

FIRST REGULAR SESSION

# SENATE BILL NO. 8

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR PEARCE.

Pre-filed December 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0295S.01I

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## AN ACT

To repeal sections 172.800, 172.805, 173.239, 173.240, 173.612, 174.020, 174.042, 174.323, and 176.010, RSMo, and to enact in lieu thereof nine new sections relating to higher education.

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

Section A. Sections 172.800, 172.805, 173.239, 173.240, 173.612, 174.020, 174.042, 174.323, and 176.010, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 172.800, 172.805, 173.239, 173.240, 173.612, 174.020, 174.042, 174.323, and 176.010, to read as follows:

172.800. As used in sections 172.800 to 172.807, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Alzheimer's disease and related disorders", diseases resulting from significant destruction of brain tissue and characterized by a decline of memory and other intellectual functions. These diseases include but are not limited to progressive, degenerative and dementing illnesses such as presenile and senile dementias, Alzheimer's disease and other related disorders;

(2) "Board of curators", the board of curators of the University of Missouri;

(3) "Investigator", any person with research skills who seeks state funding for a research project under sections 172.800 to 172.807;

(4) "Research project", any original investigation for the advancement of scientific knowledge in the area of Alzheimer's disease and related disorders;

(5) ["Task force", the Alzheimer's disease and related disorders task force established pursuant to sections 660.065 and 660.066;

(6)] "Advisory board", a board appointed by the board of curators to advise

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

16 on the administration of the program established by sections 172.800 to 172.807.

172.805. 1. The advisory board shall consist of:

- 2 (1) Two physicians who are active both in research addressing Alzheimer's
- 3 disease and related disorders and in caring for patients with these disorders;
- 4 (2) Two nonphysicians engaged in research addressing Alzheimer's disease
- 5 and related disorders;
- 6 (3) One nonphysician professional active in providing service or care to
- 7 patients with these disorders;
- 8 (4) Two nonresearchers active in the Alzheimer's disease and related
- 9 disorders association;
- 10 (5) One representative of the board of curators;
- 11 (6) [One representative from the task force as long as it is in existence;
- 12 (7)] One member of the general assembly.

13 2. The advisory board members shall be appointed for terms of three

14 years, except that the terms of the original members shall be staggered among

15 two, three and four years to allow for continuity.

16 3. Members of the advisory board shall be appointed by the board of

17 curators from [nominations made by the task force as long as it is in

18 existence. Thereafter,] nominations [shall be] made by the advisory board itself.

19 4. Members of the advisory board may be dismissed by an affirmative vote

20 of two-thirds of the members.

21 5. Members of the advisory board and its peer review committee shall be

22 reimbursed by the board of curators for their actual expenses in providing

23 services under sections 172.800 to 172.807.

173.239. 1. Any member of the Missouri National Guard who possesses

2 the qualifications set forth in this section may be awarded an educational

3 assistance grant to an approved public institution or an approved private

4 institution, as those terms are defined in either section 173.205 or section

5 173.778, of his or her choice while he or she is a member of the Missouri National

6 Guard. Funding for educational assistance pursuant to this section may be

7 requested annually in the budget of the Missouri National Guard. Educational

8 assistance provided pursuant to this section shall not exceed funds appropriated

9 for that purpose.

10 2. Educational assistance provided under this section shall not exceed the

11 least of the following:

- 12 (1) The actual tuition, as defined in section 173.260, charged at an

13 approved institution where the individual is enrolled or accepted for enrollment;  
14 or

15 (2) The amount of tuition charged a Missouri resident at the University  
16 of Missouri for attendance[;].

17 [(3)]

18 The grants provided under this section may be prorated subject to appropriations  
19 in an amount no less than fifty percent of the limits set forth in this section.

20 3. A member of the Missouri National Guard seeking educational  
21 assistance pursuant to this section shall provide a certificate of satisfactory  
22 service of his or her Missouri National Guard duties from his or her commanding  
23 officer and shall possess all other necessary entrance requirements of the school  
24 of his or her choice and shall maintain a cumulative grade point average (GPA)  
25 of at least two point five on a four point scale, or the equivalent on another scale  
26 approved by the program administrator, while attending the approved public or  
27 private institution.

28 4. If the grade point average of a member who is receiving educational  
29 assistance pursuant to this section falls below two point five on a four point scale,  
30 or the equivalent on another scale, such member shall retain the educational  
31 assistance and shall be placed on probation under the educational assistance  
32 program. Failure to achieve a current grade point average of at least two point  
33 five on a four point scale or the equivalent on another scale for future semesters  
34 or equivalent academic terms shall result in termination of the scholarship  
35 effective as of the next academic term. The member shall be removed from  
36 probation status upon achieving a cumulative grade point average of two point  
37 five on a four point scale or the equivalent on another scale.

38 5. If a recipient of educational assistance pursuant to this section ceases  
39 to maintain their active military affiliation while enrolled in an academic  
40 semester or term for any reason except death, disability, or medical  
41 disqualification the educational assistance shall be terminated and the recipient  
42 shall repay any amounts awarded for the academic semester or term.

43 6. Applicants for educational assistance pursuant to this section shall  
44 meet the qualifications established by section 173.215, except the provisions of  
45 subdivisions (2) and (4) of subsection 1 of section 173.215, and shall be qualified,  
46 full-time or part-time students.

47 7. The educational assistance program established pursuant to this  
48 section shall be administered by the office of the adjutant general of the Missouri

49 National Guard. The Missouri National Guard shall establish guidelines for  
50 equitable administrative distribution of educational assistance.

173.240. 1. There is hereby established within the department of higher  
2 education a "Minority and Underrepresented Environmental Literacy  
3 Program". The department of higher education, hereafter referred to as the  
4 department, may award scholarships to minority and underrepresented students  
5 to pursue environmentally related courses of study. The scholarships shall be  
6 administered by the department recruitment and retention program under the  
7 supervision of the minority environmental literacy advisory committee established  
8 under this section. Those ethnic groups which are most severely  
9 underrepresented, as determined by data gathered and maintained by the  
10 National Academy of Sciences, shall receive priority in annual selection.

11 2. For the purpose of increasing the number of minority and  
12 underrepresented students, as determined by the National Academy of Sciences,  
13 who are enrolled in environmentally related courses of study, there is hereby  
14 created a "Recruitment and Retention Scholarship Fund". Any unexpended  
15 balance in the recruitment and retention scholarship fund shall not be subject to  
16 biennial transfer under the provisions of section 33.080. All interest earned on  
17 funds in the recruitment and retention scholarship fund shall accrue to the fund.

18 3. The general assembly may appropriate funds to the department for the  
19 purpose of funding scholarships as authorized by this section. Such funds shall  
20 be from general revenue, special fees administered by the department, federal  
21 funding sources, gifts, or donations, provided that such funds may be used for this  
22 purpose. All sums received for this purpose shall be placed in the state treasury  
23 and credited to the recruitment and retention scholarship fund.

24 4. The department shall accept, receive and administer grants or other  
25 funds, gifts, or donations from the public and individuals, including the federal  
26 government, for the purpose of funding scholarships under this section. Such  
27 funds shall be deposited in the recruitment and retention scholarship fund.

28 5. The department shall promulgate rules to administer the scholarship  
29 program, which shall include qualifications, application forms, annual filing  
30 deadlines, and scholarship amounts. Any rule or portion of a rule, as that term  
31 is defined in section 536.010, that is created under the authority delegated in this  
32 section shall become effective only if it complies with and is subject to all of the  
33 provisions of chapter 536 and, if applicable, section 536.028. This section and  
34 chapter 536 are nonseverable and if any of the powers vested with the general

35 assembly pursuant to chapter 536 to review, to delay the effective date, or to  
36 disapprove and annul a rule are subsequently held unconstitutional, then the  
37 grant of rulemaking authority and any rule proposed or adopted after August 28,  
38 2010, shall be invalid and void.

39 6. The scholarship program shall be directed toward students in the  
40 following areas of study:

41 (1) Engineering students pursuing an environmental course of study  
42 through undergraduate and graduate degrees in civil, chemical, mechanical,  
43 environmental, or biological engineering;

44 (2) Environmental sciences students pursuing undergraduate and  
45 graduate degrees in geology, biology, wildlife management[,] **or** planning, natural  
46 resources, or a closely related course of study;

47 (3) Chemistry students pursuing undergraduate and graduate degrees in  
48 the field of environmental chemistry; and

49 (4) Law enforcement students pursuing undergraduate and graduate  
50 degrees in environmental law enforcement.

51 7. There is hereby created a "Minority Environmental Literacy Advisory  
52 Committee", hereafter referred to as the committee, to be comprised of:

53 (1) The commissioner of higher education or the commissioner's designee,  
54 who will serve as chairperson of the committee;

55 (2) Three representatives of universities and colleges. The universities  
56 and colleges shall be selected by the department, with the approval of the director  
57 of the department of natural resources. The university and college  
58 representatives shall each be appointed by the affirmative action office of the  
59 respective institution;

60 (3) The director of the department of natural resources or the director's  
61 designee;

62 (4) Five at-large members appointed by the governor, with the advice and  
63 consent of the senate, who shall be high school teachers and college professors  
64 and who shall be selected to represent the various regions of the state;

65 (5) The state affirmative action officer.

66 8. The committee shall meet at least annually, at a time and place to be  
67 determined by the chairperson, to select students to receive scholarships from  
68 applications filed with the department retention and recruitment program. The  
69 members appointed by the governor shall be reimbursed for their actual and  
70 necessary expenses.

71           9. Colleges and universities described in this section shall include public  
72 community colleges.

173.612. 1. The board shall, through the department of higher education,  
2 administer, supervise, and enforce the provisions and policies of sections 173.600  
3 to 173.618 and shall assign the personnel that are necessary to exercise its  
4 powers and duties.

5           2. The rules and regulations adopted by the board under sections 173.600  
6 to 173.618, together with any amendments thereto, shall be filed with the office  
7 of the secretary of state. The board may:

8           (1) Issue proprietary school certificates of approval or temporary  
9 certificates of approval to applicants meeting the requirements of sections 173.600  
10 to 173.618;

11           (2) Suspend or revoke certificates or temporary certificates of approval,  
12 or place certified schools on probation;

13           (3) Require each proprietary school to file a security bond covering the  
14 school and its agents to indemnify any student, enrollee or parent, guardian, or  
15 sponsor of a student or enrollee who suffers loss or damage because of a violation  
16 of sections 173.600 to 173.618 by the school, or because a student is unable to  
17 complete the course due to the school's ceasing operation or because a student  
18 does not receive a refund to which he is entitled. The bond or other security shall  
19 cover all the facilities and locations of a proprietary school and shall not be less  
20 than five thousand dollars or ten percent of the preceding year's gross tuition,  
21 whichever is greater, but in no case shall it exceed one hundred thousand  
22 dollars. The bond shall clearly state that the school and the agents of the school  
23 are covered by it. The board may authorize the use of certificates of deposit,  
24 letters of credit, or other assets to be posted as security in lieu of this surety bond  
25 requirement;

26           (4) Collect only that data from certified proprietary schools necessary to  
27 administer, supervise, and enforce the provisions of sections 173.600 to  
28 173.619. The department shall, subject to appropriations, provide a system to  
29 electronically submit all data;

30           (5) Review proposals for new programs within ninety days from the date  
31 that a certified school submits a new program for review, and review proposals  
32 for revised programs within sixty days from the date that a certified school  
33 submits a revised program for review. If the department fails to review a  
34 proposal for a new or revised program within the prescribed time frame, the

35 school shall be permitted to offer the program until the department completes its  
36 review and identifies a substantive issue or issues that need correction. In such  
37 case the department shall notify the school within an additional ninety days and  
38 the school shall then have ninety days from the date it is informed that a  
39 program offering has a deficiency to correct the deficiency without having to cease  
40 offering the program;

41 (6) Administer sections 173.600 to 173.618 and initiate action to enforce  
42 it.

43 3. Any school which closes or whose certificate of approval is suspended,  
44 revoked, or not renewed shall, on the approval of the coordinating board, make  
45 partial or full refund of tuition and fees to the students enrolled, continue  
46 operation under a temporary certificate until students enrolled have completed  
47 the program for which they were enrolled, make arrangements for another school  
48 or schools to complete the instruction for which the students are enrolled, employ  
49 a combination of these methods in order to fulfill its obligations to the students,  
50 or implement other plans approved by the coordinating board.

51 4. Any rule or portion of a rule promulgated pursuant to sections 173.600  
52 to 173.618 may be suspended by the joint [house-senate] committee on  
53 administrative rules until such time as the general assembly may by concurrent  
54 resolution signed by the governor reinstate such rule.

174.020. 1. [Except as provided in subsection 5 of this section,] State  
2 institutions of higher education governed by sections 174.020 to 174.500 shall be  
3 named and known as follows: the institution at Warrensburg, Johnson County,  
4 shall hereafter be known as the "**University of** Central Missouri [State  
5 University]"; the institution at Cape Girardeau, Cape Girardeau County, shall  
6 hereafter be known as the "Southeast Missouri State University"; the institution  
7 at Springfield, Greene County, shall hereafter be known as the "Missouri State  
8 University"; the institution at Maryville, Nodaway County, shall hereafter be  
9 known as the "Northwest Missouri State University"; the institution at St.  
10 Joseph, Buchanan County, shall hereafter be known as the "Missouri Western  
11 State University"; the institution at Joplin, Jasper County, shall hereafter be  
12 known as the "Missouri Southern State University"; and the college in the city of  
13 St. Louis shall be known as "Harris-Stowe State University".

14 2. References in the statutes in this state to such institutions whether  
15 denominated colleges or universities in such statutes or whether said institutions  
16 are renamed in subsection 1 of this section shall continue to apply to the

17 applicable institution.

18           3. Any costs incurred with respect to modifications of the names of the  
19 state colleges and universities specified in subsection 1 of this section shall not  
20 be paid from state funds.

21           4. When the conditions set forth in section 178.631 are met, the technical  
22 college located in Osage County, commonly known as the East Campus of Linn  
23 Technical College, shall be known as "Linn State Technical College".

174.042. 1. The titles which were vested in the governor by section 15 of  
2 the omnibus reorganization act of 1974, appendix B, RSMo, to mineral rights  
3 acquired by the state as a gift to the board of regents of **the University of**  
4 Central Missouri [State University] from Howard W. Marolf and Margaret A.  
5 Marolf, in December, 1963, are hereby transferred to and vested in the board of  
6 regents of **the University of** Central Missouri [State University].

7           2. The board of regents for **the University of** Central Missouri [State  
8 University] is hereby and hereafter authorized to grant, bargain and sell, convey  
9 and confirm, at its discretion, all or any portion of the mineral rights reserved in,  
10 on, under and to land, more particularly described in subsection 3 of this section,  
11 in Howell, Laclede, Taney, Texas, Webster, and Wright Counties in Missouri. The  
12 title to these mineral rights was acquired as a gift to **the University of** Central  
13 Missouri [State University] for the expressed purpose of establishment of a fund  
14 for scholarships in 1963.

15           3. The mineral rights are more particularly described as those reserved  
16 in, on, under and to land described in deeds, properly recorded in Howell,  
17 Laclede, Taney, Texas, Webster, and Wright Counties, Missouri, which deeds  
18 reflect transfer of ownership of the mineral rights to the board of regents for the  
19 **University of** Central Missouri [State College], Warrensburg, Missouri, from  
20 Howard W. Marolf and Margaret A. Marolf, in December, 1963.

21           4. The consideration for any future conveyance shall be an amount equal  
22 to the fair market value of the mineral rights, as determined by the board of  
23 regents for **the University of** Central Missouri [State University], at the time  
24 of the conveyance.

25           5. In accordance with the expressed purpose of the gift by the donors of  
26 the mineral rights, proceeds from any future conveyance shall accrue to the  
27 scholarship fund of **the University of** Central Missouri [State University].

174.323. Beginning with the fiscal year commencing on July 1, 1996, the  
2 general assembly may make appropriations to the commissioner of administration



3 for grants to **the University of** Central Missouri [State University] in the  
4 planning for and construction of an international safety, health, and  
5 environmental resource center, if the chairs of the respective appropriation or  
6 budget committees determine that **the University of** Central Missouri [State  
7 University] has established and is actively building an endowment fund for the  
8 partial funding of the resource center. In connection with the utilization of such  
9 grants, **the University of** Central Missouri [State University] may contract with  
10 any person, firm or corporation, whether organized for profit or otherwise, and  
11 may receive and expend funds received from the federal government or any  
12 agency thereof, or from any person, firm or corporation. Appropriations made  
13 pursuant to the provisions of this section shall not be considered as a part of the  
14 regular appropriations for **the University of** Central Missouri [State  
15 University] nor shall such appropriations result in any reduction of  
16 appropriations for **the University of** Central Missouri [State  
17 University]. Appropriations from the state shall be used exclusively for capital  
18 construction costs and no state appropriations shall be made for maintenance,  
19 repairs or personnel.

176.010. The following words and phrases as used in sections 176.010 to  
2 176.080, unless a different meaning is plainly required by the context, shall have  
3 the following meanings:

- 4 (1) "Governing body" shall mean:
- 5 (a) The board of curators of the University of the State of Missouri;
- 6 (b) The board of curators of Lincoln University of Missouri;
- 7 (c) The board of governors for the Truman State University;
- 8 (d) The board of governors for the **University of** Central Missouri [State  
9 University];
- 10 (e) The board of regents for the Southeast Missouri State University;
- 11 (f) The board of governors for the Missouri State University;
- 12 (g) The board of regents for the Northwest Missouri State University;
- 13 (h) The board of governors for the Missouri Western State University;
- 14 (i) The board of governors for the Missouri Southern State University;
- 15 (j) The board of regents for Harris-Stowe State University;
- 16 (k) The board of trustees of any community college district formed under  
17 sections 178.770 to 178.890;
- 18 (l) The board of regents of Linn State Technical College, provided the  
19 conditions of section 178.631 are met;

20           (2) "Net income and revenues" shall mean the income arising from the  
21 operation of a project remaining after providing for the costs of operation of such  
22 project and the costs of maintenance thereof;

23           (3) "Project" shall mean one or more dormitory buildings with or without  
24 dining room facilities as an integral part thereof, or dining room facilities alone,  
25 or one or more social and recreational buildings, or any other revenue-producing  
26 facilities of state educational institutions, or any combination of such facilities;

27           (4) "Revenue bonds" shall mean bonds issued hereunder for the purposes  
28 herein authorized and payable, both as to principal and interest, solely and only  
29 out of the net income and revenues arising from the operation of the project for  
30 which such bonds are issued after providing for the costs of operation and  
31 maintenance of such project, and, in addition thereto, in the discretion of the  
32 governing body, out of either one or both of the following sources:

33           (a) The proceeds of any grant in aid of such project which may be received  
34 from any source; and

35           (b) The net income and revenues arising from the operation of another  
36 project, as herein defined, already owned and operated by any such state  
37 educational institution.

38 Such bonds shall not be deemed to be an indebtedness of the state of Missouri,  
39 the educational institution issuing them, the governing body of such educational  
40 institution, or the individual members of such governing body;

41           (5) "State educational institutions" shall mean and shall include:

42           (a) The State University of Missouri, incorporated as a body politic under  
43 the name of "The Curators of the University of Missouri", together with the  
44 departments of said state university especially established by law as the "College  
45 of Agriculture at Columbia" and the "University of Missouri-Rolla";

46           (b) "Lincoln University" at Jefferson City;

47           (c) "Truman State University" at Kirksville, Missouri;

48           (d) "Missouri State University" at Springfield;

49           (e) The several regional universities, to wit:

50           **"The University of Central Missouri [State University]"** at Warrensburg,  
51 Missouri;

52           "Southeast Missouri State University" at Cape Girardeau, Missouri;

53           "Northwest Missouri State University" at Maryville, Missouri;

54           "Missouri Western State University" at St. Joseph, Missouri;

55           "Missouri Southern State University" at Joplin, Missouri;

56 "Harris-Stowe State University" at St. Louis, Missouri;  
57 (f) Community college districts formed under sections 178.770 to 178.890;  
58 (g) The several state colleges, to wit:  
59 "Linn State Technical College" in Osage County, Missouri, provided the  
60 conditions of section 178.631 are met.

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