

**House File 2387 - Introduced**

HOUSE FILE 2387  
BY KAUFMANN

**A BILL FOR**

1 An Act relating to the membership of the board of regents and  
2 including transition and effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.21, Code 2009, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5. Members of the board of regents as  
4 provided in section 262.3.

5 Sec. 2. Section 262.1, Code 2009, is amended to read as  
6 follows:

7 **262.1 Membership.**

8 The state board of regents consists of nine members,  
9 ~~eight~~ six of whom shall be ~~selected from the state at large~~  
10 ~~solely with regard to their qualifications and fitness to~~  
11 ~~discharge the duties of the office~~ elected pursuant to section  
12 262.3. ~~The ninth member~~ seventh and eighth members shall be a  
13 ~~student~~ students enrolled on a full-time basis in good standing  
14 at either the graduate or undergraduate level at one of the  
15 institutions listed in section 262.7, subsection 1, 2, or 3,  
16 at the time of the member's appointment. ~~Not more than five~~  
17 ~~members shall be of the same political party.~~ The student  
18 members shall be appointed by the governor, pursuant to section  
19 262.2, and subject to confirmation by the senate. The ninth  
20 member shall be appointed by the auditor of state.

21 Sec. 3. Section 262.2, Code 2009, is amended to read as  
22 follows:

23 **262.2 Appointment — term of office.**

24 ~~The members shall be appointed by the governor subject to~~  
25 ~~confirmation by the senate.~~ Prior to appointing the ninth  
26 ~~member~~ student members as specified in section 262.1, the  
27 governor shall consult with the appropriate student body  
28 government at the institution at which the proposed appointee  
29 is enrolled. The term of each member of the board shall be  
30 for six years, unless ~~the ninth~~ a student member, appointed  
31 in accordance with section 262.1, graduates or is no longer  
32 enrolled at an institution of higher education under the  
33 board's control, at which time the term of ~~the ninth~~ such  
34 student member shall expire one year from the date on which the  
35 member graduates or is no longer enrolled in an institution

1 of higher education under the board's control. However, if  
2 within that year the ~~ninth~~ student member reenrolls in any  
3 institution of higher education under the board's control  
4 on a full-time basis and is a student in good standing at  
5 either the graduate or undergraduate level, the term of the  
6 ~~ninth~~ student member shall continue in effect. The terms of  
7 the three appointive members of the board shall begin and  
8 expire in each odd-numbered year as provided in section 69.19.

9     Sec. 4. NEW SECTION.   **262.3 Election of certain members —**  
10 **vacancies.**

11     1. Of the six elective members of the board, one shall be  
12 elected by the registered voters of each congressional district  
13 and two shall be elected statewide. Board members shall be  
14 elected on a nonpartisan basis at the general election for  
15 staggered six-year terms commencing on the first day of January  
16 that is not a Sunday or holiday following their election.  
17 Any eligible elector is entitled to elective membership on  
18 the board, except that no more than one member shall at any  
19 one time be a resident of any one congressional district. A  
20 vacancy in an elected position on the board shall be filled by  
21 the chairperson of the board for the unexpired balance of the  
22 term as provided in section 69.12 until the next succeeding  
23 general election.

24     2. *a.* At each general election a successor shall be  
25 chosen for each board member whose term will expire in the  
26 succeeding January. Nomination of candidates shall be made  
27 by petition in accordance with chapter 45, except that each  
28 candidate's nominating petition shall be signed by at least  
29 three hundred eligible electors residing in the congressional  
30 district. The petition form shall be furnished by the county  
31 commissioner of elections. Every candidate shall file with  
32 the nomination papers an affidavit stating the candidate's  
33 name, the candidate's residence, that the person is a candidate  
34 and is eligible for board membership, and that if elected the  
35 candidate will qualify for the office. The affidavit shall

1 also state that the candidate is aware that the candidate  
2 is disqualified from holding office if the candidate has  
3 been convicted of a felony or other infamous crime and the  
4 candidate's rights have not been restored by the governor or by  
5 the president of the United States.

6     **b.** The signed petitions shall be filed with the county  
7 commissioner of elections not later than 5:00 p.m. on the  
8 sixty-ninth day before the general election. The votes for  
9 board membership shall be canvassed in the same manner as the  
10 votes for state officers, and the returns shall be certified to  
11 the state commissioner of elections. A plurality is sufficient  
12 to elect members, and a primary election for the office shall  
13 not be held.

14     3. As used in this section, "*congressional district*"  
15 means those districts established following the 2010 federal  
16 decennial census.

17     Sec. 5. Section 262.4, Code 2009, is amended to read as  
18 follows:

19     **262.4 Removals — appointive members.**

20     The governor, with the approval of a majority of the senate  
21 during a session of the general assembly, may remove any  
22 appointive member of the board for malfeasance in office, or  
23 for any cause which would render the member ineligible for  
24 appointment or incapable or unfit to discharge the duties of  
25 office, and the member's removal, when so made, shall be final.

26     Sec. 6. Section 262.5, Code 2009, is amended to read as  
27 follows:

28     **262.5 Suspension — appointive members.**

29     When the general assembly is not in session, the governor  
30 may suspend any appointive member so disqualified and,  
31 if the suspended member was originally appointed by the  
32 governor, shall appoint another to fill the vacancy thus  
33 created, subject to the approval of the senate when next in  
34 session. If the suspended member was appointed by the auditor  
35 of state, the auditor of state shall appoint another to fill

1 the vacancy.

2 Sec. 7. Section 262.6, Code 2009, is amended to read as  
3 follows:

4 **262.6 Vacancies — appointive members.**

5 Vacancies of appointive members shall be filled in the same  
6 manner in which regular appointments are required to be made.  
7 If ~~the ninth~~ a student member resigns prior to the expiration  
8 of the term, the individual appointed to fill the vacancy  
9 shall meet the requirements for ~~the ninth member~~ student  
10 members specified in section 262.1. ~~Other vacancies occurring~~  
11 ~~prior to the expiration of the ninth member's term shall be~~  
12 ~~filled in the same manner as the original appointments for~~  
13 ~~those vacancies.~~

14 Sec. 8. TRANSITION PROVISIONS. Membership terms of the  
15 six regents board members, who are not appointive members as  
16 provided in this Act, serving on the board on the effective  
17 date of this Act and otherwise expiring prior to the general  
18 election to be conducted in 2012 shall be extended until the  
19 first day of January that is not a Sunday or holiday following  
20 the election. Membership terms of regents board members  
21 appointed to the board after the effective date of this Act  
22 shall expire in 2013 on the first day of January that is not a  
23 Sunday or holiday.

24 Sec. 9. EFFECTIVE DATE. This Act takes effect January 1,  
25 2011.

26 EXPLANATION

27 This bill changes the composition of the board of regents.  
28 Currently, all nine members of the board of regents are  
29 appointed by the governor, subject to confirmation by the  
30 senate, and one of those members must be a student enrolled at  
31 a public university governed by the board of regents.

32 The bill requires that six of the members shall be elected,  
33 one from each congressional district established after the 2010  
34 census and two members statewide, two student members shall be  
35 appointed by the governor, and one member shall be appointed by

1 the auditor of state. The elective members shall be elected on  
2 a nonpartisan basis beginning with the 2012 general election.

3 The bill provides transition provisions for the election of  
4 members at the general election in 2012.

5 The bill takes effect January 1, 2011.