

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 440

93RD GENERAL ASSEMBLY

Reported from the Committee on Higher Education March 30, 2005 with recommendation that House Committee Substitute for House Bill No. 440 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules April 4, 2005 with recommendation that House Committee Substitute for House Bill No. 440 Do Pass with no time limit for debate.

Taken up for Perfection April 18, 2005. House Committee Substitute for House Bill No. 440 ordered Perfected and printed.

STEPHEN S. DAVIS, Chief Clerk

1315L.05P

AN ACT

To repeal sections 172.030, 172.035, 172.037, 172.040, 172.060, 174.055, 174.450, 174.453, 174.610, 174.620, 174.621, RSMo, and sections 174.450 and 174.453 as truly agreed to and finally passed by the ninety-third general assembly, first regular session, in senate substitute for senate committee substitute for senate bill no. 98, and to enact in lieu thereof eleven 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, 172.035, 172.037, 172.040, 172.060, 174.055, 174.450, 2 174.453, 174.610, 174.620, 174.621, RSMo, and sections 174.450 and 174.453 as truly agreed 3 to and finally passed by the ninety-third general assembly, first regular session, in senate 4 substitute for senate committee substitute for senate bill no. 98, are repealed and eleven new 5 sections enacted in lieu thereof, to be known as sections 172.030, 172.035, 172.037, 172.040, 6 172.060, 174.055, 174.450, 174.453, 174.610, 174.620, and 174.621, to read as follows:

172.030. **1.** The board of curators of the University of the state of Missouri shall 2 hereafter consist of nine members, **one of which shall be a student curator**, who shall be 3 appointed by the governor, by and with the advice and consent of the senate; provided, that not

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.

4 more than one [person] **of the eight nonstudent curators** shall be appointed upon said board
5 from the same congressional district, and no person shall be appointed a curator who shall not
6 be a citizen of the United States, and who shall not have been a resident of the state of Missouri
7 two years next prior to his **or her** appointment. Not more than five curators shall belong to any
8 one political party.

9 **2. Beginning with the next appointment to the board of curators by the governor**
10 **after August 28, 2005, one of the nine members of the board shall be a current full-time**
11 **student of the University of Missouri, whose title shall be student curator, and**
12 **notwithstanding the provisions of sections 172.040 and 172.060, whose term of service shall**
13 **be two years provided the person maintains the status of a full-time student. The student**
14 **curator shall have the right to vote on any matter before the board. At the end of the**
15 **student curator's term of service, the governor shall appoint a current full-time student**
16 **from the University of Missouri to serve as student curator.**

17 **3. No voting student curator shall be appointed after August 28, 2009. For the first**
18 **appointment after August 28, 2009, the governor shall appoint a voting nonstudent**
19 **member and a nonvoting student member, pursuant to section 172.035, to serve on the**
20 **board of curators.**

172.035. 1. The governor shall, by and with the advice and consent of the senate,
2 appoint a student representative to the board of curators of the University of Missouri, who shall
3 attend all meetings and participate in all deliberations of the board. **Before August 28, 2005,**
4 **and for any appointment of a student made after August 28, 2009,** such student
5 representative shall not have the right to vote on any matter before the board. **The appointment**
6 **process set out in this section for a student curator, whether voting or nonvoting, shall**
7 **remain unchanged.**

8 2. Such student representative shall be a full-time student at the university as defined by
9 the board, selected from a panel of three names submitted to the governor by the student
10 government presidents of the campuses of the university, a citizen of the United States, and a
11 resident of the state of Missouri. No person may be appointed who is not actually enrolled
12 during the term of such person's appointment as a student at the University of Missouri.

13 3. The term of the student representative shall be two years, except that the person first
14 appointed shall serve until January 1, 1986.

15 4. If a vacancy occurs for any reason in the position of student representative, the
16 governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of
17 this section and who shall serve until the student representative's successor is appointed and
18 qualified.

19 5. If the student representative ceases to be a student at the University of Missouri, or
20 a resident of the state of Missouri, or fails to follow the board's attendance policy, the student
21 representative's position shall at once become vacant, unless such absence is caused by sickness
22 or some accident preventing such representative's arrival at the time and place appointed for the
23 meeting.

24 6. The student representative shall receive the same reimbursement for expenses as other
25 members of the board of curators receive pursuant to section 172.040.

26 7. Appointments made under this section shall be made in rotation from each of the four
27 campuses of the University of Missouri, beginning with a student from the Columbia campus,
28 next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis
29 campus.

30 8. Unless alternative arrangements for payment have been made and agreed to by the
31 student and the university, the student representative shall have paid all student and tuition fees
32 due prior to such appointment and shall pay all future student and tuition fees during the term
33 of office when such fees are due.

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

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

174.055. 1. The governor shall, by and with the advice and consent of the senate,
2 appoint a student representative to the board of regents or governors of each educational
3 institution referred to in section 174.020 who shall attend all meetings and participate in all
4 deliberations of the board. **Except for the voting student curator appointed to the board for
5 Missouri State University after August 28, 2005, and before August 28, 2009, under**

6 **subdivision (2) of subsection 2 of section 174.450**, such student representative shall not have
7 the right to vote on any matter before the board.

8 2. Such student representative shall be a full-time student at the institution as defined by
9 the board, selected from a panel of three names submitted to the governor by the student
10 government president, a citizen of the United States, and a resident of the state of Missouri. No
11 person may be appointed who is not actually enrolled during the term of such person's
12 appointment as a student at the institution.

13 3. The term of the student representative shall be two years[, except that the person first
14 appointed shall serve until January 1, 1986].

15 4. If a vacancy occurs for any reason in the position of student representative, the
16 governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of
17 this section and who shall serve until such representative's successor is appointed and qualified.

18 5. If the student representative ceases to be a student at the institution, or a resident of
19 the state of Missouri, or fails to follow the board's attendance policy, the student representative's
20 position shall at once become vacant, unless the student representative's absence is caused by
21 sickness or some accident preventing the student representative's arrival at the time and place
22 appointed for the meeting.

23 6. The student representative shall receive the same reimbursement for expenses as other
24 members of the board of regents receive pursuant to section 174.100.

25 7. Unless alternative arrangements for payment have been made and agreed to by the
26 student and the educational institution, the student representative shall have paid all student and
27 tuition fees due prior to such appointment and shall pay all future student and tuition fees during
28 the term of office when such fees are due.

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

14 serve until the expiration of the terms for which they were appointed. The board of regents of
15 any such institution shall be abolished on the effective date of the statutory mission change, as
16 prescribed in subdivision (7) or (8) of section 173.030, RSMo.

17 **2. (1) The governing board of Missouri State University, a public institution of**
18 **higher education charged with a statewide mission in public affairs, shall be a board of**
19 **governors of ten members who shall be appointed by the governor, by and with the advice**
20 **and consent of the senate. No more than one nonstudent member shall be appointed to the**
21 **board from the same congressional district, and every member of the board shall be a**
22 **citizen of the United States, and a resident of this state for at least two years prior to his or**
23 **her appointment. No more than five voting members shall belong to any one political**
24 **party.**

25 **(2) Beginning with the next appointment to the governing board by the governor**
26 **of Missouri after August 28, 2005, one of the nine voting members of the board of**
27 **governors of Missouri State University shall be a current full-time student of Missouri**
28 **State University, whose title shall be student governor, and notwithstanding the provisions**
29 **of subsection 2 of section 174.453, whose term of service shall be two years provided the**
30 **person maintains the status of full-time student. The student governor shall have the right**
31 **to vote on any matter before the board. At the end of the student governor's term of**
32 **service the governor shall appoint a current full-time student from Missouri State**
33 **University to serve as student governor.**

34 **(3) No voting student governor shall be appointed after August 28, 2009. For the**
35 **first appointment after August 28, 2009, the governor shall appoint a voting nonstudent**
36 **member and a nonvoting student member, pursuant to section 174.453, to serve on the**
37 **board of governors.**

38 **3. The governing board of Missouri Southern State University shall be a board of**
39 **governors consisting of nine members, composed of eight voting members and one**
40 **nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by**
41 **the governor of Missouri, by and with the advice and consent of the senate. No person**
42 **shall be appointed a voting member who is not a citizen of the United States and who has**
43 **not been a resident of the state of Missouri for at least two years immediately prior to such**
44 **appointment. Not more than four voting members shall belong to any one political party.**

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

2 (1) Five voting members shall be selected from the counties comprising the institution's
3 historic statutory service region as described in section 174.010, except that no more than two
4 members shall be appointed from any one county with a population of less than two hundred
5 thousand inhabitants;

6 (2) Two voting members shall be selected from any of the counties in the state which are
7 outside of the institution's historic service region; and

8 (3) **Excluding Missouri State University for the period of time contemplated in**
9 **subdivision (2) of subsection 2 of section 174.450**, one nonvoting member who is a student
10 shall be selected in the same manner as prescribed in section 174.055.

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

12 (1) The voting members shall be appointed for terms of six years; and

13 (2) The nonvoting student member shall serve a two-year term.

14 3. Members of any board of governors selected pursuant to this section and in office on
15 May 13, 1999, shall serve the remainder of their unexpired terms.

16 4. Notwithstanding the provisions of subsection 1 of this section, the board of governors
17 of Missouri Southern State [University-Joplin] **University** shall be appointed as follows:

18 (1) [~~Five~~] **Six** voting members shall be selected from any of the following counties:
19 Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry provided that no more than three
20 of these [~~five~~] **six** members shall be appointed from any one county;

21 (2) Two voting members shall be selected from any of the counties in the state which are
22 outside of the counties articulated in subdivision (1) of this subsection;

23 (3) One nonvoting member who is a student shall be selected in the same manner as
24 prescribed in section 174.055; and

25 (4) The provisions of subdivisions (1) and (2) of this subsection shall only apply to board
26 members first appointed after August 28, 2004.

27 **5. Notwithstanding the provisions of subsection 1 of this section, the board of**
28 **governors of Missouri Western State University shall be appointed as follows:**

29 (1) **Five voting members shall be selected from any of the following counties:**
30 **Buchanan, Platte, Clinton, Andrew, and DeKalb provided that no more than three of these**
31 **five members shall be appointed from any one county;**

32 (2) **Two voting members shall be selected from any of the counties in the state**
33 **which are outside of the counties articulated in subdivision (1) of this subsection;**

34 (3) **One nonvoting member who is a student shall be selected in the same manner**
35 **as prescribed in section 174.055; and**

36 (4) **The provisions of subdivisions (1) and (2) of this subsection shall only apply to**
37 **board members first appointed after August 28, 2005.**

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.**

20 **3. No voting student governor shall be appointed after August 28, 2009. For the**
21 **first appointment after August 28, 2009, the governor shall appoint a voting nonstudent**
22 **member and a nonvoting student member to serve on the board of governors.**

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. **Before August 28, 2005, and for**
13 **any appointment of a student made after August 28, 2009,** such student representative shall
14 not have the right to vote on any matter before the board, but shall have all other powers and
15 duties of section 174.055, and shall also meet the qualifications of section 174.055.

16 **2. Except as provided in subsection 2 of section 174.610,** the term of service of the
17 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 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.

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

20 **2. The governing board of Missouri State University, a public**
 21 **institution of higher education charged with a statewide mission in public**
 22 **affairs, shall be a board of governors of ten members, composed of nine**
 23 **voting members and one nonvoting member, who shall be appointed by the**
 24 **governor, by and with the advice and consent of the senate. The nonvoting**
 25 **member shall be a student selected in the same manner as prescribed in**
 26 **section 174.055. No more than one voting member shall be appointed to the**
 27 **board from the same congressional district, and every member of the board**
 28 **shall be a citizen of the United States, and a resident of this state for at least**
 29 **two years prior to his or her appointment. No more than five voting**
 30 **members shall belong to any one political party.**

31 **3. The governing board of Missouri Southern State University shall**
 32 **be a board of governors consisting of nine members, composed of eight**
 33 **voting members and one nonvoting member as provided in sections 174.453**
 34 **and 174.455, who shall be appointed by the governor of Missouri, by and**
 35 **with the advice and consent of the senate. No person shall be appointed a**
 36 **voting member who is not a citizen of the United States and who has not**
 37 **been a resident of the state of Missouri for at least two years immediately**
 38 **prior to such appointment. Not more than four voting members shall belong**
 39 **to any one political party.]**
 40

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

2 (1) Five voting members shall be selected from the counties comprising
 3 the institution's historic statutory service region as described in section 174.010,
 4 except that no more than two members shall be appointed from any one county
 5 with a population of less than two hundred thousand inhabitants;

6 (2) Two voting members shall be selected from any of the counties in the
 7 state which are outside of the institution's historic service region; and

8 (3) One nonvoting member who is a student shall be selected in the same
 9 manner as prescribed in section 174.055.

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

11 (1) The voting members shall be appointed for terms of six years; and

12 (2) The nonvoting student member shall serve a two-year term.

13 3. Members of any board of governors selected pursuant to this section
 14 and in office on May 13, 1999, shall serve the remainder of their unexpired terms.

15 4. Notwithstanding the provisions of subsection 1 of this section, the
 16 board of governors of Missouri Southern State [University-Joplin] **University**
 17 shall be appointed as follows:

18 (1) [Five] **Six** voting members shall be selected from any of the following
 19 counties: Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry
 20 provided that no more than three of these [five] **six** members shall be appointed
 21 from any one county;

22 (2) Two voting members shall be selected from any of the counties in the
23 state which are outside of the counties articulated in subdivision (1) of this
24 subsection;

25 (3) One nonvoting member who is a student shall be selected in the same
26 manner as prescribed in section 174.055; and

27 (4) The provisions of subdivisions (1) and (2) of this subsection shall
28 only apply to board members first appointed after August 28, 2004.

29 **5. Notwithstanding the provisions of subsection 1 of this section, the**
30 **board of governors of Missouri Western State University shall be appointed**
31 **as follows:**

32 **(1) Five voting members shall be selected from any of the following**
33 **counties: Buchanan, Platte, Clinton, Andrew, and DeKalb provided that no**
34 **more than three of these five members shall be appointed from any one**
35 **county;**

36 **(2) Two voting members shall be selected from any of the counties**
37 **in the state which are outside of the counties articulated in subdivision (1)**
38 **of this subsection;**

39 **(3) One nonvoting member who is a student shall be selected in the**
40 **same manner as prescribed in section 174.055; and**

41 **(4) The provisions of subdivisions (1) and (2) of this subsection shall**
42 **only apply to board members first appointed after August 28, 2005.]**