

HOUSE CONCURRENT RESOLUTION NO.

Introduced by

Representative Vig

1 A concurrent resolution for the amendment of section 6 of article VIII of the Constitution of North
2 Dakota, relating to the creation of an elected state commission of higher education.

3 **STATEMENT OF INTENT**

4 This measure replaces the state board of higher education with an elected state commission of
5 higher education and provides for a transition of power and authority on December 15, 2012.

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

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

12 **SECTION 1. AMENDMENT.** Section 6 of article VIII of the Constitution of North
13 Dakota is amended and reenacted as follows:

14 **Section 6.**

- 15 1. A ~~board of higher education, to be officially known as the state board~~ state
16 commission of higher education, is hereby created for the control and
17 administration of the following state ~~educational~~ institutions, ~~to-wit:~~
- 18 a. The state university and school of mines, at Grand Forks, with their
19 substations;
 - 20 b. The ~~North Dakota state agricultural college~~ university of agriculture and
21 applied science and experiment station, at Fargo, with their substations;
 - 22 c. The school of science, at Wahpeton;
 - 23 d. The state ~~normal schools and teachers colleges~~ universities, at Valley City,
24 Mayville, Minot, and Dickinson;
 - 25 e. The school of forestry, at Bottineau; and

- 1 ~~appointed to fill a vacancy and serves two or more years of that term, the~~
2 ~~member is deemed to have served one full term.~~
- 3 ~~b. In the event any nomination made by the governor is not consented to and~~
4 ~~confirmed by the senate, the governor shall again nominate a candidate~~
5 ~~selected from a new list. The nomination shall be submitted to the senate for~~
6 ~~confirmation and the proceedings shall continue until an appointee has been~~
7 ~~confirmed by the senate or the session of the legislature has adjourned.~~
- 8 ~~e. If a term expires or a vacancy occurs when the legislature is not in session,~~
9 ~~the governor may appoint from a list selected as provided, a member who~~
10 ~~shall serve until the opening of the next session of the legislature, at which~~
11 ~~time the appointment must be certified to the senate for confirmation. If the~~
12 ~~appointee is not confirmed by the thirtieth legislative day of the session, the~~
13 ~~office shall be deemed vacant and the governor shall nominate another~~
14 ~~candidate for the office. The same proceedings shall be followed as are set~~
15 ~~forth in this section. If the legislature is in session at any time within six~~
16 ~~months prior to the date of the expiration of the term of any member, the~~
17 ~~governor shall nominate a successor from a list selected as above set forth,~~
18 ~~within the first thirty days of the session and upon confirmation by the senate~~
19 ~~the successor shall take office at the expiration of the incumbent's term. No~~
20 ~~person who has been nominated and whose nomination the senate has failed~~
21 ~~to confirm is eligible for an interim appointment. On or before July first of~~
22 ~~each year, beginning in 1995, the governor shall appoint a student member~~
23 ~~from a list of names recommended by the executive board of the North~~
24 ~~Dakota student association for a term of one year, beginning on July first. A~~
25 ~~student member may not serve more than two consecutive terms.~~
- 26 ~~3. The members of the state board of higher education may only be removed by~~
27 ~~impeachment for the offenses and in the manner and according to the procedure~~
28 ~~provided for the removal of the governor by impeachment proceedings.~~
- 29 ~~4. The state commission of higher education consists of three members elected from~~
30 ~~the state at large. The initial terms must be staggered by lot so that the term of~~
31 ~~one commissioner is two years, the term of one commissioner is four years, and~~

1 the term of one commissioner is six years. Each commissioner shall serve until a
2 successor is duly qualified. The term of each commissioner after the initial
3 commissioners are elected is six years and begins on December fifteenth following
4 the commissioner's election.

5 b. Each appointive member of the state board of higher education, except the
6 student member, shall commissioner is entitled to receive compensation set
7 in an amount established by the legislative assembly for the time actually
8 spent devoted to the duties of the member's commissioner's office.—All
9 members shall receive necessary expenses in the same manner and amounts
10 as other state officials for and reimbursement for expenses as provided by
11 law for state officers if the commissioner is attending meetings and or
12 performing other functions of their duties of the office.

13 5- 3. The legislature legislative assembly shall prescribe the powers and duties of the
14 state commission of higher education and shall provide adequate funds for the
15 proper carrying out of the functions the commission's powers and duties of the
16 state board of higher education.

17 6- 4. a. The state board commission of higher education shall hold its first meeting at
18 the office of the state board of administration at Bismarck, on the 6th day of
19 July, 1939 on December 15, 2012, or as soon thereafter as practicable, and
20 shall organize and elect one of its members as president of such board for a
21 term of one year. † At that meeting, or as soon thereafter as practicable, the
22 commission shall also at said meeting, or as soon thereafter as may be
23 practicable, elect a competent person as secretary, who shall reside during
24 his term of office in the city of Bismarck, North Dakota.—Said secretary shall
25 hold office at the will of the board.—As soon as said board is established and
26 organized, it provide for the employment and compensation of necessary
27 personnel and shall assume all the powers and perform all the duties now
28 conferred by law upon the state board of administration higher education in
29 connection with the several institutions hereinbefore mentioned, and the said
30 board of administration shall immediately upon the under the control of the
31 board. Upon organization of said state board of higher education, the

- 1 commission, the terms of all members of the state board of higher education
2 terminate and the state board of higher education shall surrender and transfer
3 to ~~said state board of higher education~~ the commission all duties, rights, and
4 powers granted to it under the existing laws of this state concerning the
5 institutions ~~hereinbefore mentioned~~ under the control of the board, together
6 with all property, deeds, records, reports, and appurtenances of every kind
7 belonging or appertaining to ~~said~~ the institutions.
- 8 b. The ~~said state board~~ commission of higher education ~~shall have~~ has full
9 authority over the institutions under its control with the right, among its other
10 powers, to prescribe, limit, or modify the courses offered at the ~~several~~
11 institutions. ~~In furtherance of its powers, the~~ The state board commission of
12 higher education ~~shall have the power to~~ may delegate to its employees
13 details of the administration of the institutions under its control. The ~~said state~~
14 ~~board~~ commission of higher education ~~shall have full authority to~~ may
15 organize or reorganize within constitutional and statutory limitations; the work
16 of each institution under its control; and do ~~each and~~ everything necessary
17 and proper for the efficient and economic administration of ~~said state~~
18 ~~educational institutions~~ each institution.
- 19 c. ~~Said board~~ The commission shall prescribe for all of ~~said~~ the institutions
20 standard systems of accounts and records and ~~shall biennially, and~~ within six
21 ~~(6)~~ months immediately preceding the regular session of the ~~legislature~~
22 legislative assembly, make a report to the governor; covering in detail the
23 operations of the ~~educational~~ institutions under its control.
- 24 d. ~~It shall be the duty of the heads of the several state institutions hereinbefore~~
25 ~~mentioned, to~~ Each president of a state institution under the control of the
26 commission shall submit to the commission the budget ~~requests for the~~
27 ~~biennial appropriations for said institutions to said state board of higher~~
28 ~~education; and said state board of higher education~~ request for that institution.
29 The commission shall consider said budgets and shall the requests and
30 revise the ~~same as in its judgment shall be for the best interests of~~ requests in
31 the manner the commission determines best serves the educational system of

- 1 the state; ~~and thereafter the state board of higher education.~~ Thereafter, the
2 commission shall prepare and present to the ~~state budget board and to the~~
3 ~~legislature~~ legislative assembly a single unified budget covering the needs of
4 all the institutions under its control. ~~"Said budget shall be prepared and~~
5 ~~presented by the board of administration until the state board of higher~~
6 ~~education organizes as provided in subsection 6a."~~ The appropriations for all
7 of ~~said~~ the institutions shall must be contained in one legislative measure.
8 The budgets and appropriation measures for the agricultural experiment
9 stations and their substations and the extension division of the North Dakota
10 state university of agriculture and applied science may be separate from those
11 of state educational institutions.
- 12 e. The ~~said state board of higher education~~ commission shall have the control of
13 ~~the expenditure of the funds over all moneys~~ belonging to; and allocated to
14 ~~such~~ the institutions and ~~also these over all moneys~~ appropriated by the
15 ~~legislature;~~ legislative assembly for the institutions of higher education in this
16 state; provided, however, that ~~funds~~ moneys appropriated by the ~~legislature~~
17 legislative assembly and specifically designated for any one or more of ~~such~~
18 the institutions, ~~shall~~ may not be used for any other institution.
- 19 7. ~~a.~~ ~~The state board of higher education shall, as soon as practicable, appoint for~~
20 ~~a term of not to exceed three (3) years, a state commissioner of higher~~
21 ~~education, whose principal office shall be at the state capitol, in the city of~~
22 ~~Bismarck. Said commissioner of higher education shall be responsible to the~~
23 ~~state board of higher education and shall be removable by said board for~~
24 ~~cause:~~
- 25 b. ~~The state commissioner of higher education shall be a graduate of some~~
26 ~~reputable college or university, and who by training and experience is familiar~~
27 ~~with the problems peculiar to higher education:~~
- 28 e. ~~Such commissioner of higher education shall be the chief executive officer of~~
29 ~~said state board of higher education, and shall perform such duties as shall be~~
30 ~~prescribed by the board:~~

Sixty-first
Legislative Assembly

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