

**FIRST ENGROSSMENT
with House Amendments**

**ENGROSSED SENATE CONCURRENT
RESOLUTION NO. 4016**

Introduced by

Senators Wardner, Bekkedahl, Heckaman

Representatives Mock, Nathe, Roers Jones

1 A concurrent resolution to amend and reenact subsections 2 and 6 of section 6 of article VIII of
2 the Constitution of North Dakota, relating to the membership and meeting requirements of the
3 state board of higher education; to provide for transition; and to provide an effective date.

4 **STATEMENT OF INTENT**

5 This measure increases the number of individuals who serve on the state board of higher
6 education from eight to fifteen, increases the term of board membership from four years to six
7 years, requires the board to meet at least annually with the heads of each institution under the
8 board's control, and prohibits state legislators, elected state officials, and full-time state
9 employees from serving on the board.

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

12 That the following proposed amendments to subsections 2 and 6 of section 6 of article VIII
13 of the Constitution of North Dakota are agreed to and must be submitted to the qualified
14 electors of North Dakota at the general election to be held in 2020, in accordance with
15 section 16 of article IV of the Constitution of North Dakota.

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

- 18 2. a. The state board of higher education consists of ~~eight~~fifteen members. The
- 19 governor shall appoint ~~seven~~fourteen members who are qualified electors and
- 20 taxpayers of the state, and who have resided in this state for not less than five
- 21 years immediately preceding their appointments. These ~~seven~~fourteen
- 22 appointments are subject to confirmation by the senate. The governor shall
- 23 appoint as the ~~eight~~fifteenth member of the board a full-time resident student in
- 24 good academic standing at an institution under the jurisdiction of the state board.

- 1 b. An individual serving as a member of the legislative assembly or in an elected
2 statewide office may not serve as a member of the state board of higher
3 education.
- 4 c. Except for the student member,~~no~~:
- 5 (1) No more than two persons holding a bachelor's degree from a particular
6 institution under the jurisdiction of the state board of higher education may
7 serve on the board at any one time. ~~Except for the student member, no; and~~
- 8 (2) A person employed by the state, including a person employed full time by
9 any institution under the control of the board shall may not serve as a
10 member of the board ~~and no~~. An employee of any such an institution may
11 be under the control of the board is not eligible for membership on the state
12 board of higher education for a period of two years following the termination
13 of employment.
- 14 d. The governor shall nominate from a list of three names for each position,
15 selected by action of four of the following five persons: the president of the North
16 Dakota ~~education association~~ united or its successor organization, the chief
17 justice of the ~~supreme court~~ secretary of state, the superintendent of public
18 instruction, the president pro tempore of the senate, and the speaker of the
19 house of representatives and, with the consent of a majority of the
20 members-elect of the senate, shall appoint from the list to the state board of
21 higher education ~~seven~~ fourteen members. The governor shall ensure that the
22 board membership is maintained in a balanced and representative manner.
23 ~~The~~ Other than the student member, the term of office of members appointed to
24 fill vacancies at the expiration of ~~said~~ the terms shall be ~~for four~~ is six years, and in
25 the case of vacancies otherwise arising, appointments shall ~~shall~~ must be made only
26 for the balance of the term of the members whose places are to be filled. A
27 member may not be appointed to serve ~~for~~ more than two full terms; however, the
28 terms may not be served consecutively. If a member is appointed to fill a vacancy
29 and serves ~~two~~ three or more years of that term, the member is deemed to have
30 served one full term.
- 31 ~~b.~~ In the event

1 e. On or before July first of each year, the governor shall appoint a student member
2 from a list of names recommended by the executive board of the North Dakota
3 student association for a term of one year, beginning on July first. A student
4 member may not serve more than two consecutive terms.

5 f. If any nomination made by the governor is not consented to and confirmed by the
6 senate, the governor again shall again nominate a candidate selected from a new
7 list. The nomination shall must be submitted to the senate for confirmation and the
8 proceedings shall must continue until an appointee has been confirmed by the
9 senate or the session of the legislature legislative assembly has adjourned.

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

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

- 1 6. a. ~~The state board of higher education shall hold its first meeting at the office of the~~
2 ~~state board of administration at Bismarck, on the 6th day of July, 1939, and shall~~
3 ~~organize and elect one of its members as president of such board for a term of~~
4 ~~one year. It shall also at said meeting, or as soon thereafter as may be~~
5 ~~practicable, elect a competent person as secretary, who shall reside during his~~
6 ~~term of office in the city of Bismarck, North Dakota. Said secretary shall hold~~
7 ~~office at the will of the board. As soon as said board is established and organized,~~
8 ~~it shall assume all the powers and perform all the duties now conferred by law~~
9 ~~upon the board of administration in connection with the several institutions~~
10 ~~hereinbefore mentioned, and the said board of administration shall immediately~~
11 ~~upon the organization of said state board of higher education, surrender and~~
12 ~~transfer to said state board of higher education all duties, rights, and powers~~
13 ~~granted to it under the existing laws of this state concerning the institutions~~
14 ~~hereinbefore mentioned, together with all property, deeds, records, reports, and~~
15 ~~appurtenances of every kind belonging or appertaining to said institutions.~~
- 16 b. ~~The said state board of higher education shall have~~has full authority over the
17 institutions under its control with the right, among its other powers, to prescribe,
18 limit, or modify the courses offered at the ~~several~~ institutions. In furtherance of its
19 powers, ~~the state board of higher education shall have the power to~~may delegate
20 to its employees details of the administration of the institutions under its control.
21 ~~The said state board of higher education shall have full authority to~~may organize
22 or reorganize within constitutional and statutory limitations, the work of each
23 institution under its control, and do ~~each and~~ everything necessary and proper for
24 the efficient and economic administration of ~~said state educational~~the institutions.
25 The board shall meet at least annually with the head of each institution under its
26 control.
- 27 e. ~~b.~~ ~~Said~~The board shall prescribe for all ~~of~~ said institutions standard systems of
28 accounts and records and shall biennially, and within six (6) months immediately
29 preceding the regular session of the legislaturelegislative assembly, shall make a
30 report to the governor, covering in detail the operations of the ~~educational~~
31 institutions under its control.

1 d.c. It shall be the duty of the heads~~The head~~ of the several state institutions-
2 hereinbefore mentioned, to~~each~~ institution under the board's control shall submit
3 the budget requests~~request~~ for the biennial appropriations for said institutions~~the~~
4 institution to said~~the~~ state board of higher education; and said~~the~~ state board of
5 higher education shall consider said budgets and shall revise the same~~and~~ revise
6 each budget as in its judgment shall be for~~is~~ in the best interests of the
7 educational system of the state; and thereafter the The state board of higher
8 education shall prepare and present to the state budget board and to the
9 legislature~~legislative assembly~~ a single unified budget covering the needs of all
10 the institutions under its control. "Said budget shall be prepared and presented by
11 the board of administration until the state board of higher education organizes as
12 provided in subsection 6a." The appropriations for all of said institutions shall~~must~~
13 be contained in one legislative measure. The budgets and appropriation
14 measures for the agricultural experiment stations and their~~the~~ substations and
15 the extension division of the North Dakota state university of agriculture and
16 applied science may be separate from those of state educational institutions.
17 e.d. The said state board of higher education shall have~~has~~ the control of the
18 expenditure of the funds belonging to, and allocated to such institutions and also
19 those appropriated by the legislature~~legislative assembly~~, for the institutions of
20 higher education in this state; provided, however, that funds appropriated by the
21 legislature~~legislative assembly~~ and specifically designated for any one or more of
22 such institutions, shall~~may~~ not be used for any other institution.

23 **SECTION 3. EFFECTIVE DATE - TRANSITION.** This measure becomes effective June 30,
24 2021. Any member of the state board of higher education serving a term on the board on the
25 effective date of this measure whose term does not expire on June 30, 2021, may serve the
26 remainder of that member's term. For those board positions expiring on June 30, 2021, and for
27 the seven new positions on the board created by this measure, the governor shall appoint
28 individuals to fill those positions in accordance with this measure, and the terms of those
29 appointees must be staggered so not more than three positions expire in any year. To
30 accomplish the staggering, the initial term of those appointees may be for less than six years.