

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 194

91ST GENERAL ASSEMBLY

Reported from the Committee on Education-Higher, February 22, 2001, with recommendation that the House Committee Substitute for House Bill No. 194 Do Pass.

Taken up for Perfection March 1, 2001.

House Committee Substitute for House Bill No. 194 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

0257L.02P

AN ACT

To repeal sections 173.260, 174.450, 174.610, 174.620 and 175.021, RSMo 2000, relating to certain institutions of higher education, and to enact in lieu thereof fourteen new sections relating to the same subject.

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

Section A. Sections 173.260, 174.450, 174.610, 174.620 and 175.021, RSMo 2000, are
2 repealed and fourteen new sections enacted in lieu thereof, to be known as sections 172.036,
3 173.035, 173.260, 174.057, 174.058, 174.450, 174.610, 174.620, 174.621, 174.622, 175.021,
4 175.022, 175.023 and Section 1, to read as follows:

- 172.036. 1. **One faculty member representative of the university system who meets**
2 **the requirements of this section shall be appointed by the governor with the advice and**
3 **consent of the senate. The governor shall select the appointee from a panel of three**
4 **nominees selected by the faculty council, the faculty senate or the equivalent faculty**
5 **organization of the university. The faculty member representative shall attend all meetings**
6 **and participate in all deliberations of the board. Such faculty member representative shall**
7 **have the same powers as the other members of the board of curators, except that such**
8 **faculty member representative shall not have the right to vote on any matter before the**
9 **board.**
- 10 2. **Such faculty member representative shall be a full-time faculty member at the**

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

11 **university, a citizen of the United States, and a resident of the state of Missouri.**

12 **3. The term of the faculty member representative shall be two years. No person**
13 **shall serve as the faculty member representative to the board of curators for more than one**
14 **term.**

15 **4. If a vacancy occurs for any reason in the position of faculty member**
16 **representative, the governor, with the advice and consent of the senate, shall appoint a**
17 **replacement within ninety days of the existence of the vacancy who meets the qualifications**
18 **set forth in subsection 2 of this section and who shall serve the remainder of the term, and**
19 **shall serve until such faculty member representative's successor is appointed and qualified.**

20 **5. If the faculty member representative ceases to be a full-time faculty member at**
21 **the University of Missouri, or a resident of the state of Missouri, such position shall at once**
22 **become vacant.**

23 **6. The faculty member representative shall receive the same reimbursement for**
24 **expenses as other members of the board of curators receive pursuant to section 172.040.**

173.035. 1. Pursuant to the duties for the coordinating board for higher education
2 **specified in section 173.005, the coordinating board shall promote and catalogue service**
3 **learning opportunities available in the state institutions of higher education. As used in**
4 **this section, "service learning" refers to structured opportunities for community service**
5 **that are related to academic courses of study, and which are performed by students**
6 **voluntarily or for some type of academic credit. Service learning may occur through**
7 **nonprofit, governmental or community-based organizations, or schools, colleges or**
8 **universities. In general, service learning is designed to provide direct experience with**
9 **community issues, and has as its primary goal an increase in educational impact of**
10 **academic knowledge by direct application to community needs, which results in both**
11 **productive citizens and an increased quality of life for community residents. Service**
12 **learning may include but is not limited to activities in the areas of tutoring, literacy**
13 **training, neighborhood improvement, environmental improvements, assisting the elderly**
14 **or disabled, providing mental health and physical health care, particularly for**
15 **disadvantaged or low income community residents.**

16 **2. The coordinating board shall promote service learning by:**

17 **(1) Including information about service learning in workshops, seminars, and other**
18 **coordinating board-sponsored training activities attended by administrators, faculty and**
19 **staff;**

20 **(2) Sharing information with the state institutions of higher education about the**
21 **service learning programs at those facilities which have active and ongoing programs;**

22 **(3) Developing written information about the options available to the colleges and**

23 **universities in implementing service learning programs, including information on the issues**
24 **of granting academic credit for service learning participation, how to connect service**
25 **learning placements and academic learning, how to develop feasible programs that permit**
26 **the widest possible student involvement, and forming partnerships with private entities**
27 **and public agencies to help meet the goals of service learning programs; and**

28 (4) **Encouraging state institutions of higher education to establish, continue or**
29 **expand service learning programs, through written and verbal communications between**
30 **the coordinating board and the state institutions of higher education.**

31 **3. The coordinating board shall catalogue service learning by:**

32 (1) **Adding information about the existence, scope and structure of service learning**
33 **programs at state institutions of higher education to the institutional information collected**
34 **by the coordinating board, as required in subdivision (7) of subsection 2 of section 173.005;**

35 (2) **Providing summary information about the number, scope and structure of**
36 **service learning programs at state institutions of higher education to nonprofit and**
37 **community agencies and schools, upon request; and**

38 (3) **Providing an annual report to the governor and to the general assembly on the**
39 **number, scope and structure of service learning programs at state institutions of higher**
40 **education by September thirtieth of each year, beginning in 2002.**

173.260. 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) "Eligible child", the natural, adopted or stepchild of a public safety officer or
5 employee, as defined in this section, who is less than twenty-four years of age and who is a
6 dependent of a public safety officer or employee or was a dependent at the time of death or
7 permanent and total disability of a public safety officer or employee;

8 (3) "Employee", any full-time employee of the department of transportation engaged in
9 the construction or maintenance of the state's highways, roads and bridges;

10 (4) "Grant", the public safety officer or employee survivor grant as established by this
11 section;

12 (5) "Institution of postsecondary education", any approved public or private institution
13 as defined in section 173.205;

14 (6) "Line of duty", any action of a public safety officer, whose primary function is crime
15 control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or
16 obligated by law, rule, regulation or condition of employment or service to perform;

17 (7) "Public safety officer", any firefighter, **volunteer firefighter**, police officer, capitol
18 police officer, **reserve peace officer**, parole officer, probation officer, state correctional

19 employee, water safety officer, park ranger, conservation officer or highway patrolman employed
20 by the state of Missouri or a political subdivision thereof who is killed or permanently and totally
21 disabled in the line of duty;

22 (8) "Permanent and total disability", a disability which renders a person unable to engage
23 in any gainful work;

24 (9) "Spouse", the husband, wife, widow or widower of a public safety officer or
25 employee at the time of death or permanent and total disability of such public safety officer;

26 (10) "Tuition", any tuition or incidental fee or both charged by an institution of
27 postsecondary education, as defined in this section, for attendance at that institution by a student
28 as a resident of this state.

29 2. Within the limits of the amounts appropriated therefor, the coordinating board for
30 higher education shall provide, as defined in this section, a grant for either of the following to
31 attend an institution of postsecondary education:

32 (1) An eligible child of a public safety officer or employee killed or permanently and
33 totally disabled in the line of duty; or

34 (2) A spouse of a public safety officer killed or permanently and totally disabled in the
35 line of duty.

36 3. An eligible child or spouse may receive a grant under this section only so long as the
37 child or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate
38 degree. In no event shall a child or spouse receive a grant beyond the completion of the first
39 baccalaureate degree or, in the case of a child, age twenty-four years, except that the child may
40 receive a grant through the completion of the semester or similar grading period in which the
41 child reaches his **or her** twenty-fourth year. No child or spouse shall receive more than one
42 hundred percent of tuition when combined with similar funds made available to such child or
43 spouse.

44 4. The coordinating board for higher education shall:

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

46 (2) Determine minimum standards of performance in order for a child or spouse to
47 remain eligible to receive a grant under this program;

48 (3) Make available on behalf of an eligible child or spouse an amount toward the child's
49 or spouse's tuition which is equal to the grant to which the child or spouse is entitled under the
50 provisions of this section;

51 (4) Provide the forms and determine the procedures necessary for an eligible child or
52 spouse to apply for and receive a grant under this program.

53 5. An eligible child or spouse who is enrolled or has been accepted for enrollment as an
54 undergraduate postsecondary student at an approved institution of postsecondary education shall

55 receive a grant in an amount not to exceed the least of the following:

56 (1) The actual tuition, as defined in this section, charged at an approved institution where
57 the child or spouse is enrolled or accepted for enrollment; or

58 (2) The amount of tuition charged a Missouri resident at the University of Missouri for
59 attendance as a full-time student, as defined in section 173.205.

60 6. An eligible child or spouse who is a recipient of a grant may transfer from one
61 approved public or private institution of postsecondary education to another without losing his
62 **or her** entitlement under this section. The board shall make necessary adjustments in the amount
63 of the grant. If a grant recipient at anytime withdraws from the institution of postsecondary
64 education so that under the rules and regulations of that institution [he] **such recipient** is entitled
65 to a refund of any tuition, fees, or other charges, the institution shall pay the portion of the refund
66 to which [he] **the recipient** is entitled attributable to the grant for that semester or similar
67 grading period to the board.

68 7. If an eligible child or spouse is granted financial assistance under any other student
69 aid program, public or private, the full amount of such aid shall be reported to the board by the
70 institution and the eligible child or spouse.

71 8. Nothing in this section shall be construed as a promise or guarantee that a person will
72 be admitted to an institution of postsecondary education or to a particular institution of
73 postsecondary education, will be allowed to continue to attend an institution of postsecondary
74 education after having been admitted, or will be graduated from an institution of postsecondary
75 education.

76 9. A public safety officer who is permanently and totally disabled shall be eligible for
77 a grant pursuant to the provisions of this section.

78 10. An eligible child of a public safety officer or employee, spouse of a public safety
79 officer or public safety officer shall cease to be eligible for a grant pursuant to this section when
80 such public safety officer or employee is no longer permanently and totally disabled.

**174.057. 1. There shall be a faculty representative to the board of regents of each
2 educational institution referred to in section 174.020, appointed by the governor, with the
3 advice and consent of the senate, who shall attend all meetings and participate in all
4 deliberations of the board. The governor shall select the appointee from a panel of three
5 nominees selected by the faculty council, the faculty senate, or the equivalent faculty
6 organization of the university. Such faculty member representative shall have the same
7 powers as the other members of the board of regents, except that such faculty member
8 representative shall not have the right to vote on any matter before the board.**

9 **2. Such faculty member representative shall be a full-time faculty member at the
10 institution, a citizen of the United States, and a resident of the state of Missouri.**

11 **3. The term of the faculty member representative shall be two years. No person**
12 **shall serve as the faculty member representative to the board of a particular institution for**
13 **more than one term.**

14 **4. If a vacancy occurs for any reason in the position of faculty member**
15 **representative, the governor, with the advice and consent of the senate, shall appoint a**
16 **replacement within ninety days of the existence of the vacancy who meets the qualifications**
17 **set forth in subsection 2 of this section and who shall serve the remainder of the term, and**
18 **shall serve until such faculty member representative's successor is appointed and qualified.**

19 **5. If the faculty member representative ceases to be a full-time faculty member at**
20 **the institution, or a resident of the state of Missouri, such position shall at once become**
21 **vacant.**

22 **6. The faculty member representative shall receive the same reimbursement for**
23 **expenses as other members of the board of regents receive pursuant to section 174.100.**

174.058. 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 a student or faculty representative, a given meeting closed pursuant to**
8 **sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the**
9 **faculty representative or both.**

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

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

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

17 (5) **One nonvoting member who is a faculty member shall be selected as provided**
18 **in section 174.622.**

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

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

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

26 (3) The nonvoting student member shall serve a two-year term as provided in section
27 174.055, **and the nonvoting faculty member shall serve a two-year term as provided in**
28 **section 174.622.**

29 3. The governors while attending the meetings of the board shall receive their actual and
30 necessary expenses, which shall be paid out of the ordinary revenues of the university.
31 Vacancies in terms of office caused by death, resignation or removal shall be filled in the manner
32 provided by law for such vacancies on the board of curators of the [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 a student or faculty representative, a given meeting closed pursuant to**
8 **sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the**
9 **faculty representative or both.**

174.622. 1. The governor, with the advice and consent of the senate, shall appoint
2 **a faculty member representative to the board of governors of Truman State University,**
3 **who shall attend all meetings and participate in all deliberations of the board. The**
4 **governor shall select the appointee from a panel of three nominees selected by the faculty**
5 **council, the faculty senate, or the equivalent faculty organization of the university. Such**
6 **faculty member representative shall have the same powers as the other members of the**
7 **board of governors, except that such faculty member representative shall not have the right**
8 **to vote on any matter before the board.**

9 **2. Such faculty member representative shall be a full-time faculty member at the**
10 **university, a citizen of the United States, and a resident of the state of Missouri.**

11 **3. The term of the faculty member representative shall be two years. No person**
12 **shall serve as the faculty member representative to the board for more than one term.**

13 **4. If a vacancy occurs for any reason in the position of faculty member**
14 **representative, the governor, with the advice and consent of the senate, shall appoint a**
15 **replacement within ninety days of the existence of the vacancy who meets the qualifications**
16 **set forth in subsection 2 of this section and who shall serve the remainder of the term, and**
17 **shall serve until such faculty member representative's successor is appointed and qualified.**

18 **5. If the faculty member representative ceases to be a full-time faculty member at**
19 **the university, or a resident of the state of Missouri, such position shall at once become**
20 **vacant.**

21 **6. The faculty member representative shall receive the same reimbursement for**
22 **expenses as other members of the board of governors receive pursuant to section 174.620.**

175.021. 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 Lincoln University, who shall attend
3 all meetings and participate in all deliberations of the board[, except any meeting, record or vote
4 closed under the provisions of section 610.025, RSMo]. Such student representative shall not
5 have the right to vote on any matter before the board.

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

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

13 4. If a vacancy occurs for any reason in the position of student representative, the
14 governor shall appoint a replacement **within ninety days of the existence of the vacancy** who
15 meets the qualifications set forth in subsection 2 of this section and who shall serve until [his]
16 **such student representative's** successor is appointed and qualified.

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

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

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

175.022. 1. **The governor, with the advice and consent of the senate, shall appoint**
2 **a faculty member representative to the board of curators of Lincoln University, who shall**

3 attend all meetings and participate in all deliberations of the board. The governor shall
4 select the appointee from a panel of three nominees selected by the faculty council, the
5 faculty senate, or the equivalent faculty organization of the university. Such faculty
6 member representative shall have the same powers as the other members of the board of
7 curators, except that such faculty member representative shall not have the right to vote
8 on any matter before the board.

9 2. Such faculty member representative shall be a full-time faculty member at the
10 university, a citizen of the United States, and a resident of the state of Missouri.

11 3. The term of the faculty member representative shall be two years. No person
12 shall serve as the faculty member representative to the board for more than one term.

13 4. If a vacancy occurs for any reason in the position of faculty member
14 representative, the governor, with the advice and consent of the senate, shall appoint a
15 replacement within ninety days of the existence of the vacancy who meets the qualifications
16 set forth in subsection 2 of this section and who shall serve the remainder of the term, and
17 shall serve until such faculty member representative's successor is appointed and qualified.

18 5. If the faculty member representative ceases to be a full-time faculty member at
19 the university, or a resident of the state of Missouri, such position shall at once become
20 vacant.

21 6. The faculty member representative shall receive the same reimbursement for
22 expenses as other members of the board of curators receive pursuant to section 175.030.

175.023. 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 a student or faculty representative, a given meeting closed pursuant to
8 sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the
9 faculty representative or both.

Section 1. Members of the general assembly with eight or more years of service in
2 the general assembly shall be considered as qualified to teach government classes in any
3 public institution of higher education.