

Sixty-first  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE CONCURRENT  
RESOLUTION NO. 3060**

Introduced by

Representatives Wald, Delzer, Klein, Monson

Senators Cook, Fischer

1 A concurrent resolution for the amendment of subsection 2 of section 6 of article VIII of the  
2 Constitution of North Dakota, relating to the process for appointing members to the state board  
3 of higher education.

**STATEMENT OF INTENT**

4  
5 This measure requires that the attorney general, rather than the president of the North Dakota  
6 education association, participate in the nomination of candidates for the state board of higher  
7 education.

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

10 That the following proposed amendment to subsection 2 of section 6 of article VIII of the  
11 Constitution of North Dakota is agreed to and must be submitted to the qualified electors of  
12 North Dakota at the primary election to be held in 2010, in accordance with section 16 of  
13 article IV of the Constitution of North Dakota.

14 **SECTION 1. AMENDMENT.** Subsection 2 of section 6 of article VIII of the Constitution  
15 of North Dakota is amended and reenacted as follows:

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

21 The governor shall appoint as the eighth member of the board a  
22 full-time resident student in good academic standing at an institution under  
23 the jurisdiction of the state board. Except for the student member, no more  
24 than two persons holding a bachelor's degree from a particular institution  
25 under the jurisdiction of the state board of higher education may serve on the

1 board at any one time. Except for the student member, no person employed  
2 by any institution under the control of the board ~~shall~~ may serve as a member  
3 of the board and no employee of any such institution may be eligible for  
4 membership on the state board of higher education for a period of two years  
5 following the termination of employment.

6 The governor shall nominate from a list of three names for each  
7 position, selected by action of four of the following five persons: ~~the president~~  
8 ~~of the North Dakota education association~~, the chief justice of the supreme  
9 court, the superintendent of public instruction, the attorney general, the  
10 president pro tempore of the senate, and the speaker of the house of  
11 representatives and, with the consent of a majority of the members-elect of  
12 the senate, shall appoint from the list to the state board of higher education  
13 seven members. The governor shall ensure that the board membership is  
14 maintained in a balanced and representative manner. The term of office of  
15 members appointed to fill vacancies at the expiration of said terms shall be for  
16 four years, and in the case of vacancies otherwise arising, appointments shall  
17 be made only for the balance of the term of the members whose places are to  
18 be filled. A member may not be appointed to serve for more than two terms.  
19 If a member is appointed to fill a vacancy and serves two or more years of  
20 that term, the member is deemed to have served one full term.

21 b. In the event any nomination made by the governor is not consented to and  
22 confirmed by the senate, the governor shall again nominate a candidate  
23 selected from a new list. The nomination shall be submitted to the senate for  
24 confirmation and the proceedings shall continue until an appointee has been  
25 confirmed by the senate or the session of the ~~legislature~~ legislative assembly  
26 has adjourned.

27 c. If a term expires or a vacancy occurs when the ~~legislature~~ legislative  
28 assembly is not in session, the governor may appoint from a list selected as  
29 provided, a member who shall serve until the opening of the next session of  
30 the ~~legislature~~ legislative assembly, at which time the appointment must be  
31 certified to the senate for confirmation. If the appointee is not confirmed by

1                   the thirtieth legislative day of the session, the office shall be deemed vacant  
2                   and the governor shall nominate another candidate for the office. The same  
3                   proceedings shall be followed as are set forth in this section. If the legislature  
4                   legislative assembly is in session at any time within six months prior to the  
5                   date of the expiration of the term of any member, the governor shall nominate  
6                   a successor from a list selected as above set forth, within the first thirty days  
7                   of the session and upon confirmation by the senate the successor shall take  
8                   office at the expiration of the incumbent's term. No person who has been  
9                   nominated and whose nomination the senate has failed to confirm is eligible  
10                  for an interim appointment. On or before July first of each year, beginning in  
11                  1995, the governor shall appoint a student member from a list of names  
12                  recommended by the executive board of the North Dakota student  
13                  association for a term of one year, beginning on July first. A student member  
14                  may not serve more than two consecutive terms.