

Fifty-sixth  
Legislative Assembly  
of North Dakota

**SENATE CONCURRENT RESOLUTION NO. 4016**

Introduced by

Senators Holmberg, Cook, C. Nelson

Representatives Berg, Delmore, Drovdal

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 membership of the state board of higher education.

3 **STATEMENT OF INTENT**

4 This amendment would change from one to two individuals holding a bachelor's degree from a  
5 state institution of higher education who could serve on the state board of higher education at  
6 one time.

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

9 That the following proposed amendment to section 6 of article VIII of the Constitution of  
10 North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at  
11 the primary election to be held in 2000, in accordance with section 16 of article IV of the  
12 Constitution of North Dakota.

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

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

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

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

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

- 20 b. In the event any nomination made by the governor is not consented to and  
21 confirmed by the senate, the governor shall again nominate a candidate  
22 selected from a new list. The nomination shall be submitted to the senate for  
23 confirmation and the proceedings shall continue until an appointee has been  
24 confirmed by the senate or the session of the legislature has adjourned.
- 25 c. If a term expires or a vacancy occurs when the legislature is not in session,  
26 the governor may appoint from a list selected as provided, a member who  
27 shall serve until the opening of the next session of the legislature, at which  
28 time the appointment must be certified to the senate for confirmation. If the  
29 appointee is not confirmed by the thirtieth legislative day of the session, the  
30 office shall be deemed vacant and the governor shall nominate another  
31 candidate for the office. The same proceedings shall be followed as are set

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