

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1986

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOSMER, FARNEN, WILLIAMS, BRITT,  
RIBACK WILSON (25), HAYWOOD, HARLAN AND CHAMPION (Co-sponsors).

Read 1<sup>st</sup> time February 19, 2002, and 1000 copies ordered printed.

Read 2<sup>nd</sup> time February 20, 2002, and referred to the Committee on Education - Higher, February 28, 2002.

Reported from the Committee on Education - Higher March 7, 2002, with recommendation that the bill Do Pass by Consent.

Perfected by Consent March 19, 2002.

TED WEDEL, Chief Clerk

3644L.01P

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### AN ACT

To repeal sections 172.035, 172.037, 174.055, 174.450, 174.453, 174.610, 174.620, 174.621, 175.021, and 175.023, RSMo, and to enact in lieu thereof fifteen new sections relating to certain institutions of higher education.

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

Section A. Sections 172.035, 172.037, 174.055, 174.450, 174.453, 174.610, 174.620,  
2 174.621, 175.021, and 175.023, RSMo, are repealed and fifteen new sections enacted in lieu  
3 thereof, to be known as sections 172.035, 172.036, 172.037, 174.055, 174.057, 174.058,  
4 174.450, 174.453, 174.610, 174.620, 174.621, 174.622, 175.021, 175.022, and 175.023, to read  
5 as follows:

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. Such student representative  
4 shall not have the right to vote on any matter before the board.

5 2. Such student representative shall be a full-time student at the university as defined by  
6 the board, selected from a panel of three names submitted to the governor by the student  
7 government presidents of the campuses of the university, a citizen of the United States, and a  
8 resident of the state of Missouri. No person may be appointed who is not actually enrolled

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

9 during the term of such person's appointment as a student at the University of Missouri.

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

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

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

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

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

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

**172.036. 1. The governor, with the advice and consent of the senate, shall appoint  
2 a faculty member representative of the university system who shall attend all meetings and  
3 participate in all deliberations of the board. The governor shall select the appointee from  
4 a panel of three nominees selected by the faculty council, the faculty senate or the  
5 equivalent faculty organization of the university. Such faculty member representative shall  
6 have the same powers as the other members of the board of curators, except that such  
7 faculty member representative shall not have the right to vote on any matter before the  
8 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 of curators for more than one  
13 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 University of Missouri, or a resident of the state of Missouri, such position shall at once**  
21 **become vacant.**

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

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 a student [representatives] **or faculty representative**, a given meeting closed  
7 pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative,  
8 **the faculty representative, or both.**

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. Such student representative shall not have the right to vote on any  
5 matter before the board.

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

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

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 such  
16 representative's successor is appointed and qualified.

17 5. If the student representative ceases to be a student at the institution, or a resident of  
18 the state of Missouri, or fails to follow the board's attendance policy, the student representative's  
19 position shall at once become vacant, unless the student representative's absence is caused by

20 sickness or some accident preventing the student representative's arrival at the time and place  
21 appointed for the meeting.

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

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

**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 institution. 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. No person shall be appointed a voting member who is not a  
8 citizen of the United States and who has not been a resident of the state of Missouri for at least  
9 two years immediately prior to such appointment. Not more than four voting members shall  
10 belong to any one political party. The appointed members of the board of regents serving on the  
11 date of the statutory mission change shall become members of the board of governors on the  
12 effective date of the statutory mission change and serve until the expiration of the terms for  
13 which they were appointed. The board of regents of any such institution shall be abolished on  
14 the effective date of the statutory mission change, as prescribed in subdivision (7) or (8) of  
15 section 173.030, RSMo.

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

10           **(4) One nonvoting member who is a faculty member shall be selected as provided**  
11 **in section 174.057.**

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

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

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

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

174.610. 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 immediately prior to such person's appointment. Not  
7 more than four voting governors shall belong to any one political party. The appointed members  
8 of 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.

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 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. **If a vacancy**  
15 **occurs for any reason in the position of student representative, the governor shall appoint**  
16 **an appropriate replacement within ninety days of the existence of the vacancy; 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[, both voting and nonvoting,] while attending the meetings of the board  
30 shall receive their actual and necessary expenses, which shall be paid out of the ordinary  
31 revenues of the university. Vacancies in terms of office caused by death, resignation or removal  
32 shall be filled in the manner provided by law for such vacancies on the board of curators of the  
33 University of Missouri.

          174.621. 1. For the purposes of [this chapter] **sections 174.600 to 174.622,**  
2 confidentiality, as determined by the board and as provided by law, shall apply to all members  
3 and representatives on the board.

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

6           3. Upon a unanimous affirmative vote of the members of the board who are present and  
7 who are not a student [representatives] **or faculty representative,** a given meeting closed  
8 pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative,  
9 **the 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. Such student representative shall  
4 not have the right to vote on any matter before the board.

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

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

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

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

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

23 7. Unless alternative arrangements for payment have been made and agreed to by the  
24 student and the university, the student representative shall have paid all student and tuition fees  
25 due prior to such appointment and shall pay all future student and tuition fees during the term  
26 of office when 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 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 **a student [representatives] or faculty representative**, a given meeting closed  
7 pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative,  
8 **the faculty representative, or both.**