

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3846

(SENATE AUTHORS: KIFFMEYER)

DATE	D-PG	OFFICIAL STATUS
03/09/2022	5256	Introduction and first reading
		Referred to State Government Finance and Policy and Elections
03/17/2022		Comm report: To pass as amended and re-refer to Higher Education Finance and Policy

1.1 A bill for an act

1.2 relating to state government; allowing contracts for services and supplies for the

1.3 legislature and certain commissions and offices; modifying enabling statute for

1.4 Legislative Salary Council and Mississippi River Parkway Commission; adding

1.5 a provision to the Minnesota State Colleges and Universities board; repealing

1.6 Candidate Advisory Council for Minnesota State Colleges and Universities Board

1.7 of Trustees; amending Minnesota Statutes 2020, sections 3.303, subdivision 6;

1.8 15A.0825, subdivisions 1, 2, 3; 136F.02, subdivision 1; 161.1419, subdivision 2;

1.9 repealing Minnesota Statutes 2020, section 136F.03.

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

1.11 style="text-align:center">**ARTICLE 1**

1.12 style="text-align:center">**MINNESOTA LEGISLATURE**

1.13 Section 1. Minnesota Statutes 2020, section 3.303, subdivision 6, is amended to read:

1.14 Subd. 6. **Grants; staff; space; equipment; contracts.** (a) The commission may make

1.15 grants, employ an executive director and other staff, and obtain office space, equipment,

1.16 and supplies necessary to perform its duties.

1.17 (b) The executive director may enter into contracts in compliance with section 3.225 to

1.18 provide necessary services and supplies for the house of representatives and the senate, and

1.19 for legislative commissions and joint legislative offices. A contract for professional or

1.20 technical services that is valued at more than \$50,000 may be made only after the executive

1.21 director has received written approval from the chair and vice-chair of the commission.

1.22 Sec. 2. Minnesota Statutes 2020, section 15A.0825, subdivision 1, is amended to read:

1.23 Subdivision 1. **Membership.** (a) The Legislative Salary Council consists of the following

1.24 members:

2.1 (1) one person, who is not a judge, from each congressional district, appointed by the
 2.2 chief justice of the supreme court; and

2.3 (2) one person from each congressional district, appointed by the governor.

2.4 (b) If Minnesota has an odd number of congressional districts, the governor and the chief
 2.5 justice must each appoint an at-large member, in addition to a member from each
 2.6 congressional district.

2.7 (c) One-half of the members appointed by the governor and one-half of the members
 2.8 appointed by the chief justice must belong to the political party that has the most members
 2.9 in the legislature. One-half of the members appointed by the governor and one-half of the
 2.10 members appointed by the chief justice must belong to the political party that has the second
 2.11 most members in the legislature.

2.12 (d) None of the members of the council may be:

2.13 (1) a current or former legislator, or the spouse of a current legislator;

2.14 (2) a current or former lobbyist registered under Minnesota law;

2.15 (3) a current employee of the legislature;

2.16 (4) a current or former judge; ~~or~~

2.17 (5) a current or former governor, lieutenant governor, attorney general, secretary of state,
 2.18 or state auditor; or

2.19 (6) a current employee of an entity in the executive or judicial branch.

2.20 Sec. 3. Minnesota Statutes 2020, section 15A.0825, subdivision 2, is amended to read:

2.21 Subd. 2. **Initial appointment; convening authority; first meeting in odd-numbered**
 2.22 **year.** Appointing authorities must make their ~~initial~~ appointments by January 2, 2017 after
 2.23 the first Monday in January and before January 15 in each odd-numbered year. The governor
 2.24 shall designate one member to convene and chair the first meeting of the council. The first
 2.25 meeting must be before January ~~15, 2017~~ 25 of that year. At its first meeting, the council
 2.26 must elect a chair from among its members. ~~Members that reside in an even-numbered~~
 2.27 ~~congressional district serve a first term ending January 15, 2019. Members residing in an~~
 2.28 ~~odd-numbered congressional district serve a first term ending January 15, 2021.~~

3.1 Sec. 4. Minnesota Statutes 2020, section 15A.0825, subdivision 3, is amended to read:

3.2 Subd. 3. **Terms.** (a) Except ~~for initial terms and~~ for the first term following redistricting,
 3.3 a term is four years or until new appointments are made after congressional redistricting as
 3.4 provided in subdivision 4. Members may serve no more than two full terms or portions of
 3.5 two consecutive terms.

3.6 (b) If a member ceases to reside in the congressional district that the member resided in
 3.7 at the time of appointment as a result of moving or redistricting, the appointing authority
 3.8 who appointed the member must appoint a replacement who resides in the congressional
 3.9 district to serve the unexpired term.

3.10 **EFFECTIVE DATE.** This section is effective January 1, 2023.

3.11 Sec. 5. Minnesota Statutes 2020, section 161.1419, subdivision 2, is amended to read:

3.12 Subd. 2. **Members.** (a) The commission shall be composed of 15 members of whom:

3.13 (1) one shall be appointed by the commissioner of transportation;

3.14 (2) one shall be appointed by the commissioner of natural resources;

3.15 (3) one shall be appointed by the director of Explore Minnesota Tourism;

3.16 (4) one shall be appointed by the commissioner of agriculture;

3.17 (5) one shall be appointed by the director of the Minnesota ~~Historical Society~~ State
 3.18 Historic Preservation Office;

3.19 (6) two shall be members of the senate to be appointed by the Committee on Committees;

3.20 (7) two shall be members of the house of representatives to be appointed by the speaker;

3.21 (8) one shall be the secretary appointed pursuant to subdivision 3; and

3.22 (9) five shall be citizen members appointed to staggered four-year terms by the members
 3.23 appointed under clauses (1) to (8) after receiving recommendations from five citizen
 3.24 committees established by the members appointed under clauses (1) to (8), with each citizen
 3.25 committee established within and representing each of the following geographic segments
 3.26 along the Mississippi River:

3.27 (i) Lake Itasca to but not including the city of Grand Rapids;

3.28 (ii) Grand Rapids to but not including the city of Brainerd;

3.29 (iii) Brainerd to but not including the city of Elk River;

3.30 (iv) Elk River to but not including the city of Hastings; and

4.1 (v) Hastings to the Iowa border.

4.2 Each citizen ~~committee~~ member shall be a resident of the geographic segment that the
4.3 ~~committee and~~ member represents.

4.4 (b) The members of the commission appointed in paragraph (a), clauses (1) to (8), shall
4.5 serve for a term expiring at the close of each regular session of the legislature and until their
4.6 successors are appointed.

4.7 (c) Successor members shall be appointed by the same appointing authorities. Members
4.8 may be reappointed. Any vacancy shall be filled by the appointing authority. The
4.9 commissioner of transportation, the commissioner of natural resources, and the director of
4.10 the Minnesota Historical Society shall be ex officio members, and shall be in addition to
4.11 the 15 members heretofore provided for. Immediately upon making the appointments to the
4.12 commission the appointing authorities shall so notify the Mississippi River Parkway
4.13 Commission, hereinafter called the National Commission, giving the names and addresses
4.14 of the members so appointed.

4.15 Sec. 6. **MISSISSIPPI RIVER PARKWAY COMMISSION; CITIZEN MEMBERS.**

4.16 Citizens currently appointed to the Mississippi River Parkway Commission under
4.17 Minnesota Statutes, section 161.1419, subdivision 2, serve terms as follows:

4.18 (1) Lake Itasca, to but not including the city of Grand Rapids, for a term ending December
4.19 31, 2026;

4.20 (2) Grand Rapids, to but not including the city of Brainerd, for a term ending December
4.21 31, 2026; and

4.22 (3) Brainerd, to but not including the city of Elk River, for a term ending December 31,
4.23 2026.

4.24 ARTICLE 2

4.25 HIGHER EDUCATION

4.26 Section 1. Minnesota Statutes 2020, section 136F.02, subdivision 1, is amended to read:

4.27 Subdivision 1. **Membership.** The board consists of 15 members appointed by the
4.28 governor, including three members who are students who have attended an institution for
4.29 at least one year and are enrolled at the time of appointment at least half time in a degree,
4.30 diploma, or certificate program in an institution governed by the board. The student members
4.31 shall include one member from a community college, one member from a state university,

5.1 and one member from a technical college. One member representing labor must be appointed
5.2 after considering the recommendations made under section 136F.045. The governor is not
5.3 bound by the recommendations. Appointments to the board are with the advice and consent
5.4 of the senate. At least one member of the board must be a resident of each congressional
5.5 district. All other members must be appointed to represent the state at large. In selecting
5.6 appointees, the governor must consider the needs of the board and the balance of the board
5.7 membership with respect to labor and business representation ~~and~~; racial, gender, geographic,
5.8 and ethnic composition; and occupation and experience. In selecting appointees, the governor
5.9 must consider the needs of the board for skills relevant to the governance of the Minnesota
5.10 State Colleges and Universities and the candidate's ability to discharge the responsibilities
5.11 of the board.

5.12 A commissioner of a state agency may not serve as a member of the board.

5.13 Sec. 2. **REPEALER.**

5.14 Minnesota Statutes 2020, section 136F.03, is repealed.

136F.03 CANDIDATE ADVISORY COUNCIL.

Subdivision 1. **Purpose.** A Candidate Advisory Council for the board shall assist the governor in determining criteria for, and identifying and recruiting qualified candidates for, nonstudent membership on the board.

Subd. 2. **Membership.** The advisory council consists of 24 members. Twelve members are appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate. Twelve members are appointed by the speaker of the house. 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 a member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 governs the advisory council, except that the members must be appointed to six-year terms.

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

(1) develop a statement of the selection criteria to be applied and a description of the responsibilities and duties of a member of the board and shall distribute this to potential candidates; and

(2) for each position on the board, identify and recruit qualified candidates for the board, based on the background and experience of the candidates, and their potential for discharging the responsibilities of a member of the board.

(b) Selection criteria developed under this section must include the requirement that trustees represent diversity in geography, gender, race, occupation, and experience.

(c) Selection criteria developed under this section must also include the identification of the membership needs of the board for individual skills relevant to the governance of the Minnesota State Colleges and Universities and the needs for certain individual characteristics that include geographic location, gender, race, occupation, and experience.

Subd. 4. **Recommendations.** Except for seats filled under sections 136F.04 and 136F.045, the advisory council shall recommend at least two and not more than four candidates for each seat. By April 15 of each even-numbered year in which the governor makes appointments to the board, the advisory council shall submit its recommendations to the governor and to the chairs and ranking minority members of the legislative committees with primary jurisdiction over higher education policy and finance. The governor is not bound by these recommendations.

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