

Sixtieth
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3019

Introduced by

Representatives Skarphol, Bellew, Glassheim, Keiser

Senator Andrist

1 A concurrent resolution for the amendment of section 6 of article VIII of the Constitution of North
2 Dakota, relating to the state board of higher education; and to provide an effective date.

3 **STATEMENT OF INTENT**

4 This measure provides that the purpose of the state board of higher education is to appoint a
5 chancellor of the North Dakota university system and the chancellor is to control and administer
6 the institutions within the system.

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

9 That the following proposed amendment to section 6 of article VIII of the Constitution of
10 North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at
11 the general election to be held in 2008, in accordance with section 16 of article IV of the
12 Constitution of North Dakota.

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

15 **Section 6.**

16 1. A board of higher education, to be officially known as the state board of higher
17 education, is ~~hereby~~ created for the purpose of appointing a chancellor of the
18 North Dakota university system who shall control and administration of administer
19 the following state educational institutions, ~~to wit:~~

- 20 a. The state university and school of mines, at Grand Forks, with their
21 substations.
22 b. The state agricultural college and experiment station, at Fargo, with their
23 substations.
24 c. The school of science, at Wahpeton.

- 1 d. The state normal schools and teachers colleges, at Valley City, Mayville,
2 Minot, and Dickinson.
3 e. The school of forestry, at Bottineau.
4 f. And such other state institutions of higher education as may hereafter be
5 established.

- 6 2. a. The state board of higher education consists of eight members. The governor
7 shall appoint seven members who are qualified electors and taxpayers of the
8 state, and who have resided in this state for not less than five years
9 immediately preceding their appointments. These seven appointments are
10 subject to confirmation by the senate.

11 The governor shall appoint as the eighth member of the board a
12 full-time resident student in good academic standing at an institution ~~under~~
13 ~~the jurisdiction of the state board~~ within the university system. Except for the
14 student member, no more than two persons holding a bachelor's degree from
15 a particular institution ~~under the jurisdiction of the state board of higher~~
16 ~~education~~ within the university system may serve on the board at any one
17 time. Except for the student member, no person employed by any institution
18 ~~under the control of the board shall~~ within the university system may serve as
19 a member of the board and no employee of any ~~such~~ institution may be
20 eligible for membership on the state board of higher education for a period of
21 two years following the termination of employment.

22 The governor shall nominate from a list of three names for each
23 position, selected by action of four of the following five persons: the president
24 of the North Dakota education association, the chief justice of the supreme
25 court, the superintendent of public instruction, the president pro tempore of
26 the senate, and the speaker of the house of representatives and, with the
27 consent of a majority of the members-elect of the senate, shall appoint from
28 the list to the state board of higher education seven members. The governor
29 shall ensure that the board membership is maintained in a balanced and
30 representative manner. The term of office of members appointed to fill
31 vacancies at the expiration of said terms shall be for four years, and in the

1 case of vacancies otherwise arising, appointments shall be made only for the
2 balance of the term of the members whose places are to be filled. A member
3 may not be appointed to serve for more than two terms. If a member is
4 appointed to fill a vacancy and serves two or more years of that term, the
5 member is deemed to have served one full term.

6 b. In the event any nomination made by the governor is not consented to and
7 confirmed by the senate, the governor shall again nominate a candidate
8 selected from a new list. The nomination shall be submitted to the senate for
9 confirmation and the proceedings shall continue until an appointee has been
10 confirmed by the senate or the session of the ~~legislature~~ legislative assembly
11 has adjourned.

12 c. If a term expires or a vacancy occurs when the ~~legislature~~ legislative
13 assembly is not in session, the governor may appoint from a list selected as
14 provided, a member who shall serve until the opening of the next session of
15 the ~~legislature~~ legislative assembly, at which time the appointment must be
16 certified to the senate for confirmation. If the appointee is not confirmed by
17 the thirtieth legislative day of the session, the office shall be deemed vacant
18 and the governor shall nominate another candidate for the office. The same
19 proceedings shall be followed as are set forth in this section. If the ~~legislature~~
20 legislative assembly is in session at any time within six months prior to the
21 date of the expiration of the term of any member, the governor shall nominate
22 a successor from a list selected as above set forth, within the first thirty days
23 of the session and upon confirmation by the senate the successor shall take
24 office at the expiration of the incumbent's term. No person who has been
25 nominated and whose nomination the senate has failed to confirm is eligible
26 for an interim appointment. On or before July first of each year, beginning in
27 1995, the governor shall appoint a student member from a list of names
28 recommended by the executive board of the North Dakota student association
29 for a term of one year, beginning on July first. A student member may not
30 serve more than two consecutive terms.

- 1 3. The members of the state board of higher education may only be removed by
- 2 impeachment for the offenses and in the manner and according to the procedure
- 3 provided for the removal of the governor by impeachment proceedings.
- 4 4. Each appointive member of the state board of higher education, except the student
- 5 member, shall receive compensation set by the legislative assembly for the time
- 6 actually spent devoted to the duties of the member's office. All members shall
- 7 receive necessary expenses in the same manner and amounts as other state
- 8 officials for attending meetings and performing other functions of their office.
- 9 5. The ~~legislature~~ legislative assembly shall provide adequate funds for the proper
- 10 carrying out of the functions and duties of the state board of higher education.
- 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~~ appoint a chancellor who shall have
- 28 full authority over the institutions ~~under its control~~ within the university system,
- 29 with the right, ~~among its other powers,~~ to prescribe, limit, or modify the
- 30 courses offered at the several institutions. ~~In furtherance of its powers, the~~
- 31 ~~state board of higher education~~ The chancellor shall have the power to

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

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

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

30 e. The ~~said state board of higher education~~ chancellor shall have the control of
31 the expenditure of the funds belonging to, and allocated to ~~such the~~

1 institutions and also those appropriated by the ~~legislature~~ legislative
2 assembly, for the institutions of higher education in this state; provided,
3 however, that funds appropriated by the ~~legislature~~ legislative assembly and
4 specifically designated for any one or more of ~~such~~ the institutions, ~~shall~~ may
5 not be used for any other institution.

- 6 7. a. ~~The state board of higher education shall, as soon as practicable, appoint for~~
7 ~~a term of not to exceed three (3) years, a state commissioner of higher~~
8 ~~education, whose principal office shall be at the state capitol, in the city of~~
9 ~~Bismarck. Said commissioner of higher education shall be responsible to the~~
10 ~~state board of higher education and shall be removable by said board for~~
11 ~~cause.~~
- 12 b. ~~The state commissioner of higher education shall be a graduate of some~~
13 ~~reputable college or university, and who by training and experience is familiar~~
14 ~~with the problems peculiar to higher education.~~
- 15 e. ~~Such commissioner of higher education shall be the chief executive officer of~~
16 ~~said state board of higher education, and shall perform such duties as shall be~~
17 ~~prescribed by the board.~~
- 18 8. This constitutional provision shall be self-executing and shall become effective
19 without the necessity of legislative action.

20 **SECTION 2. EFFECTIVE DATE.** If approved by the voters, this measure becomes
21 effective on July 1, 2009.