

Sixty-first
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO.

Introduced by

Representatives Delzer, Klein, Wald

Senators Freborg, Stenehjem

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.

4 STATEMENT OF INTENT

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 and eliminates the participation of the North Dakota student association in
8 recommending the student member of the board.

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

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

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

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

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

jurisdiction 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~~ may 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 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 attorney general, 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, 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 appointed to fill vacancies at the expiration of said terms shall be for four years, and in the case of vacancies otherwise arising, appointments shall be made only for the balance of the term of the members whose places are to be filled. A member may not be appointed to serve for more than two terms. If a member is appointed to fill a vacancy and serves two or more years of that term, the member is deemed to have served one full term.

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

c. If a term expires or a vacancy occurs when the ~~legislature~~ legislative assembly is not in session, the governor may appoint from a list selected as provided, a member who shall serve until the opening of the next session of the ~~legislature~~ legislative assembly, at which time the appointment must be

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