting members whose residence is other than the state of Missouri and who
10 are knowledgeable of the educational mission of liberal arts institutions; and

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

15 2. **Except as provided in subsection 2 of section 174.610**, the term of service of the
16 governors shall be as follows:

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

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

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

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

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

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

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