

SECOND REGULAR SESSION

HOUSE BILL NO. 1658

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (Sponsor), DAUS, HAYWOOD, HILGEMANN, THOMPSON, VILLA, JOHNSON (61), WILSON (42), HUBBARD, CARNAHAN, HOSKINS, EL-AMIN, BOYKINS, WALTON, CURLS AND BLAND (Co-sponsors).

Read 1st time March 10, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4912L.011

AN ACT

To repeal sections 173.005, 174.020, 174.300, 174.310, and 174.320, RSMo, and to enact in lieu thereof five new sections relating to Harris-Stowe State College.

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

Section A. Sections 173.005, 174.020, 174.300, 174.310, and 174.320, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 173.005, 174.020,
3 174.300, 174.310, and 174.320, to read as follows:

173.005. 1. There is hereby created a "Department of Higher Education", and the
2 division of higher education of the department of education is abolished and all its powers,
3 duties, functions, personnel and property are transferred as provided by the Reorganization Act
4 of 1974, Appendix B, RSMo.

5 2. The commission on higher education is abolished and all its powers, duties, personnel
6 and property are transferred by type I transfer to the "Coordinating Board for Higher Education",
7 which is hereby created, and the coordinating board shall be the head of the department. The
8 coordinating board shall consist of nine members appointed by the governor with the advice and
9 consent of the senate, and not more than five of its members shall be of the same political party.
10 None of the members shall be engaged professionally as an educator or educational administrator
11 with a public or private institution of higher education at the time appointed or during his term.
12 The other qualifications, terms and compensation of the coordinating board shall be the same as
13 provided by law for the curators of the University of Missouri. The coordinating board may, in
14 order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section,

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

15 employ such professional, clerical and research personnel as may be necessary to assist it in
16 performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time
17 equivalent employees regardless of the source of funding. In addition to all other powers, duties
18 and functions transferred to it, the coordinating board for higher education shall have the
19 following duties and responsibilities:

20 (1) The coordinating board for higher education shall have approval of proposed new
21 degree programs to be offered by the state institutions of higher education;

22 (2) The coordinating board for higher education may promote and encourage the
23 development of cooperative agreements between Missouri public four-year institutions of higher
24 education which do not offer graduate degrees and Missouri public four-year institutions of
25 higher education which do offer graduate degrees for the purpose of offering graduate degree
26 programs on campuses of those public four-year institutions of higher education which do not
27 otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of
28 the parties, including assignment of administrative responsibility. Any diploma awarded for
29 graduate degrees under such a cooperative agreement shall include the names of both institutions
30 inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no
31 further approval from the coordinating board for higher education. Any costs incurred with
32 respect to the administrative provisions of this subdivision may be paid from state funds
33 allocated to the institution assigned the administrative authority for the program. The provisions
34 of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this
35 subsection;

36 (3) In consultation with the heads of the institutions of higher education affected and
37 against a background of carefully collected data on enrollment, physical facilities, manpower
38 needs, institutional missions, the coordinating board for higher education shall establish
39 guidelines for appropriation requests by those institutions of higher education; however, other
40 provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated
41 by the general assembly to the governing board of each public four-year institution of higher
42 education which shall prepare expenditure budgets for the institution;

43 (4) No new state-supported senior colleges or residence centers shall be established
44 except as provided by law and with approval of the coordinating board for higher education;

45 (5) The coordinating board for higher education shall establish admission guidelines
46 consistent with institutional missions;

47 (6) The coordinating board shall establish policies and procedures for institutional
48 decisions relating to the residence status of students;

49 (7) The coordinating board shall establish guidelines to promote and facilitate the
50 transfer of students between institutions of higher education within the state;

51 (8) The coordinating board shall collect the necessary information and develop
52 comparable data for all institutions of higher education in the state. The coordinating board shall
53 use this information to delineate the areas of competence of each of these institutions and for any
54 other purposes deemed appropriate by the coordinating board;

55 (9) Compliance with requests from the coordinating board for institutional information
56 and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall
57 be a prerequisite to the receipt of any funds for which the coordinating board is responsible for
58 administering; and

59 (10) If any institution of higher education in this state, public or private, willfully fails
60 or refuses to follow any lawful guideline, policy or procedure established or prescribed by the
61 coordinating board, or knowingly deviates from any such guideline, or knowingly acts without
62 coordinating board approval where such approval is required, or willfully fails to comply with
63 any other lawful order of the coordinating board, the coordinating board may, after a public
64 hearing, withhold or direct to be withheld from that institution any funds the disbursement of
65 which is subject to the control of the coordinating board, or may remove the approval of the
66 institution as an "approved institution" within the meaning of section 173.205, but nothing in this
67 section shall prevent any institution of higher education in this state from presenting additional
68 budget requests or from explaining or further clarifying its budget requests to the governor or the
69 general assembly.

70 3. The coordinating board shall meet at least four times annually with an advisory
71 committee who shall be notified in advance of such meetings. The coordinating board shall have
72 exclusive voting privileges. The advisory committee shall consist of thirty-two members, who
73 shall be the president or other chief administrative officer of the University of Missouri; the
74 chancellor of each campus of the University of Missouri; the president of each state-supported
75 four-year college or university, including Harris-Stowe State [College] **University**, Missouri
76 Southern State University-Joplin, Missouri Western State College, and Lincoln University; the
77 president of Linn State Technical College; the president or chancellor of each public community
78 college district; and representatives of each of five accredited private institutions selected
79 biennially, under the supervision of the coordinating board, by the presidents of all of the state's
80 privately supported institutions; but always to include at least one representative from one
81 privately supported junior college, one privately supported four-year college, and one privately
82 supported university. The conferences shall enable the committee to advise the coordinating
83 board of the views of the institutions on matters within the purview of the coordinating board.

84 4. The University of Missouri, Lincoln University, and all other state-governed colleges
85 and universities, chapters 172, 174 and 175, RSMo, and others, are transferred by type III
86 transfers to the department of higher education subject to the provisions of subsection 2 of this

87 section.

88 5. The state historical society, chapter 183, RSMo, is transferred by type III transfer to
89 the University of Missouri.

90 6. The state anatomical board, chapter 194, RSMo, is transferred by type II transfer to
91 the department of higher education.

92 7. All the powers, duties and functions vested in the division of public schools and state
93 board of education relating to community college state aid and the supervision, formation of
94 districts and all matters otherwise related to the state's relations with community college districts
95 and matters pertaining to community colleges in public school districts, chapters 163 and 178,
96 RSMo, and others, are transferred to the coordinating board for higher education by type I
97 transfer. Provided, however, that all responsibility for administering the federal-state programs
98 of vocational-technical education, except for the 1202a post-secondary educational amendments
99 of 1972 program, shall remain with the department of elementary and secondary education. The
100 department of elementary and secondary education and the coordinating board for higher
101 education shall cooperate in developing the various plans for vocational-technical education;
102 however, the ultimate responsibility will remain with the state board of education.

103 8. The administration of sections 163.171 and 163.181, RSMo, relating to
104 teacher-training schools in cities, is transferred by type I transfer to the coordinating board for
105 higher education.

106 9. All the powers, duties, functions, personnel and property of the state library and state
107 library commission, chapter 181, RSMo, and others, are transferred by type I transfer to the
108 coordinating board for higher education, and the state library commission is abolished. The
109 coordinating board shall appoint a state librarian who shall administer the affairs of the state
110 library under the supervision of the board.

111 10. All the powers, duties, functions, and properties of the state poultry experiment
112 station, chapter 262, RSMo, are transferred by type I transfer to the University of Missouri, and
113 the state poultry association and state poultry board are abolished. In the event the University
114 of Missouri shall cease to use the real estate of the poultry experiment station for the purposes
115 of research or shall declare the same surplus, all real estate shall revert to the governor of the
116 state of Missouri and shall not be disposed of without legislative approval.

174.020. 1. State institutions of higher education governed by sections 174.020 to
2 174.500 shall be named and known as follows: the institution at Warrensburg, Johnson County,
3 shall hereafter be known as the "Central Missouri State University"; the institution at Cape
4 Girardeau, Cape Girardeau County, shall hereafter be known as the "Southeast Missouri State
5 University"; the institution at Springfield, Greene County, shall hereafter be known as the
6 "Southwest Missouri State University"; the institution at Maryville, Nodaway County, shall

7 hereafter be known as the "Northwest Missouri State University"; the college at St. Joseph,
8 Buchanan County, shall hereafter be known as the "Missouri Western State College"; the
9 institution at Joplin, Jasper County, shall hereafter be known as the "Missouri Southern State
10 University-Joplin"; and the [college] **institution** in the city of St. Louis shall be known as
11 "Harris-Stowe State [College] **University**".

12 2. References in the statutes in this state to such institutions whether denominated
13 colleges or universities in such statutes or whether said institutions are renamed in subsection
14 1 of this section shall continue to apply to the applicable institution.

15 3. Any costs incurred with respect to modifications of the names of the state colleges and
16 universities specified in subsection 1 of this section shall not be paid from state funds.

17 4. When the conditions set forth in section 178.631, RSMo, are met, the technical college
18 located in Osage County, commonly known as the East Campus of Linn Technical College, shall
19 be known as "Linn State Technical College".

174.300. **1.** Prior to October 17, 1978, the governor shall, with the advice and consent
2 of the senate, appoint a six member board of regents to assume the general control and
3 management of Harris-Stowe College. The members of the board shall serve for terms of six
4 years each, except for the members first appointed, two of whom shall serve two-year terms, two
5 of whom shall serve four-year terms, and two of whom shall serve six-year terms. Not more than
6 three of the regents shall be affiliated with any one political party.

7 **2. On or after August 28, 2004, Harris-Stowe State College shall be known as**
8 **Harris-Stowe State University, and the provisions contained in subsection 1 of this section**
9 **shall continue to apply to the institution.**

174.310. **1.** There shall be a period of orderly transition which shall begin with the
2 appointment of the board of regents, during which the St. Louis board of education shall convey
3 by gift, the buildings, facilities, equipment, and adjoining eight acres, more or less, of realty
4 located at 3026 Laclede Avenue, St. Louis, Missouri, which currently serves as the campus of
5 Harris-Stowe State College, to the board of regents, and during which time the St. Louis board
6 of education, at its own expense, shall continue to provide necessary supporting services to
7 Harris-Stowe State College. The transition period shall terminate no later than July 1, 1979, at
8 which time the regents shall be responsible for every aspect of the college's operation.

9 2. Notwithstanding any other provisions of this chapter to the contrary, the board of
10 regents of Harris-Stowe State College is authorized to offer undergraduate degree programs with
11 an emphasis on selected applied professional disciplines that will meet the needs of the St. Louis
12 metropolitan area. Such programs shall be subject to approval by the coordinating board for
13 higher education as provided for in subdivision (1) of subsection 2 of section 173.005, RSMo.

14 3. The state shall, effective July 1, 1978, provide the necessary funds to fully staff and

15 operate Harris-Stowe State College and to make appropriate capital improvements.

16 **4. On or after August 28, 2004, Harris-Stowe State College shall be known as**
17 **Harris-Stowe State University, and the provisions contained in subsections 1 through 3 of**
18 **this section shall continue to apply to the institution.**

174.320. 1. Any person employed by Harris-Stowe State College prior to September 1,
2 1978, who is a member of the public school retirement system established in sections 169.410
3 to 169.540, RSMo, and who did not become a member of the Missouri state employees'
4 retirement system may remain a member of that public school retirement system. Any employer
5 contributions required to be made by sections 169.410 to 169.540, RSMo, shall be made by the
6 state of Missouri.

7 2. Any person employed on or after September 1, 1978, as an instructor, teacher or
8 administrator of Harris-Stowe State College and who did not become a member of the Missouri
9 state employees' retirement system under section 104.342, RSMo, is a member of the public
10 school retirement system of Missouri created by sections 169.010 to 169.130, RSMo. Any other
11 person employed on or after September 1, 1978, as an employee of Harris-Stowe State College
12 is a member of the Missouri state employees' retirement system established by sections 104.310
13 to 104.550, RSMo.

14 **3. On or after August 28, 2004, Harris-Stowe State College shall be known as**
15 **Harris-Stowe State University, and the provisions contained in subsections 1 and 2 of this**
16 **section shall continue to apply to the institution.**