

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3024

Introduced by

Representatives Oban, Skarphol

Senators Naaden, Thompson

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 the control and administration
3 of the state's educational institutions; and to provide an effective date.

4 STATEMENT OF INTENT

5 This amendment removes references to the state board of higher education and provides that
6 the legislative assembly shall provide for the control and administration of the state's
7 educational institutions. It further provides that these changes will take effect on January 1,
8 2001.

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 primary election to be held in 1998, 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~~ The legislative assembly shall provide for the control
20 and administration of the following state educational institutions, ~~to wit:~~

21 a. 1. The state university and school of mines, at Grand Forks, with their
22 substations.

23 b. 2. The state agricultural college and experiment station, at Fargo, with their
24 substations.

25 c. 3. The school of science, at Wahpeton.

d. 4. The state normal schools and teachers colleges, at Valley City, Mayville, Minot, and Dickinson.

e. 5. The school of forestry, at Bottineau.

f. 6. 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 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 of the state board. Except for the student member, no more than one person 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 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 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 has adjourned.~~

~~e. If a term expires or a vacancy occurs when the legislature 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, at which time the appointment must be certified to the senate for confirmation. If the appointee is not confirmed by the thirtieth legislative day of the session, the office shall be deemed vacant and the governor shall nominate another candidate for the office. The same proceedings shall be followed as are set forth in this section. If the legislature is in session at any time within six months prior to the date of the expiration of the term of any member, the governor shall nominate a successor from a list selected as above set forth, within the first thirty days of the session and upon confirmation by the senate the successor shall take office at the expiration of the incumbent's term. No person who has been nominated and whose nomination the senate has failed to confirm is eligible for an interim appointment. On or before July first of each year, beginning in 1995, the 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.~~

- 1 4. ~~Each appointive member of the state board of higher education, except the student~~
2 ~~member, shall receive compensation set by the legislative assembly for the time~~
3 ~~actually spent devoted to the duties of the member's office. All members shall~~
4 ~~receive necessary expenses in the same manner and amounts as other state~~
5 ~~officials for attending meetings and performing other functions of their office.~~
6 5. ~~The legislature shall provide adequate funds for the proper carrying out of the~~
7 ~~functions and duties of the state board of higher education.~~
8 6. a. ~~The state board of higher education shall hold its first meeting at the office of~~
9 ~~the state board of administration at Bismarck, on the 6th day of July, 1939,~~
10 ~~and shall organize and elect one of its members as president of such board~~
11 ~~for a term of one year. It shall also at said meeting, or as soon thereafter as~~
12 ~~may be practicable, elect a competent person as secretary, who shall reside~~
13 ~~during his term of office in the city of Bismarck, North Dakota. Said secretary~~
14 ~~shall hold office at the will of the board. As soon as said board is established~~
15 ~~and organized, it shall assume all the powers and perform all the duties now~~
16 ~~conferred by law upon the board of administration in connection with the~~
17 ~~several institutions hereinbefore mentioned, and the said board of~~
18 ~~administration shall immediately upon the organization of said state board of~~
19 ~~higher education, surrender and transfer to said state board of higher~~
20 ~~education all duties, rights, and powers granted to it under the existing laws of~~
21 ~~this state concerning the institutions hereinbefore mentioned, together with all~~
22 ~~property, deeds, records, reports, and appurtenances of every kind belonging~~
23 ~~or appertaining to said institutions.~~
24 b. ~~The said state board of higher education shall have full authority over the~~
25 ~~institutions under its control with the right, among its other powers, to~~
26 ~~prescribe, limit, or modify the courses offered at the several institutions. In~~
27 ~~furtherance of its powers, the state board of higher education shall have the~~
28 ~~power to delegate to its employees details of the administration of the~~
29 ~~institutions under its control. The said state board of higher education shall~~
30 ~~have full authority to organize or reorganize within constitutional and statutory~~
31 ~~limitations, the work of each institution under its control, and do each and~~

1 ~~everything necessary and proper for the efficient and economic administration~~
2 ~~of said state educational institutions.~~

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

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

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

29 7. a. ~~The state board of higher education shall, as soon as practicable, appoint for~~
30 ~~a term of not to exceed three (3) years, a state commissioner of higher~~
31 ~~education, whose principal office shall be at the state capitol, in the city of~~

1 ~~Bismarck. Said commissioner of higher education shall be responsible to the~~
2 ~~state board of higher education and shall be removable by said board for~~
3 ~~cause.~~

4 b. ~~The state commissioner of higher education shall be a graduate of some~~
5 ~~reputable college or university, and who by training and experience is familiar~~
6 ~~with the problems peculiar to higher education.~~

7 e. ~~Such commissioner of higher education shall be the chief executive officer of~~
8 ~~said state board of higher education, and shall perform such duties as shall be~~
9 ~~prescribed by the board.~~

10 8. ~~This constitutional provision shall be self-executing and shall become effective~~
11 ~~without the necessity of legislative action.~~

12 **SECTION 2. EFFECTIVE DATE.** If approved by the voters, this measure becomes
13 effective on January 1, 2001.