

SECOND REGULAR SESSION

**HOUSE BILL NO. 1308**

**93RD GENERAL ASSEMBLY**

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INTRODUCED BY REPRESENTATIVES PRATT (Sponsor), FAITH, WALLACE, STORCH, BAKER (123),  
HAYWOOD, BURNETT, YAEGER, WETER, HARRIS (23), FLOOK, BIVINS,  
BAKER (25), HUBBARD AND WALTON (Co-sponsors).

Read 1st time January 10, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3834L.01I

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**AN ACT**

To repeal sections 172.030, 172.035, 172.037, 172.040, 172.060, 174.055, 174.450, 174.453,  
174.610, 174.620, 174.621, RSMo, and to enact in lieu thereof eleven new sections  
relating to the governing boards of certain state higher education institutions.

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

Section A. Sections 172.030, 172.035, 172.037, 172.040, 172.060, 174.055, 174.450,  
2 174.453, 174.610, 174.620, 174.621, RSMo, are repealed and eleven new sections enacted in lieu  
3 thereof, to be known as sections 172.030, 172.035, 172.037, 172.040, 172.060, 174.055,  
4 174.450, 174.453, 174.610, 174.620, and 174.621, to read as follows:

172.030. **1.** The board of curators of the University of the state of Missouri shall  
2 hereafter consist of nine members, **one of which shall be a student curator**, who shall be  
3 appointed by the governor, by and with the advice and consent of the senate; provided, that not  
4 more than one [person] **of the eight nonstudent curators** shall be appointed upon said board  
5 from the same congressional district, and no person shall be appointed a curator who shall not  
6 be a citizen of the United States, and who shall not have been a resident of the state of Missouri  
7 two years next prior to his **or her** appointment. Not more than five curators shall belong to any  
8 one political party.

9 **2. Beginning with the next appointment to the board of curators by the governor**  
10 **after August 28, 2006, one of the nine members of the board shall be a current full-time**

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

11 student of the University of Missouri, whose title shall be student curator, and  
12 notwithstanding the provisions of sections 172.040 and 172.060, whose term of service shall  
13 be two years provided the person maintains the status of a full-time student. The student  
14 curator shall have the right to vote on any matter before the board. At the end of the  
15 student curator's term of service, the governor shall appoint a current full-time student  
16 from the University of Missouri to serve as student curator.

17 **3. No voting student curator shall be appointed after August 28, 2010. For the first**  
18 **appointment after August 28, 2010, the governor shall appoint a voting nonstudent**  
19 **member and a nonvoting student member, pursuant to section 172.035, to serve on the**  
20 **board of curators.**

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. **Before August 28, 2006,**  
4 **and for any appointment of a student made after August 28, 2010,** such student  
5 representative shall not have the right to vote on any matter before the board. **The appointment**  
6 **process set out in this section for a student curator, whether voting or nonvoting, shall**  
7 **remain unchanged.**

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

13 3. The term of the student representative shall be two years[, except that the person first  
14 appointed shall serve until January 1, 1986].

15 4. If a vacancy occurs for any reason in the position of student representative, the  
16 governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of  
17 this section and who shall serve until the student representative's successor is appointed and  
18 qualified.

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

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

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

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

          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 student representatives, a given meeting closed pursuant to sections 610.021 and  
7 610.022, RSMo, shall be closed to the **nonvoting** student representative.

          172.040. **Except as provided in section 172.030 for student curators**, the term of  
2 service of the curators shall be six years[,] **with** the terms of three expiring every two years[: the  
3 first expiration occurring on the first day of January, 1911, and succeeding expirations of three  
4 members every two years thereafter. Said]. **Such** curators, while attending the meetings of the  
5 board, shall receive their actual expenses, which shall be paid out of the ordinary revenues of the  
6 university.

          172.060. **Except as provided in section 172.030 for student curators**, all appointments  
2 to fill vacancies, except such as may be made to fill out unexpired terms, shall be for the term  
3 of six years, and until the successors of such appointees shall be appointed and qualified.

          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. **Except for the voting student curator appointed to the board for**  
5 **Missouri State University after August 28, 2006, and before August 28, 2010, under**  
6 **subdivision (2) of subsection 2 of section 174.450**, such student representative shall not have  
7 the right to vote on any matter before the board.

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

13           3. The term of the student representative shall be two years[, except that the person first  
14 appointed shall serve until January 1, 1986].

15           4. If a vacancy occurs for any reason in the position of student representative, the  
16 governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of  
17 this section and who shall serve until such representative's successor is appointed and qualified.

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

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

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

          174.450. 1. Except as provided in subsection 2 of this section, the governing board of  
2 Central Missouri State University, Missouri State University, Missouri Southern State  
3 University, Missouri Western State University, and of each other public institution of higher  
4 education which, through the procedures established in subdivision (7) or (8) of section 173.030,  
5 RSMo, is charged with a statewide mission shall be a board of governors consisting of eight  
6 members, composed of seven voting members and one nonvoting member as provided in  
7 sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with  
8 the advice and consent of the senate. No person shall be appointed a voting member who is not  
9 a citizen of the United States and who has not been a resident of the state of Missouri for at least  
10 two years immediately prior to such appointment. Not more than four voting members shall  
11 belong to any one political party. The appointed members of the board of regents serving on the  
12 date of the statutory mission change shall become members of the board of governors on the  
13 effective date of the statutory mission change and serve until the expiration of the terms for  
14 which they were appointed. The board of regents of any such institution shall be abolished on  
15 the effective date of the statutory mission change, as prescribed in subdivision (7) or (8) of  
16 section 173.030, RSMo.

17           2. **(1)** The governing board of Missouri State University, a public institution of higher  
18 education charged with a statewide mission in public affairs, shall be a board of governors of ten  
19 members[, composed of nine voting members and one nonvoting member,] who shall be  
20 appointed by the governor, by and with the advice and consent of the senate. [The nonvoting

21 member shall be a student selected in the same manner as prescribed in section 174.055.] No  
22 more than one [voting] **nonstudent** member shall be appointed to the board from the same  
23 congressional district, and every member of the board shall be a citizen of the United States, and  
24 a resident of this state for at least two years prior to his or her appointment. No more than five  
25 voting members shall belong to any one political party.

26 **(2) Beginning with the next appointment to the governing board by the governor**  
27 **of Missouri after August 28, 2006, one of the nine voting members of the board of**  
28 **governors of Missouri State University shall be a current full-time student of Missouri**  
29 **State University, whose title shall be student governor, and notwithstanding the provisions**  
30 **of subsection 2 of section 174.453, whose term of service shall be two years provided the**  
31 **person maintains the status of full-time student. The student governor shall have the right**  
32 **to vote on any matter before the board. At the end of the student governor's term of**  
33 **service the governor shall appoint a current full-time student from Missouri State**  
34 **University to serve as student governor.**

35 **(3) No voting student governor shall be appointed after August 28, 2010. For the**  
36 **first appointment after August 28, 2010, the governor shall appoint a voting nonstudent**  
37 **member and a nonvoting student member, pursuant to section 174.453, to serve on the**  
38 **board of governors.**

39 3. The governing board of Missouri Southern State University shall be a board of  
40 governors consisting of nine members, composed of eight voting members and one nonvoting  
41 member as provided in sections 174.453 and 174.455, who shall be appointed by the governor  
42 of Missouri, by and with the advice and consent of the senate. No person shall be appointed a  
43 voting member who is not a citizen of the United States and who has not been a resident of the  
44 state of Missouri for at least two years immediately prior to such appointment. Not more than  
45 four voting members shall belong to any one political party.

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) **Excluding Missouri State University for the period of time contemplated in**  
9 **subdivision (2) of subsection 2 of section 174.450, one nonvoting member who is a student**  
10 **shall be selected in the same manner as prescribed in section 174.055.**

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

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

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

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

16 4.] Notwithstanding the provisions of subsection 1 of this section, the board of governors  
17 of Missouri Southern State University shall be appointed as follows:

18 (1) Six voting members shall be selected from any of the following counties: Barton,  
19 Jasper, Newton, McDonald, Dade, Lawrence, and Barry provided that no more than three of  
20 these six members shall be appointed from any one county;

21 (2) Two voting members shall be selected from any of the counties in the state which are  
22 outside of the counties articulated in subdivision (1) of this subsection;

23 (3) One nonvoting member who is a student shall be selected in the same manner as  
24 prescribed in section 174.055; and

25 (4) The provisions of subdivisions (1) and (2) of this subsection shall only apply to board  
26 members first appointed after August 28, 2004.

27 [5.] 4. Notwithstanding the provisions of subsection 1 of this section, the board of  
28 governors of Missouri Western State University shall be appointed as follows:

29 (1) Five voting members shall be selected from any of the following counties:  
30 Buchanan, Platte, Clinton, Andrew, and DeKalb provided that no more than three of these five  
31 members shall be appointed from any one county;

32 (2) Two voting members shall be selected from any of the counties in the state which are  
33 outside of the counties articulated in subdivision (1) of this subsection;

34 (3) One nonvoting member who is a student shall be selected in the same manner as  
35 prescribed in section 174.055; and

36 (4) The provisions of subdivisions (1) and (2) of this subsection shall only apply to board  
37 members first appointed after August 28, 2005.

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

11           **2. Beginning with the next appointment to the governing board by the governor of**  
12 **Missouri after August 28, 2006, one of the seven voting members of the board shall be a**  
13 **current full-time student of Truman State University, whose title shall be student governor,**  
14 **and, notwithstanding the provisions of subdivision (1) of subsection 2 of section 174.620,**  
15 **whose term of service shall be two years, provided the person maintains the status of a full-**  
16 **time student. The student governor shall have the right to vote on any matter before the**  
17 **board. At the end of the student governor's term of service, the governor of Missouri shall**  
18 **appoint a current full-time student from Truman State University to serve as student**  
19 **governor.**

20           **3. No voting student governor shall be appointed after August 28, 2010. For the**  
21 **first appointment after August 28, 2010, the governor shall appoint a voting nonstudent**  
22 **member and a nonvoting student member to serve on the board of governors.**

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 **nonstudent** 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. **Before August 28, 2006, and for**  
13 **any appointment of a student made after August 28, 2010,** such student representative shall  
14 not have the right to vote on any matter before the board, but shall have all other powers and  
15 duties of section 174.055, and shall also meet the qualifications of section 174.055.

16           **2. Except as provided in subsection 2 of section 174.610,** the term of service of the  
17 governors shall be as follows:

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

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

24 (3) The nonvoting student member shall serve a two-year term as provided in section  
25 174.055.

26 3. The governors, both voting and nonvoting, while attending the meetings of the board  
27 shall receive their actual and necessary expenses, which shall be paid out of the ordinary  
28 revenues of the university. Vacancies in terms of office caused by death, resignation or removal  
29 shall be filled in the manner provided by law for such vacancies on the board of curators of the  
30 University of Missouri.

174.621. 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 student representatives, a given meeting closed pursuant to sections 610.021 and  
7 610.022, RSMo, shall be closed to the **nonvoting** student representative.

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