

**SECOND ENGROSSMENT
with House Amendments**

Fifty-fifth
Legislative Assembly
of North Dakota

**REENGROSSED SENATE CONCURRENT
RESOLUTION NO. 4010**

Introduced by

Senators Solberg, Cook, Tomac

Representatives Carlson, Nichols, Tollefson

1 A concurrent resolution for the amendment of subsections 1 and 6 of section 6 of article VIII
2 and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names,
3 locations, and missions of the institutions of higher education.

STATEMENT OF INTENT

5 This amendment updates the names of and removes references to the locations and missions
6 of the institutions of higher education.

**BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF
8 REPRESENTATIVES CONCURRING THEREIN:**

9 That the following proposed amendments to subsections 1 and 6 of section 6 of
10 article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota are agreed to
11 and must be submitted to the qualified electors of North Dakota at the general election to be
12 held in 1998, in accordance with section 16 of article IV of the Constitution of North Dakota.

13 **SECTION 1. AMENDMENT.** Subsections 1 and 6 of section 6 of article VIII of the
14 Constitution of North Dakota is amended and reenacted as follows:

- 15 1. A ~~The state~~ board of higher education, ~~to be officially known as the state board of~~
16 ~~higher education, is hereby created for the~~ shall control and administration of the
17 ~~following state educational institutions, to wit~~ administer:

- 18 a. ~~The state university and school of mines, at Grand Forks, with their~~
19 ~~substations.~~
20 b. ~~The state agricultural college and experiment station, at Fargo, with their~~
21 ~~substations.~~
22 c. ~~The school of science, at Wahpeton.~~
23 d. ~~The state normal schools and teachers colleges, at Valley City, Mayville,~~
24 ~~Minot, and Dickinson.~~
25 e. ~~The school of forestry, at Bottineau.~~

- 1 a. The university of North Dakota;
- 2 b. North Dakota state university;
- 3 c. Dickinson state university;
- 4 d. Mayville state university;
- 5 e. Minot state university;
- 6 f. Valley City state university;
- 7 g. Minot state university - Bottineau;
- 8 h. North Dakota state college of science;
- 9 f. i. And ~~such~~ any other state institutions of higher education as may hereafter be
- 10 established.
- 11 6. a. ~~The state board of higher education shall hold its first meeting at the office of~~
- 12 ~~the state board of administration at Bismarek, on the 6th day of July, 1939,~~
- 13 ~~and shall organize and elect one of its members as president of such board~~
- 14 ~~for a term of one year. It shall also at said meeting, or as soon thereafter as~~
- 15 ~~may be practicable, elect a competent person as secretary, who shall reside~~
- 16 ~~during his term of office in the city of Bismarek, North Dakota. Said secretary~~
- 17 ~~shall hold office at the will of the board. As soon as said board is established~~
- 18 ~~and organized, it shall assume all the powers and perform all the duties now~~
- 19 ~~conferred by law upon the board of administration in connection with the~~
- 20 ~~several institutions hereinbefore mentioned, and the said board of~~
- 21 ~~administration shall immediately upon the organization of said state board of~~
- 22 ~~higher education, surrender and transfer to said state board of higher~~
- 23 ~~education all duties, rights, and powers granted to it under the existing laws of~~
- 24 ~~this state concerning the institutions hereinbefore mentioned, together with all~~
- 25 ~~property, deeds, records, reports, and appurtenances of every kind belonging~~
- 26 ~~or appertaining to said institutions.~~
- 27 b. The ~~said~~ state board of higher education shall have full authority over the
- 28 institutions under its control with the right, among its other powers, to
- 29 prescribe, limit, or modify the courses offered at the several institutions. In
- 30 furtherance of its powers, the state board of higher education shall have the
- 31 power to delegate to its employees details of the administration of the

1 institutions under its control. The ~~said~~ state board of higher education shall
2 have full authority to organize or reorganize within constitutional and statutory
3 limitations, the work of each institution under its control, and do each and
4 everything necessary and proper for the efficient and economic administration
5 of said state educational institutions.

6 e- b. ~~Said~~ The board shall prescribe for all ~~of said~~ institutions standard systems of
7 accounts and records and shall biennially, and within six (6) months
8 immediately preceding the regular session of the legislature, make a report to
9 the governor, covering in detail the operations of the educational institutions
10 under its control.

11 e- c. It shall be the duty of the heads of the several state institutions hereinbefore
12 mentioned, to submit the budget requests for the biennial appropriations for
13 ~~said the~~ institutions to ~~said the~~ state board of higher education; and ~~said the~~
14 state board of higher education shall consider ~~said the~~ budgets and shall
15 revise the same as in its judgment shall be for the best interests of the
16 educational system of the state; and thereafter the state board of higher
17 education shall prepare and present to the state budget board and to the
18 legislature a single unified budget covering the needs of all the institutions
19 under its control. ~~"Said budget shall be prepared and presented by the board~~
20 ~~of administration until the state board of higher education organizes as~~
21 ~~provided in subsection 6a."~~ The appropriations for all of ~~said the~~ institutions
22 shall be contained in one legislative measure. The budgets and appropriation
23 measures for the agricultural experiment stations and their substations and
24 the extension division of the North Dakota state university ~~of agriculture and~~
25 ~~applied science~~ may be separate from those of state educational institutions.

26 e- d. The ~~said~~ state board of higher education shall have the control of the
27 expenditure of the funds belonging to, and allocated to such institutions and
28 also those appropriated by the legislature, for the institutions of higher
29 education in this state; provided, however, that funds appropriated by the
30 legislature and specifically designated for any one or more of such
31 institutions, shall not be used for any other institution.

SECTION 2. AMENDMENT. Section 12 of article IX of the Constitution of North Dakota is amended and reenacted as follows:

Section 12. The following public institutions of the state are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States in the Act of Congress approved February 22, 1889, to be disposed of and used in such manner as the legislative assembly may prescribe subject to the limitations provided in the article on school and public lands contained in this constitution.

1. The seat of government at the city of Bismarck in the county of Burleigh.
- ~~2. The state university and the school of mines at the city of Grand Forks, in the county of Grand Forks.~~
- ~~3. The North Dakota state university of agriculture and applied science at the city of Fargo, in the county of Cass.~~
- ~~4. A state normal school at the city of Valley City, in the county of Barnes, and the legislative assembly, in apportioning the grant of eighty thousand acres of land for normal schools made in the Act of Congress referred to shall grant to the said normal school at Valley City, as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.~~
- ~~5. The school for the deaf and dumb of North Dakota at the city of Devils Lake, in the county of Ramsey.~~
- ~~6. 3. A state training industrial school at the city of Mandan, in the county of Morton.~~
- ~~7. A state normal school at the city of Mayville, in the county of Traill, and the legislative assembly in apportioning the grant of lands made by Congress in the Act aforesaid for state normal schools shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.~~
- ~~8. 4. A state hospital for the insane mentally ill at the city of Jamestown, in the county of Stutsman. And the The legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the Act of Congress aforesaid for other educational and charitable institutions to the benefit and for the endowment of said institution, and there shall be located the state hospital.~~

- 1 5. An institution for the developmentally disabled at or near the city of Grafton; in the
2 county of Walsh; ~~an institution for the feeble minded, on the grounds purchased by~~
3 ~~the secretary of the interior for a penitentiary building.~~

4 **SECTION 3. AMENDMENT.** Section 13 of article IX of the Constitution of North
5 Dakota is amended and reenacted as follows:

6 **Section 13.** The following public institutions are located as provided, each to have so
7 much of the remaining grant of one hundred seventy thousand acres of land made by the
8 United States for "other educational and charitable institutions" as is allotted by law:

- 9 1. A ~~soldiers'~~ veterans' home, when located, or such other charitable institution as the
10 legislative assembly may determine, at the city of Lisbon in the county of Ransom,
11 with a grant of forty thousand acres of land.
- 12 2. The school for the blind at the city of Grand Forks in the county of Grand Forks or
13 at ~~such other~~ another location as may be determined by the legislative assembly to
14 be in the best interests of the students of ~~such~~ the institution and the state of ~~North~~
15 Dakota.
- 16 3. ~~A school of forestry, or such other institution as the legislative assembly may~~
17 ~~determine, at such place in one of the counties of McHenry, Ward, Bottineau, or~~
18 ~~Rolette, as the electors of said counties may determine by an election for that~~
19 ~~purpose, to be held as provided by the legislative assembly.~~
- 20 4. ~~A school of science or such other educational or charitable institution as the~~
21 ~~legislative assembly may prescribe, at the city of Wahpeton in the county of~~
22 ~~Richland, with a grant of forty thousand acres.~~
- 23 5. ~~A state college at the city of Minot in the county of Ward.~~
- 24 6. ~~A state college at the city of Dickinson in the county of Stark.~~
- 25 7. A state hospital for the mentally ill at ~~such~~ a place within this state ~~as shall be~~
26 selected by the legislative assembly.

27 No other institution of a character similar to any one of those located by article IX, section 12, or
28 this section ~~shall~~ may be established or maintained without an amendment of this constitution.