

SECOND REGULAR SESSION

HOUSE BILL NO. 954

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CROWELL (Sponsor), TOWNLEY, STEVENSON, LIPKE,
REINHART, ICET AND SHOEMAKER (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

2553L.011

AN ACT

To repeal sections 172.090, 173.005, 174.080, and 175.040, RSMo, and to enact in lieu thereof four new sections relating to higher education boards.

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

Section A. Sections 172.090, 173.005, 174.080, and 175.040, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 172.090, 173.005, 174.080,
3 and 175.040, to read as follows:

172.090. There shall be a president and vice president of the board, who shall be chosen
2 by the [board from the members thereof] **governor**, a secretary, treasurer, and such other officers
3 of the board as they shall deem necessary, who shall be appointed by the board, and hold their
4 offices during the pleasure of the board.

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 **There shall be a president and vice-president of the board who shall be appointed by the**
11 **governor.** None of the members shall be engaged professionally as an educator or educational

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.

12 administrator with a public or private institution of higher education at the time appointed or
13 during his term. The other qualifications, terms and compensation of the coordinating board
14 shall be the same as provided by law for the curators of the University of Missouri. The
15 coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3,
16 7, and 8 of this section, employ such professional, clerical and research personnel as may be
17 necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed
18 twenty-five full-time equivalent employees regardless of the source of funding. In addition to
19 all other powers, duties and functions transferred to it, the coordinating board for higher
20 education shall have the following duties and responsibilities:

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

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

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

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

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

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

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

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

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

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

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

84 institutions on matters within the purview of the coordinating board.

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

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

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

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

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

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

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

174.080. There shall be a president and vice president of each board, who shall be
2 chosen by the [members of the respective boards] **governor**, and each board shall have a

3 secretary and a treasurer and such other officers as may be deemed necessary, **who shall be**
4 **appointed by the board**; but no board shall appoint one of its members treasurer.

175.040. It is hereby provided that the board of curators of the Lincoln University shall
2 organize after the manner of the board of curators of the state University of Missouri[; and].
3 **There shall be a president and vice-president of the board who shall be chosen by the**
4 **governor.** It is further provided[,] that the powers, authority, responsibilities, privileges,
5 immunities, liabilities and compensation of the board of curators of the Lincoln University shall
6 be the same as those prescribed by statute for the board of curators of the state University of
7 Missouri, except as stated in this chapter.