

SENATE BILL NO. 2134

Introduced by

Judiciary Committee

(At the request of the State Board of Higher Education)

1 A BILL for an Act to amend and reenact subsection 1 of section 15-10-17 of the North Dakota
2 Century Code, relating to appointment or removal and performance evaluations of institution
3 presidents ~~and~~, commissioner of higher education, and all university system personnel by the
4 state board of higher education; and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 15-10-17 of the North Dakota Century
7 Code is amended and reenacted as follows:

- 8 1. a. Appoint and remove the president or other faculty head, and the professors,
9 instructors, teachers, officers, and other employees of the several institutions
10 under its control, and to fix their salaries within the limits of legislative
11 appropriations ~~therefor~~, and to fix the terms of office and to prescribe the duties
12 ~~thereof~~, provided that the consideration of the appointment or removal of any
13 such personnel ~~shall~~must be in executive session if the board chooses, unless
14 the individual involved requests that the meeting be open to other individuals or
15 to the public and the board consents.
- 16 b. Appoint and remove the commissioner of higher education, fix the
17 commissioner's salary within the limits of legislative appropriations, and prescribe
18 the commissioner's duties, provided that the consideration of the appointment or
19 removal of the commissioner shallmust be in executive session if the board
20 chooses, unless the individual involved requests that the meeting be open to
21 other individuals or the public and the board consents.
- 22 c. Appoint and remove all university system office personnel, fix their salaries within
23 the limits of legislative appropriations, fix their terms of office, and prescribe their
24 duties.

1 d. ~~All records used by the board, university system employees, and consultants to~~
2 ~~prepare performance evaluations of the presidents and the commissioner are~~
3 ~~exempt from section 44-04-18 and section 6 of article XI of the Constitution of~~
4 ~~North Dakota.~~ The consideration of the performance evaluations of the presidents
5 and commissioner ~~shall~~ must be in executive session if the board chooses, unless
6 the individual involved requests that the meeting be open to other individuals or
7 to the public and the board consents. The final performance evaluations are
8 public records.

9 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.