

SECOND REGULAR SESSION

SENATE BILL NO. 873

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRAHAM.

Pre-filed December 12, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3851S.011

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, and 174.621, RSMo, and to enact in lieu thereof ten new sections relating to the governing boards of certain state higher education institutions.

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172.030, 172.035, 172.037, 172.040, 172.060, 174.055, 174.450, 174.453, 174.610, 174.620, and 174.621, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 172.030, 172.037, 172.040, 172.060, 174.055, 174.450, 174.453, 174.610, 174.620, and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 hereafter consist of nine members, **one of whom shall be a student curator**, who shall be appointed by the governor, [by and] with the advice and consent of the senate[; provided, that]. Not more than one [person] **of the eight nonstudent curators** shall be appointed upon said board from the same congressional district, and no person shall be appointed a curator who shall not be a citizen of the United States, and who shall not have been a resident of the state of Missouri two years next prior to his **or her** appointment. Not more than five curators shall belong to any one political party.

2. Beginning with the next appointment to the board of curators by the governor after August 28, 2008, one of the nine members of the board shall be a current full-time student of the University of Missouri, whose title shall be student curator, and notwithstanding the provisions of sections 172.040 and 172.060, whose term of service shall

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

15 **be two years, provided the person maintains the status of a full-time**
16 **student. The student curator shall have the right to vote on any matter**
17 **before the board. At the end of the student curator's term of service,**
18 **the governor shall appoint a current full-time student from the**
19 **University of Missouri to serve as student curator.**

172.037. 1. For the purposes of this chapter, confidentiality, as
2 determined by the board and as provided by law, shall apply to all members [and
3 representatives] on the board.

4 2. Any member [or representative] on the board may recuse himself or
5 herself from any deliberation or proceeding of the board.

6 [3. Upon a unanimous affirmative vote of the members of the board who
7 are present and who are not student representatives, a given meeting closed
8 pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student
9 representative.]

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

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

174.055. 1. The governor shall, [by and] with the advice and consent of
2 the senate, appoint a student representative to the board of regents or governors
3 of each educational institution, **except Missouri State University**, referred to
4 in section 174.020 who shall attend all meetings and participate in all
5 deliberations of the board. Such student representative shall not have the right
6 to vote on any matter before the board.

7 2. Such student representative shall be a full-time student at the
8 institution as defined by the board, selected from a panel of three names
9 submitted to the governor by the student government president, a citizen of the
10 United States, and a resident of the state of Missouri. No person may be
11 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
14 the person first appointed shall serve until January 1, 1986.

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

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

25 6. The student representative shall receive the same reimbursement for
26 expenses as other members of the board of regents receive pursuant to section
27 174.100.

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

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

16 mission change and serve until the expiration of the terms for which they were
17 appointed. The board of regents of any such institution shall be abolished on the
18 effective date of the statutory mission change, as prescribed in subdivision (7) or
19 (8) of section 173.030, RSMo.

20 2. **(1)** The governing board of Missouri State University, a public
21 institution of higher education charged with a statewide mission in public affairs,
22 shall be a board of governors of ten members[, composed of nine voting members
23 and one nonvoting member,] who shall be appointed by the governor, [by and]
24 with the advice and consent of the senate. [The nonvoting member shall be a
25 student selected in the same manner as prescribed in section 174.055.] No more
26 than one [voting] **nonstudent** member shall be appointed to the board from the
27 same congressional district, and every member of the board shall be a citizen of
28 the United States, and a resident of this state for at least two years prior to his
29 or her appointment. No more than five [voting] members shall belong to any one
30 political party. The term of office of the governors shall be six years. The voting
31 members of the board of governors serving on August 28, 2005, shall serve until
32 the expiration of the terms for which they were appointed. For those voting
33 members appointed after August 28, 2005, the term of office will be established
34 in a manner where no more than three terms shall expire in a given year. The
35 term of office for those appointed hereafter shall end January first in years
36 ending in an odd number.

37 **(2) Beginning with the next appointment to the governing board**
38 **by the governor of Missouri after August 28, 2008, one of the ten**
39 **members of the board of governors of Missouri State University shall**
40 **be a current full-time student of Missouri State University, whose title**
41 **shall be student governor, and notwithstanding the provisions of**
42 **subsection 2 of section 174.453, whose term of service shall be two**
43 **years, provided the person maintains the status of full-time**
44 **student. The student governor shall have the right to vote on any**
45 **matter before the board. At the end of the student governor's term of**
46 **service, the governor shall appoint a current full-time student from**
47 **Missouri State University to serve as student governor.**

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

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

55 5. Should the boundaries of any congressional districts be altered in a
56 manner that displaces a member of the board of governors of Missouri State
57 University from the congressional district from which the member was appointed,
58 the member shall be allowed to serve the remainder of the term for which the
59 member was appointed.

60 6. The governing board of Missouri Southern State University shall be a
61 board of governors consisting of nine members, composed of eight voting members
62 and one nonvoting member as provided in sections 174.453 and 174.455, who
63 shall be appointed by the governor of Missouri, [by and] with the advice and
64 consent of the senate. No person shall be appointed a voting member who is not
65 a citizen of the United States and who has not been a resident of the state of
66 Missouri for at least two years immediately prior to such appointment. Not more
67 than four voting members shall belong to any one political party.

 174.453. 1. Except as provided in section 174.450, the board of governors
2 shall be appointed as follows:

3 (1) Five voting members shall be selected from the counties comprising
4 the institution's historic statutory service region as described in section 174.010,
5 except that no more than two members shall be appointed from any one county
6 with a population of less than two hundred thousand inhabitants;

7 (2) Two voting members shall be selected from any of the counties in the
8 state which are outside of the institution's historic service region; and

9 (3) **Excluding Missouri State University**, one nonvoting member who
10 is a student shall be selected in the same manner as prescribed in section
11 174.055.

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

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

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

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

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

20 (1) Six voting members shall be selected from any of the following

21 counties: Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry
22 provided that no more than three of these six members shall be appointed from
23 any one county;

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

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

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

31 5. Notwithstanding the provisions of subsection 1 of this section, the
32 board of governors of Missouri Western State University shall be appointed as
33 follows:

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

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

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

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

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

13 **2. Beginning with the next appointment to the governing board**

14 **by the governor of Missouri after August 28, 2008, one of the eight**
15 **voting members of the board shall be a current full-time student of**
16 **Truman State University, whose title shall be student governor, and**
17 **notwithstanding the provisions of subdivision (1) of subsection 2 of**
18 **section 174.620, whose term of service shall be two years, provided the**
19 **person maintains the status of a full-time student. The student**
20 **governor shall have the right to vote on any matter before the board.**
21 **At the end of the student governor's term of service, the governor of**
22 **Missouri shall appoint a current full-time student from Truman State**
23 **University to serve as student governor.**

174.620. 1. The board of governors shall be appointed as follows:

2 (1) Four voting members from the counties of Adair, Audrain, Boone,
3 Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Linn, Marion, Macon,
4 Monroe, Montgomery, Pike, Putnam, Ralls, Randolph, St. Charles, Schuyler,
5 Scotland, Shelby, Sullivan, and Warren, provided that not more than one member
6 shall be appointed from the same county;

7 (2) Three voting members from any of the seven college districts as
8 contained in section 174.010, provided that no more than one member shall be
9 appointed from the same congressional district;

10 (3) Two nonvoting members whose residence is other than the state of
11 Missouri and who are knowledgeable of the educational mission of liberal arts
12 institutions; and

13 (4) One [nonvoting] **voting** member who is a student. [Such student
14 representative shall attend all meetings and participate in all deliberations of the
15 board. Such student representative shall not have the right to vote on any matter
16 before the board, but shall have all other powers and duties of section 174.055,
17 and shall also meet the qualifications of section 174.055.]

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

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

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

26 (3) The nonvoting student member shall serve a two-year term as

27 provided in section 174.055].

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

 174.621. 1. For the purposes of this chapter, confidentiality, as
2 determined by the board and as provided by law, shall apply to all members and
3 representatives on the board.

4 2. Any member or representative on the board may recuse himself or
5 herself from any deliberation or proceeding of the board.

6 [3. Upon a unanimous affirmative vote of the members of the board who
7 are present and who are not student representatives, a given meeting closed
8 pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student
9 representative.]

 [172.035. 1. The governor shall, by and with the advice and
2 consent of the senate, appoint a student representative to the board
3 of curators of the University of Missouri, who shall attend all
4 meetings and participate in all deliberations of the board. Such
5 student representative shall not have the right to vote on any
6 matter before the board.

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

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

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

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

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

32 7. Appointments made under this section shall be made in
33 rotation from each of the four campuses of the University of
34 Missouri, beginning with a student from the Columbia campus,
35 next from the Rolla campus, next from the Kansas City campus,
36 and then from the St. Louis campus.

37 8. Unless alternative arrangements for payment have been
38 made and agreed to by the student and the university, the student
39 representative shall have paid all student and tuition fees due
40 prior to such appointment and shall pay all future student and
41 tuition fees during the term of office when such fees are due.]

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