

FIRST REGULAR SESSION

HOUSE BILL NO. 33

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Pre-filed December 1, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0411L.01I

AN ACT

To repeal sections 172.100, 172.170, 174.190, 175.040, 178.635, and 178.830, RSMo, and to enact in lieu thereof eight new sections relating to governing boards of certain educational institutions.

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

Section A. Sections 172.100, 172.170, 174.190, 175.040, 178.635, and 178.830, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 162.207, 172.100, 172.170, 174.041, 174.190, 175.040, 178.635, and 178.830, to read as follows:

162.207. Any school board shall have power by means of a roll-call vote to make such bylaws or ordinances, policies, rules, and regulations as it may judge most expedient for the accomplishment of the trust reposed in the board, and for the government of the board's officers and employees, and to secure the board's accountability, and to delegate so much of the board's authority as it may deem necessary to such officer and employees or to committees appointed by the board. The secretary of the board shall keep a journal of the proceedings of the board in which the ayes and noes on all questions shall be entered. The secretary shall include in the journal any motions and summaries which concern any vote of the board which affects the policy of a school within the district, including the names of those board members voting aye, those voting no, and those abstaining.

172.100. The curators shall have power **by means of a roll-call vote** to make such bylaws or ordinances, **policies**, rules, and regulations as they may judge most expedient for the accomplishment of the trust reposed in them, and for the government of their officers and

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.

4 employees, and to secure their accountability, and to delegate so much of their authority as they
5 may deem necessary to such officers and employees or to committees appointed by the board.

172.170. The secretary shall keep a journal of the proceedings of the curators, in which
2 the ayes and noes on all questions shall be entered[, if requested by any one of the curators
3 present]. **The secretary shall include in the journal any motions and summaries which**
4 **concern any vote of the board which affects university policy, including the names of those**
5 **curators voting aye and those voting no.**

174.041. The governing board of any institution regulated under this chapter shall
2 **have power by means of a roll-call vote to make such bylaws or ordinances, policies, rules,**
3 **and regulations as it may judge most expedient for the accomplishment of the trust reposed**
4 **in the board, and for the government of the board's officers and employees, and to secure**
5 **the board's accountability, and to delegate so much of the board's authority as it may deem**
6 **necessary to such officer and employees or to committees appointed by the board.**

174.190. The secretary of each board shall keep and preserve all records, books, and
2 papers belonging to the board. [He] **The secretary** shall keep a journal of the proceedings of the
3 board, in which the ayes and noes on all questions shall be entered[, if requested by any one
4 member of the board]. **The secretary shall include in the journal any motions and**
5 **summaries which concern any vote of the board which affects the educational institution's**
6 **policy, including the names of those board members voting aye, those voting no, and those**
7 **abstaining.** [He] **The secretary** shall prepare, under the direction of the board, all reports and
8 estimates, and do and execute all such matters and things as belong to his **or her** office.
9 Annually, in the month of August, [he] **the secretary** shall transmit to the department of higher
10 education the names of all those receiving diplomas with residences and dates of issue. The
11 compensation of the secretary shall be fixed by the board, and shall in no case exceed fifty
12 dollars per annum.

175.040. **1.** It is hereby provided that the board of curators of the Lincoln University
2 shall organize after the manner of the board of curators of the state University of Missouri; and
3 it is further provided, that the powers, authority, responsibilities, privileges, immunities,
4 liabilities and compensation of the board of curators of the Lincoln University shall be the same
5 as those prescribed by statute for the board of curators of the state University of Missouri, except
6 as stated in this chapter.

2. The board of curators of the Lincoln University shall have power by means of
8 **a roll-call vote to make such bylaws or ordinances, policies, rules, and regulations as it may**
9 **judge most expedient for the accomplishment of the trust reposed in the board, and for the**
10 **government of the board's officers and employees, and to secure the board's**
11 **accountability, and to delegate so much of the board's authority as it may deem necessary**

12 **to such officer and employees or to committees appointed by the board. The secretary of**
13 **the board shall keep a journal of the proceedings of the board in which the ayes and noes**
14 **on all questions shall be entered. The secretary shall include in the journal any motions**
15 **and summaries which concern any vote of the board which affects the educational**
16 **institution's policy, including the names of those board members voting aye, those voting**
17 **no, and those abstaining.**

178.635. 1. The board of regents of Linn State Technical College shall organize in the
2 manner provided by law for the board of curators of the University of Missouri. The powers,
3 duties, authority, responsibilities, privileges, immunities, liabilities and compensation of the
4 board of Linn State Technical College in regard to Linn State Technical College shall be the
5 same as those prescribed by statute for the board of curators of the University of Missouri in
6 regard to the University of Missouri, except that.

7 2. **The board of regents of Linn State Technical College shall have power by means**
8 **of a roll-call vote to make such bylaws or ordinances, policies, rules, and regulations as it**
9 **may judge most expedient for the accomplishment of the trust reposed in the board, and**
10 **for the government of the board's officers and employees, and to secure the board's**
11 **accountability, and to delegate so much of the board's authority as it may deem necessary**
12 **to such officer and employees or to committees appointed by the board. The secretary of**
13 **the board shall keep a journal of the proceedings of the board in which the ayes and noes**
14 **on all questions shall be entered. The secretary shall include in the journal any motions**
15 **and summaries which concern any vote of the board which affects the educational**
16 **institution's policy, including the names of those board members voting aye, those voting**
17 **no, and those abstaining.** Linn State Technical College shall be operated only as a state
18 technical college. Nothing in this section shall be construed to authorize Linn State Technical
19 College to become a community college or a university offering four-year or graduate degrees.

20 3. All lawful bonded indebtedness incurred by the issuance of revenue bonds, as defined
21 in section 176.010, RSMo, by Linn Technical College, shall be deemed to be an indebtedness
22 of the board of regents of Linn State Technical College after the date upon which the conditions
23 of section 178.631 are met. Such indebtedness shall be retired through tuition revenues.

178.830. 1. Newly elected members of the board of trustees shall qualify by taking the
2 oath of office prescribed by article VII, section 2, of the Constitution of Missouri. The board
3 shall organize by the election of a president and vice president, a secretary and a treasurer. The
4 secretary and treasurer need not be members of the board. A majority of the board constitutes
5 a quorum for the transaction of business, but no contract shall be let, teacher employed or
6 dismissed, or bill approved unless a majority of the whole board votes therefor. Any vacancy
7 occurring in the board shall be filled by appointment by the remaining members of the board, and

8 the person appointed shall hold office until the next election held by the junior college district
9 when a trustee shall be elected for the unexpired term. The board shall keep a common seal with
10 which to attest its official acts.

11 **2. The board of trustees shall have power by means of a roll-call vote to make such**
12 **bylaws or ordinances, policies, rules, and regulations as it may judge most expedient for**
13 **the accomplishment of the trust reposed in the board, and for the government of the**
14 **board's officers and employees, and to secure the board's accountability, and to delegate**
15 **so much of the board's authority as it may deem necessary to such officer and employees**
16 **or to committees appointed by the board. The secretary of the board shall keep a journal**
17 **of the proceedings of the board in which the ayes and noes on all questions shall be entered.**
18 **The secretary shall include in the journal any motions and summaries which concern any**
19 **vote of the board which affects the educational institution's policy, including the names of**
20 **those board members voting aye, those voting no, and those abstaining.**

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