

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED 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
2 North 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 legislative assembly shall establish the membership of the
5 nominating committee for the state board of higher education, provides that the board shall
6 appoint a chancellor of the North Dakota university system, and provides that the president of
7 each institution shall report directly to the chancellor. The measure provides an effective date
8 of July 1, 2009.

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

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

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

17 **Section 6.**

- 18 1. A board of higher education, to be officially known as the state board of higher
19 education, is hereby created for the control and administration of the following
20 state educational institutions, ~~to-wit:~~
21 a. The state university and school of mines, at Grand Forks, with their
22 substations.
23 b. The state agricultural college and experiment station, at Fargo, with their
24 substations.
25 c. The school of science, at Wahpeton.

d. The state normal schools and teachers colleges, at Valley City, Mayville, Minot, and Dickinson.

e. The school of forestry, at Bottineau.

f. And such other state institutions of higher education as may hereafter be established.

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

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

The legislative assembly shall establish the terms of office and membership of the nominating committee. The nominating committee shall provide to the governor ~~shall nominate from~~ a list of three names for each position, ~~selected by action of four of the following five persons: the president of the North Dakota education association, the chief justice of the supreme court, the superintendent of public instruction, the president pro tempore of the senate, and the speaker of the house of representatives~~ and, with the consent of a majority of the members-elect of the senate, the governor shall appoint from the list to the state board of higher education seven members.

The governor shall ensure that the board membership is maintained in a balanced and representative manner. The term of office ~~of members~~ for a

1 ~~member~~ appointed to fill ~~vacancies~~ a vacancy at the expiration of ~~said terms~~
2 ~~shall be for a term is~~ four years, ~~and in.~~ In the case of ~~vacancies otherwise~~
3 ~~arising, appointments shall~~ any other vacancy, the appointment must be
4 made only for the balance of the member's term ~~of the members~~ whose
5 ~~places are~~ place is to be filled. A member may not be appointed to serve for
6 more than two terms. If a member is appointed to fill a vacancy and serves
7 two or more years of that term, the member is deemed to have served one full
8 term.

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

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

by the executive board of the North Dakota student association for a term of one year, beginning on July first. A student member may not serve more than two consecutive terms.

3. The members of the state board of higher education may only be removed by impeachment for the offenses and in the manner and according to the procedure provided for the removal of the governor by impeachment proceedings.

4. Each ~~appointive~~ member of the state board of higher education, except the student member, shall receive compensation set by the legislative assembly for the time actually spent devoted to the duties of the member's office. All members shall receive necessary expenses in the same manner and amounts as other state officials for attending meetings and performing other functions of their office.

5. The ~~legislature~~ legislative assembly shall provide adequate funds for the proper carrying out of the functions and duties of the state board of higher education.

6. a. ~~The state board of higher education shall hold its first meeting at the office of the state board of administration at Bismarek, on the 6th day of July, 1939, and shall organize and elect one of its members as president of such board for a term of one year. It shall also at said meeting, or as soon thereafter as may be practicable, elect a competent person as secretary, who shall reside during his term of office in the city of Bismarek, North Dakota. Said secretary shall hold office at the will of the board. As soon as said board is established and organized, it shall assume all the powers and perform all the duties now conferred by law upon the board of administration in connection with the several institutions hereinbefore mentioned, and the said board of administration shall immediately upon the organization of said state board of higher education, surrender and transfer to said state board of higher education all duties, rights, and powers granted to it under the existing laws of this state concerning the institutions hereinbefore mentioned, together with all property, deeds, records, reports, and appurtenances of every kind belonging or appertaining to said institutions.~~

b. The ~~said~~ state board of higher education ~~shall have~~ has full authority over the institutions under its control with the right, among its other powers, to

1 prescribe, limit, or modify the courses offered at the ~~several~~ institutions. ~~In~~
2 ~~furtherance of its powers, the~~ The state board of higher education ~~shall have~~
3 has the power to delegate to its employees details of the administration of the
4 institutions under its control. The ~~said~~ state board of higher education ~~shall~~
5 ~~have~~ has full authority to organize or reorganize, within constitutional and
6 statutory limitations, the work of each institution under its control, and to do
7 each and everything necessary and proper for the efficient and economic
8 administration of ~~said state educational~~ the institutions.

9 e. ~~Said~~

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

15 d. ~~It shall be the duty of the heads of the several state institutions hereinbefore~~
16 ~~mentioned, to~~

17 c. The chancellor shall obtain from the president of each institution a budget
18 request for biennial appropriations and, after making any revisions deemed
19 necessary by the chancellor, shall submit the budget requests for the biennial
20 appropriations ~~for said institutions to said the~~ state board of higher education;
21 ~~and said. The state board of higher education shall consider said budgets~~
22 the budget requests and shall revise ~~the same as in its judgment shall be~~
23 them as necessary for the best interests of the educational system of the
24 state; ~~and thereafter the. The~~ state board of higher education shall prepare
25 and present to the ~~state budget board and to the legislature~~ legislative
26 assembly a single unified budget covering the needs of all the institutions
27 under its control. ~~"Said budget shall be prepared and presented by the board~~
28 ~~of administration until the state board of higher education organizes as~~
29 ~~provided in subsection 6a."~~ The appropriations for all of ~~said the~~ institutions
30 ~~shall~~ must be contained in one legislative measure. The budgets and
31 appropriation measures for the agricultural experiment stations and their

1 substations and the extension division of the North Dakota state university of
2 agriculture and applied science may be separate from those of ~~state~~
3 ~~educational~~ the institutions.

4 e- d. The ~~said~~ state board of higher education ~~shall have the~~ has control of the
5 expenditure of the funds belonging to; and allocated to ~~such~~ the institutions
6 and also those appropriated by the ~~legislature~~; legislative assembly for the
7 institutions of higher education in this state; provided, however, that funds
8 appropriated by the ~~legislature~~ legislative assembly, and specifically
9 designated for any one or more of ~~such~~ the institutions, ~~shall~~ may not be used
10 for any other institution.

11 7. a. The state board of higher education shall, ~~as soon as practicable~~, appoint for
12 a term ~~of~~ not to exceed three ~~(3)~~ years, ~~a state commissioner~~ a chancellor of
13 higher education, whose principal office ~~shall be~~ is at the state capitol, in the
14 city of Bismarck. ~~Said commissioner~~ The chancellor of higher education ~~shall~~
15 be is responsible to the state board of higher education and ~~shall be~~
16 ~~removable by said~~ may be removed by the board for cause.

17 b. The ~~state commissioner~~ chancellor of higher education ~~shall be a graduate of~~
18 ~~some~~ must have graduated from a reputable college or university; and ~~who~~
19 must, by training and experience ~~is~~, be familiar with the problems peculiar to
20 higher education.

21 c. ~~Such commissioner~~ The chancellor of higher education ~~shall be~~ is the chief
22 executive officer of ~~said~~ the state board of higher education; and shall
23 perform ~~such~~ all duties ~~as shall be~~ prescribed by the board.

24 d. The president of each institution shall report directly to the chancellor of
25 higher education.

26 8. This constitutional provision shall be self-executing and shall become effective
27 without the necessity of legislative action.

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