

Introduced by

Senator Miller

1 A concurrent resolution to amend and reenact section 6 of article VIII of the Constitution of  
2 North Dakota, relating to the creation of a North Dakota university system council of regents;  
3 and to provide an effective date.

4 **STATEMENT OF INTENT**

5 This measure would create a council of regents for the purpose of overseeing the administration  
6 of higher education in this state

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 North  
10 Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the  
11 general election to be held in 2014, in accordance with section 16 of article IV of the  
12 Constitution of North Dakota.

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

15 **Section 6.**

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

1 e. The school of forestry, at Bottineau.

2 f. And such other state institutions of higher education as may hereafter be  
3 established.

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

9 The governor shall appoint as the eighth member of the board a full-time  
10 resident student in good academic standing at an institution under the jurisdiction  
11 of the state board. Except for the student member, no more than two persons  
12 holding a bachelor's degree from a particular institution under the jurisdiction of  
13 the state board of higher education may serve on the board at any one time.  
14 Except for the student member, no person employed by any institution under the  
15 control of the board shall serve as a member of the board and no employee of  
16 any such institution may be eligible for membership on the state board of higher  
17 education for a period of two years following the termination of employment.

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

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

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

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

- 1           e. ~~Such commissioner of higher education shall be the chief executive officer of said~~  
2           ~~state board of higher education, and shall perform such duties as shall be~~  
3           ~~prescribed by the board.~~
- 4    8-1. A council of regents is created to oversee the administration of the North Dakota  
5       university system.
- 6       2. The council consists of:
- 7       a. The following voting members:
- 8           (1) The governor or the governor's designee, who shall serve as the chairman;  
9           (2) The superintendent of public instruction; and  
10          (3) The agriculture commissioner; and
- 11       b. The following nonvoting members:
- 12           (1) Two individuals appointed by the governor;  
13           (2) Three individuals appointed by the majority leader of the House of  
14           Representatives; and  
15           (3) Three individuals appointed by the majority leader of the Senate.
- 16       3. The term of a nonvoting member is two years. A nonvoting member may not serve in  
17       that position for more than four consecutive years.
- 18       4. The council of regents shall appoint a chancellor to serve as the chief executive officer  
19       of the North Dakota university system.
- 20       a. The chancellor must be a graduate of an accredited institution of higher  
21       education and by training and experience must be familiar with the administration  
22       and delivery of higher education.
- 23       b. The chancellor shall serve at the pleasure of the council.
- 24       5. The chancellor shall:
- 25       a. Appoint and remove the president of each institution in the system;  
26       b. Prescribe a uniform system for the accounting, budgeting, and reporting of data,  
27       by each institution; and  
28       c. Do all things necessary and proper for the effective and efficient administration of  
29       the North Dakota university system, subject to statutory requirements or  
30       limitations.

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

3        **SECTION 2. EFFECTIVE DATE.** If approved by the electors, this measure becomes  
4        effective January 1, 2015.