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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2578

04/29/2021 Authored by Schultz
The bill was read for the first time and referred to the Committee on Higher Education Finance and Policy

1.1 A bill for an act
1.2 relating to higher education; modifying the process for electing members of the
1.3 Board of Regents of the University of Minnesota; requiring a University of
1.4 Minnesota faculty member to serve on the Board of Regents; addressing effects
1.5 of redistricting on the Board of Regents; amending Minnesota Statutes 2020,
1.6 sections 137.024; 137.0246; proposing coding for new law in Minnesota Statutes,
1.7 chapter 137; repealing Minnesota Statutes 2020, section 137.0245.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. 137.0231 FACULTY MEMBER ON BOARD OF REGENTS.

1.10 In electing members of the Board of Regents of the University of Minnesota pursuant
1.11 to the Minnesota Constitution, article XIII, section 3, and Territorial Laws 1851, chapter 3,
1.12 section 5, one member of the Board of Regents must be a person who at the time of election
1.13 to the board is a tenured faculty member of the university. This person shall represent the
1.14 state at large. Upon expiration of the term or in the event of a vacancy in the office, the
1.15 position shall be filled by a person having the same qualifications.

1.16 EFFECTIVE DATE. This section is effective January 1, 2022, and applies to the
1.17 at-large regent position to be elected in 2023 and thereafter.

1.18 Sec. 2. Minnesota Statutes 2020, section 137.024, is amended to read:

1.19 137.024 CONGRESSIONAL DISTRICTS REPRESENTED ON BOARD OF
1.20 REGENTS.

1.21 (a) At least one member of the Board of Regents of the university shall be a resident of
1.22 each congressional district.

2.1 (b) If legislative redistricting changes the boundaries of the state's congressional districts,
 2.2 sitting regents representing specific congressional districts may fulfill their elected terms
 2.3 on the Board of Regents. When a seat designated for a congressional district first becomes
 2.4 vacant after redistricting, the legislature shall apply current district boundaries in order to
 2.5 comply with paragraph (a).

2.6 (c) If, due to congressional apportionment, the state loses a congressional district, the
 2.7 regent seat designated for that district shall represent the state at large. If the state gains a
 2.8 congressional district, the next vacant at-large seat that is not reserved pursuant to section
 2.9 137.023 or 137.0231 must be assigned to the new district.

2.10 Sec. 3. Minnesota Statutes 2020, section 137.0246, is amended to read:

2.11 **137.0246 REGENT NOMINATION AND ELECTION.**

2.12 Subd. 2. **Regent nomination joint committee.** ~~(a)~~ The joint legislative committee
 2.13 consists of the members of the higher education budget and policy divisions in each house
 2.14 of the legislature. The chairs of the divisions from each body shall be cochairs of the joint
 2.15 legislative committee. A majority of the members from each house is a quorum of the joint
 2.16 committee.

2.17 ~~(b) By February 28 of each odd-numbered year, or at a date agreed to by concurrent~~
 2.18 ~~resolution, the joint legislative committee shall meet to consider the advisory council's~~
 2.19 ~~recommendations for regent of the University of Minnesota for possible presentation to a~~
 2.20 ~~joint convention of the legislature.~~

2.21 ~~(c) The joint committee may recommend to the joint convention candidates recommended~~
 2.22 ~~by the advisory council and the other candidates nominated by the joint committee. A~~
 2.23 ~~candidate other than those recommended by the advisory council may be nominated for~~
 2.24 ~~consideration by the joint committee only if the nomination receives the support of at least~~
 2.25 ~~three house of representatives members of the committee and two senate members of the~~
 2.26 ~~committee. A candidate must receive a majority vote of members from the house of~~
 2.27 ~~representatives and from the senate on the joint committee to be recommended to the joint~~
 2.28 ~~convention. The joint committee may recommend no more than one candidate for each~~
 2.29 ~~vacancy. In recommending nominees, the joint committee must consider the needs of the~~
 2.30 ~~board of regents and the balance of the board membership with respect to gender, racial,~~
 2.31 ~~and ethnic composition.~~

2.32 Subd. 3. **Joint committee responsibilities.** (a) The joint committee must identify, recruit,
 2.33 and screen qualified candidates for vacant positions on the Board of Regents. In its

3.1 recruitment efforts, the joint committee must seek to recruit a pool of candidates that is
3.2 diverse with respect to gender, racial, and ethnic composition.

3.3 (b) By February 28 of each odd-numbered year, or at a date agreed to by concurrent
3.4 resolution, the joint committee shall meet to consider candidates for regent of the University
3.5 of Minnesota for possible recommendation to the joint convention of the senate and house
3.6 of representatives called to elect regents. To be nominated for consideration by the joint
3.7 committee, a candidate must receive the support of at least three members of the joint
3.8 committee from the house of representatives and two members of the joint committee from
3.9 the senate.

3.10 (c) The joint committee must recommend to the joint convention two candidates for
3.11 each vacant position on the Board of Regents. A candidate must receive a majority vote of
3.12 members from the house of representatives and from the senate on the joint committee to
3.13 be recommended to the joint convention. In recommending nominees, the joint committee
3.14 must consider the needs of the Board of Regents and the balance of the board membership
3.15 with respect to gender, racial, and ethnic composition.

3.16 Subd. 4. **Joint convention to elect regents.** At the joint convention of the senate and
3.17 house of representatives called to elect regents, the joint committee shall report the names
3.18 of the persons recommended for each vacancy. These persons are considered to be nominated.
3.19 No additional nominations may be submitted.

3.20 Subd. 5. **Joint rules must conform to this section.** The joint rules of the senate and
3.21 house of representatives must be amended to conform to the requirements of this section.
3.22 If there is a conflict between the joint rules and this section, this section prevails.

3.23 Subd. 6. **Support services.** The Legislative Coordinating Commission shall provide
3.24 administrative and support services for the joint committee, at the request of the co-chairs,
3.25 to assist in identifying, recruiting, and screening qualified candidates.

3.26 Sec. 4. **REQUEST TO THE BOARD OF REGENTS.**

3.27 The Board of Regents of the University of Minnesota is requested to amend its policies
3.28 to permit a regent elected under Minnesota Statutes, section 137.0231, to serve as a
3.29 compensated university employee.

3.30 Sec. 5. **REPEALER.**

3.31 Minnesota Statutes 2020, section 137.0245, is repealed.

137.0245 REGENT CANDIDATE ADVISORY COUNCIL.

Subdivision 1. **Establishment.** A Regent Candidate Advisory Council is established to assist in determining criteria for, and identifying and recruiting qualified candidates for membership on the Board of Regents and making recommendations to the joint legislative committee described in section 137.0246, subdivision 2.

Subd. 2. **Membership.** The Regent Candidate Advisory Council shall consist of 24 members. Twelve members shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate. Twelve members shall be appointed by the speaker of the house. Each appointing authority must appoint one member who is a student enrolled in a degree program at the University of Minnesota at the time of appointment. No more than one-third of the members appointed by each appointing authority may be current or former legislators. No more than two-thirds of the members appointed by each appointing authority may belong to the same political party; however, political activity or affiliation is not required for the appointment of any member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 shall govern the advisory council, except that:

(1) the members shall be appointed to six-year terms with one-third appointed each even-numbered year; and

(2) student members are appointed to two-year terms with two students appointed each even-numbered year.

A member may not serve more than two full terms.

Subd. 3. **Duties.** (a) The advisory council shall:

(1) develop, in consultation with current and former regents and the administration of the University of Minnesota, a statement of the selection criteria to be applied and a description of the responsibilities and duties of a regent, and shall distribute this to potential candidates; and

(2) for each position on the board, identify and recruit qualified candidates for the Board of Regents, based on the background and experience of the candidates, their potential for discharging the responsibilities of a member of the Board of Regents, and the needs of the board. The selection criteria must not include a limitation on the number of terms an individual may serve on the Board of Regents.

(b) The selection criteria developed under paragraph (a), clause (1), must include a criterion that regents represent diversity in geography; gender; race; occupation, including business and labor; and experience.

(c) The selection criterion must include an identification of the membership needs of the board for individual skills relevant to the governance of the University of Minnesota and the needs for certain individual characteristics. Individual characteristics relate to qualities such as gender, race, and geographic location of residence.

Subd. 4. **Recommendations.** (a) The advisory council shall recommend at least two and not more than four candidates. By January 15 of each odd-numbered year, the advisory council shall submit its recommendations to the joint legislative committee described in section 137.0246, subdivision 2.

(b) The advisory council must submit a report to the joint committee on the needs criterion identified under subdivision 3, paragraph (c), at the same time it submits its recommendations.

Subd. 5. **Support services.** The Legislative Coordinating Commission shall provide administrative and support services for the advisory council.