

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 163

96TH GENERAL ASSEMBLY

2011

1045L.03T

AN ACT

To repeal sections 172.030, 173.005, and 174.450, RSMo, and to enact in lieu thereof three new sections relating to higher education governing boards, with an existing penalty provision.

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

Section A. Sections 172.030, 173.005, and 174.450, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 172.030,
3 173.005, and 174.450, to read as follows:

172.030. The board of curators of the University of the state of Missouri
2 shall hereafter consist of nine members, who shall be appointed by the governor,
3 by and with the advice and consent of the senate; provided, that [not more than
4 one person] **at least one but no more than two** shall be appointed upon said
5 board from [the same] **each** congressional district, and no person shall be
6 appointed a curator who shall not be a citizen of the United States, and who shall
7 not have been a resident of the state of Missouri two years next prior to his
8 appointment. Not more than five curators shall belong to any one political party.
9 **Notwithstanding any provision of law to the contrary, nothing in this**
10 **section relating to a change in the composition and configuration of**
11 **congressional districts in this state shall prohibit a member who is**
12 **serving a term on August 28, 2011, from completing his or her term.**

173.005. 1. There is hereby created a "Department of Higher Education",
2 and the division of higher education of the department of education is abolished
3 and all its powers, duties, functions, personnel and property are transferred as

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

4 provided by the Reorganization Act of 1974, Appendix B, RSMo.

5 2. The commission on higher education is abolished and all its powers,
6 duties, personnel and property are transferred by type I transfer to the
7 "Coordinating Board for Higher Education", which is hereby created, and the
8 coordinating board shall be the head of the department. The coordinating board
9 shall consist of nine members appointed by the governor with the advice and
10 consent of the senate, and not more than five of its members shall be of the same
11 political party. None of the members shall be engaged professionally as an
12 educator or educational administrator with a public or private institution of
13 higher education at the time appointed or during his term. [The other
14 qualifications, terms and compensation of the coordinating board shall be the
15 same as provided by law for the curators of the University of Missouri.]
16 **Moreover, no person shall be appointed to the coordinating board who**
17 **shall not be a citizen of the United States, and who shall not have been**
18 **a resident of the state of Missouri two years next prior to appointment,**
19 **and at least one but not more than two persons shall be appointed to**
20 **said board from each congressional district. The term of service of a**
21 **member of the coordinating board shall be six years and said members,**
22 **while attending the meetings of the board, shall be reimbursed for their**
23 **actual expenses. Notwithstanding any provision of law to the contrary,**
24 **nothing in this section relating to a change in the composition and**
25 **configuration of congressional districts in this state shall prohibit a**
26 **member who is serving a term on August 28, 2011, from completing his**
27 **or her term.** The coordinating board may, in order to carry out the duties
28 prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such
29 professional, clerical and research personnel as may be necessary to assist it in
30 performing those duties, but this staff shall not, in any fiscal year, exceed
31 twenty-five full-time equivalent employees regardless of the source of funding. In
32 addition to all other powers, duties and functions transferred to it, the
33 coordinating board for higher education shall have the following duties and
34 responsibilities:

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

38 (2) The coordinating board for higher education may promote and
39 encourage the development of cooperative agreements between Missouri public

40 four-year institutions of higher education which do not offer graduate degrees and
41 Missouri public four-year institutions of higher education which do offer graduate
42 degrees for the purpose of offering graduate degree programs on campuses of
43 those public four-year institutions of higher education which do not otherwise
44 offer graduate degrees. Such agreements shall identify the obligations and duties
45 of the parties, including assignment of administrative responsibility. Any
46 diploma awarded for graduate degrees under such a cooperative agreement shall
47 include the names of both institutions inscribed thereon. Any cooperative
48 agreement in place as of August 28, 2003, shall require no further approval from
49 the coordinating board for higher education. Any costs incurred with respect to
50 the administrative provisions of this subdivision may be paid from state funds
51 allocated to the institution assigned the administrative authority for the
52 program. The provisions of this subdivision shall not be construed to invalidate
53 the provisions of subdivision (1) of this subsection;

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

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

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

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

69 (7) The coordinating board shall establish guidelines to promote and
70 facilitate the transfer of students between institutions of higher education within
71 the state and shall ensure that as of the 2008-09 academic year, in order to
72 receive increases in state appropriations, all approved public two- and four-year
73 public institutions shall work with the commissioner of higher education to
74 establish agreed-upon competencies for all entry-level collegiate courses in
75 English, mathematics, foreign language, sciences, and social sciences associated

76 with an institution's general education core and that the coordinating board shall
77 establish policies and procedures to ensure such courses are accepted in transfer
78 among public institutions and treated as equivalent to similar courses at the
79 receiving institutions. The department of elementary and secondary education
80 shall align such competencies with the assessments found in section 160.518 and
81 successor assessments;

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

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

91 (10) If any institution of higher education in this state, public or private,
92 willfully fails or refuses to follow any lawful guideline, policy or procedure
93 established or prescribed by the coordinating board, or knowingly deviates from
94 any such guideline, or knowingly acts without coordinating board approval where
95 such approval is required, or willfully fails to comply with any other lawful order
96 of the coordinating board, the coordinating board may, after a public hearing,
97 withhold or direct to be withheld from that institution any funds the
98 disbursement of which is subject to the control of the coordinating board, or may
99 remove the approval of the institution as an approved institution within the
100 meaning of section 173.1102. If any such public institution willfully disregards
101 board policy, the commissioner of higher education may order such institution to
102 remit a fine in an amount not to exceed one percent of the institution's current
103 fiscal year state operating appropriation to the board. The board shall hold such
104 funds until such time that the institution, as determined by the commissioner of
105 higher education, corrects the violation, at which time the board shall refund such
106 amount to the institution. If the commissioner determines that the institution
107 has not redressed the violation within one year, the fine amount shall be
108 deposited into the general revenue fund, unless the institution appeals such
109 decision to the full coordinating board, which shall have the authority to make
110 a binding and final decision, by means of a majority vote, regarding the
111 matter. However, nothing in this section shall prevent any institution of higher

112 education in this state from presenting additional budget requests or from
113 explaining or further clarifying its budget requests to the governor or the general
114 assembly; and

115 (11) (a) As used in this subdivision, the term "out-of-state public
116 institution of higher education" shall mean an education institution located
117 outside of Missouri that:

118 a. Is controlled or administered directly by a public agency or political
119 subdivision or is classified as a public institution by the state;

120 b. Receives appropriations for operating expenses directly or indirectly
121 from a state other than Missouri;

122 c. Provides a postsecondary course of instruction at least six months in
123 length leading to or directly creditable toward a degree or certificate;

124 d. Meets the standards for accreditation by an accrediting body recognized
125 by the United States Department of Education or any successor agency; and

126 e. Permits faculty members to select textbooks without influence or
127 pressure by any religious or sectarian source.

128 (b) No later than July 1, 2008, the coordinating board shall promulgate
129 rules regarding:

130 a. The board's approval process of proposed new degree programs and
131 course offerings by any out-of-state public institution of higher education seeking
132 to offer degree programs or course work within the state of Missouri; and

133 b. The board's approval process of degree programs and courses offered
134 by any out-of-state public institutions of higher education that, prior to July 1,
135 2008, were approved by the board to operate a school in compliance with the
136 provisions of sections 173.600 to 173.618. The rules shall ensure that, as of July
137 1, 2008, all out-of-state public institutions seeking to offer degrees and courses
138 within the state of Missouri are evaluated in a manner similar to Missouri public
139 higher education institutions. Such out-of-state public institutions shall be held
140 to standards no lower than the standards established by the coordinating board
141 for program approval and the policy guidelines of the coordinating board for data
142 collection, cooperation, and resolution of disputes between Missouri institutions
143 of higher education under this section. Any such out-of-state public institutions
144 of higher education wishing to continue operating within this state must be
145 approved by the board under the rules promulgated under this subdivision. Any
146 rule or portion of a rule, as that term is defined in section 536.010, that is created
147 under the authority delegated in this section shall become effective only if it

148 complies with and is subject to all of the provisions of chapter 536 and, if
149 applicable, section 536.028. This section and chapter 536 are nonseverable and
150 if any of the powers vested with the general assembly under chapter 536 to
151 review, to delay the effective date, or to disapprove and annul a rule are
152 subsequently held unconstitutional, then the grant of rulemaking authority and
153 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

154 (c) Nothing in this subdivision or in section 173.616 shall be construed or
155 interpreted so that students attending an out-of-state public institution are
156 considered to be attending a Missouri public institution of higher education for
157 purposes of obtaining student financial assistance.

158 3. The coordinating board shall meet at least four times annually with an
159 advisory committee who shall be notified in advance of such meetings. The
160 coordinating board shall have exclusive voting privileges. The advisory
161 committee shall consist of thirty-two members, who shall be the president or
162 other chief administrative officer of the University of Missouri; the chancellor of
163 each campus of the University of Missouri; the president of each state-supported
164 four-year college or university, including Harris-Stowe State University, Missouri
165 Southern State University, Missouri Western State University, and Lincoln
166 University; the president of Linn State Technical College; the president or
167 chancellor of each public community college district; and representatives of each
168 of five accredited private institutions selected biennially, under the supervision
169 of the coordinating board, by the presidents of all of the state's privately
170 supported institutions; but always to include at least one representative from one
171 privately supported community college, one privately supported four-year college,
172 and one privately supported university. The conferences shall enable the
173 committee to advise the coordinating board of the views of the institutions on
174 matters within the purview of the coordinating board.

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

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

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

183 7. All the powers, duties and functions vested in the division of public

184 schools and state board of education relating to community college state aid and
185 the supervision, formation of districts and all matters otherwise related to the
186 state's relations with community college districts and matters pertaining to
187 community colleges in public school districts, chapters 163, 178, and others, are
188 transferred to the coordinating board for higher education by type I
189 transfer. Provided, however, that all responsibility for administering the
190 federal-state programs of vocational-technical education, except for the 1202a
191 postsecondary educational amendments of 1972 program, shall remain with the
192 department of elementary and secondary education. The department of
193 elementary and secondary education and the coordinating board for higher
194 education shall cooperate in developing the various plans for vocational-technical
195 education; however, the ultimate responsibility will remain with the state board
196 of education.

197 8. All the powers, duties, functions, and properties of the state poultry
198 experiment station, chapter 262, are transferred by type I transfer to the
199 University of Missouri, and the state poultry association and state poultry board
200 are abolished. In the event the University of Missouri shall cease to use the real
201 estate of the poultry experiment station for the purposes of research or shall
202 declare the same surplus, all real estate shall revert to the governor of the state
203 of Missouri and shall not be disposed of without legislative approval.

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

17 of any such institution shall be abolished on the effective date of the statutory
18 mission change, as prescribed in subdivision (7) or (8) of section 173.030.

19 2. The governing board of Missouri State University, a public institution
20 of higher education charged with a statewide mission in public affairs, shall be
21 a board of governors of ten members, composed of nine voting members and one
22 nonvoting member, who shall be appointed by the governor, by and with the
23 advice and consent of the senate. The nonvoting member shall be a student
24 selected in the same manner as prescribed in section 174.055. [No more than one
25 voting member] **At least one but no more than two voting members** shall
26 be appointed to the board from [the same] **each** congressional district, and every
27 member of the board shall be a citizen of the United States, and a resident of this
28 state for at least two years prior to his or her appointment. No more than five
29 voting members shall belong to any one political party. The term of office of the
30 governors shall be six years. The voting members of the board of governors
31 serving on August 28, 2005, shall serve until the expiration of the terms for which
32 they were appointed. For those voting members appointed after August 28, 2005,
33 the term of office will be established in a manner where no more than three terms
34 shall expire in a given year. The term of office for those appointed hereafter shall
35 end January first in years ending in an odd number. **Notwithstanding any**
36 **provision of law to the contrary, nothing in this section relating to a**
37 **change in the composition and configuration of congressional districts**
38 **in this state shall prohibit a member who is serving a term on August**
39 **28, 2011, from completing his or her term.**

40 3. If a voting member of the board of governors of Missouri State
41 University is found by unanimous vote of the other governors to have moved such
42 governor's residence from the district from which such governor was appointed,
43 then the office of such governor shall be forfeited and considered vacant.

44 4. Should the total number of Missouri congressional districts be altered,
45 all members of the board of governors of Missouri State University shall be
46 allowed to serve the remainder of the term for which they were appointed.

47 5. Should the boundaries of any congressional districts be altered in a
48 manner that displaces a member of the board of governors of Missouri State
49 University from the congressional district from which the member was appointed,
50 the member shall be allowed to serve the remainder of the term for which the
51 member was appointed.

52 6. The governing board of Missouri Southern State University shall be a

53 board of governors consisting of nine members, composed of eight voting members
54 and one nonvoting member as provided in sections 174.453 and 174.455, who
55 shall be appointed by the governor of Missouri, by and with the advice and
56 consent of the senate. No person shall be appointed a voting member who is not
57 a citizen of the United States and who has not been a resident of the state of
58 Missouri for at least two years immediately prior to such appointment. Not more
59 than four voting members shall belong to any one political party.

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