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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1734

02/15/2023 Authored by Pelowski
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 Board of Regents and Regent Candidate
1.3 Advisory Council; amending Minnesota Statutes 2022, sections 137.023; 137.024;
1.4 137.0245, subdivisions 2, 3; 137.0246; proposing coding for new law in Minnesota
1.5 Statutes, chapter 137.

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

1.7 Section 1. Minnesota Statutes 2022, section 137.023, is amended to read:

1.8 137.023 UNIVERSITY STUDENT ON BOARD OF REGENTS SEATS ASSIGNED.

1.9 Subdivision 1. Seats assigned. (a) In electing members of the Board of Regents pursuant
1.10 to article 13, section 3, of the Constitution of the state of Minnesota, and Territorial Laws
1.11 1851, chapter 3, section 5;

1.12 (1) one member of the Board of Regents of the university board shall be a person who
1.13 at the time of election to the board is a student who is enrolled in a degree program at the
1.14 university;

1.15 (2) one member of the board must be a person who at the time of election to the board
1.16 is a tenured faculty member of the university; and

1.17 (3) one member of the board must represent a university employee organization, as
1.18 defined by section 179A.03, subdivision 6.

1.19 (b) This person Persons elected under paragraph (a) shall represent the state at large.
1.20 Upon expiration of the term or in the event of a vacancy in the office, one position the seats
1.21 assigned in paragraph (a) shall be filled by a person having the same qualifications.

2.1 Subd. 2. **American Indian regent.** At least one member of the Board of Regents shall  
 2.2 be an enrolled member of a federally recognized Indian Tribe within the state of Minnesota.

2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment. The  
 2.4 first at-large position to be elected following enactment of this section shall be assigned to  
 2.5 a tenured faculty member, and the next at-large position to be elected shall be assigned to  
 2.6 a representative of a university employee organization.

2.7 Sec. 2. Minnesota Statutes 2022, section 137.024, is amended to read:

2.8 **137.024 CONGRESSIONAL DISTRICTS REPRESENTED ON BOARD OF**  
 2.9 **REGENTS.**

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

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

2.17 (c) If, due to congressional apportionment, the state loses a congressional district, the  
 2.18 regent seat designated for that district shall represent the state at large. If the state gains a  
 2.19 congressional district, the next vacant at-large seat must be assigned to the new district.

2.20 Sec. 3. **[137.0242] TERM LIMITS FOR UNIVERSITY REGENTS.**

2.21 The legislature shall not elect a person to the Board of Regents of the university more  
 2.22 than twice.

2.23 Sec. 4. Minnesota Statutes 2022, section 137.0245, subdivision 2, is amended to read:

2.24 Subd. 2. **Membership.** (a) The Regent Candidate Advisory Council shall consist of 24  
 2.25 25 members.

2.26 ~~Twelve~~ (b) Five members shall be appointed by the Subcommittee on Committees of  
 2.27 the Committee on Rules and Administration of the senate. ~~Twelve~~ Five members shall be  
 2.28 appointed by the speaker of the house. ~~Each appointing authority must appoint one member~~  
 2.29 ~~who is a student enrolled in a degree program at the University of Minnesota at the time of~~  
 2.30 ~~appointment.~~ No more than ~~one-third~~ three of the members appointed by each appointing  
 2.31 authority may be current or former legislators. No more than ~~two-thirds~~ two of the members

3.1 appointed by each appointing authority may belong to the same political party; however,  
 3.2 political activity or affiliation is not required for the appointment of any member.  
 3.3 Geographical representation must be taken into consideration when making appointments.

3.4 (c) Additional members of the council shall include:

3.5 (1) one current faculty member from each of the five University of Minnesota system  
 3.6 campuses, each of whom shall be appointed by the faculty senate of that faculty member's  
 3.7 campus, or, if no campus-specific faculty senate exists, by the university system's faculty  
 3.8 senate;

3.9 (2) the student body president of each of the five University of Minnesota system  
 3.10 campuses, or designees thereof; and

3.11 (3) one designee from each of the following entities:

3.12 (i) the Indian Affairs Council;

3.13 (ii) the Minnesota Council on Latino Affairs;

3.14 (iii) the Council for Minnesotans of African Heritage;

3.15 (iv) the Council on Asian-Pacific Minnesotans; and

3.16 (v) the Council on Disability.

3.17 (d) Section 15.0575 shall govern the advisory council, except that:

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

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

3.22 (e) A member may not serve more than two full terms.

3.23 **EFFECTIVE DATE.** This section is effective the day following final enactment. By  
 3.24 September 1, 2023, the house and senate shall appoint one member to a term that expires  
 3.25 January 2024, two members to terms that expire January 2026, and two members to full  
 3.26 terms that expire January 2028. Members of the Regent Candidate Advisory Council at the  
 3.27 time of enactment may be reappointed, but remain subject to the two-term limit imposed  
 3.28 by this section.

3.29 Sec. 5. Minnesota Statutes 2022, section 137.0245, subdivision 3, is amended to read:

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

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

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

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

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

4.17 Sec. 6. Minnesota Statutes 2022, section 137.0246, is amended to read:

4.18 **137.0246 REGENT NOMINATION AND ELECTION.**

4.19 Subd. 2. **Regent nomination joint committee.** (a) The joint legislative committee  
 4.20 consists of the members of the higher education budget and policy divisions in each house  
 4.21 of the legislature. The chairs of the divisions from each body shall be cochairs of the joint  
 4.22 legislative committee. A majority of the members from each house is a quorum of the joint  
 4.23 committee.

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

4.28 (c) The joint committee may recommend to the joint convention candidates recommended  
 4.29 by the advisory council and the other candidates nominated by the joint committee. A  
 4.30 candidate other than those recommended by the advisory council may be nominated for  
 4.31 consideration by the joint committee only if the nomination receives the support of at least  
 4.32 three house of representatives members of the committee and two senate members of the  
 4.33 committee. A candidate must receive a majority vote of members from the house of

5.1 representatives and from the senate on the joint committee to be recommended to the joint  
5.2 convention. The joint committee ~~may~~ must recommend ~~no more than one candidate~~ two  
5.3 candidates for each vacancy. In recommending nominees, the joint committee must consider  
5.4 the needs of the board of regents and the balance of the board membership with respect to  
5.5 gender, racial, and ethnic composition.

5.6 Subd. 3. **Joint convention to elect regents.** At the joint convention of the senate and  
5.7 house of representatives called to elect regents, the joint committee shall report the names  
5.8 of the persons recommended for each vacancy. These persons are considered to be nominated.  
5.9 No additional nominations may be submitted.

5.10 Subd. 4. **Joint rules must conform to this section.** The joint rules of the senate and  
5.11 house of representatives must be amended to conform to the requirements of this section.