

FIRST REGULAR SESSION
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.

TED WEDEL, Chief Clerk

0257L.02C

AN ACT

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

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

Section A. Sections 174.450, 174.610, 174.620 and 175.021, RSMo 2000, are repealed
2 and twelve new sections enacted in lieu thereof, to be known as sections 172.036, 173.035,
3 174.057, 174.058, 174.450, 174.610, 174.620, 174.621, 174.622, 175.021, 175.022 and 175.023,
4 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 tenured faculty member
11 at the 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

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

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 who meets the qualifications set forth in subsection 2 of this section and who
18 shall serve the remainder of the term, and shall serve until such faculty member
19 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.

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 tenured faculty member
10 at the 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 who meets the qualifications set forth in subsection 2 of this section and who
17 shall serve the remainder of the term, and shall serve until such faculty member
18 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 determined by the board and as provided by law, shall apply to all members and representatives on the board.

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

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

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

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

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

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

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

6. The faculty member representative shall receive the same reimbursement for 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, appoint a student representative to the board of curators of Lincoln University, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

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 who meets the qualifications set forth in subsection 2 of
15 this section and who shall serve until [his] **such student representative's** successor is appointed
16 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 tenured faculty member
10 at the 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 who meets the qualifications set forth in subsection 2 of this section and who**
16 **shall serve the remainder of the term, and shall serve until such faculty member**
17 **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.**