

Introduced by

Representatives Carlson, Martinson, Nathe, Vigesaa

Senators Grindberg, Hogue, Schaible

1 A concurrent resolution to create and enact a new section to article VIII of the Constitution of  
2 North Dakota, relating to the creation of a ~~department~~commission of higher education; to repeal  
3 section 6 of article VIII of the Constitution of North Dakota, relating to the state board of higher  
4 education; and to provide an effective date.

5 **STATEMENT OF INTENT**

6 This measure would create a ~~department~~three-member commission of higher education  
7 beginning on July 1, 2015, ~~with the charge that the department~~to oversee and administer the  
8 provision of all public higher education in this state.

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

11 That the following proposed new section to article VIII of the Constitution of North Dakota  
12 and the repeal of section 6 of article VIII of the Constitution of North Dakota are agreed to and  
13 must be submitted to the qualified electors of North Dakota at the general election to be held in  
14 2014, in accordance with section 16 of article IV of the Constitution of North Dakota.

15 **SECTION 1.** A new section to article VIII of the Constitution of North Dakota is created and  
16 enacted as follows:

17 1. ~~The department~~A three-member commission of higher education is created for the  
18 purpose of overseeing and administering the provision of public higher education at  
19 sites that include Bismarck, Bottineau, Devils Lake, Dickinson, Fargo, Grand Forks,  
20 Mayville, Minot, Valley City, Wahpeton, and Williston.

21 ~~2. The governor shall appoint the director of the department of higher education, who~~  
22 ~~shall serve as the chief executive officer of the department. The appointment must be~~  
23 ~~for a term of three years and may be renewed for like terms. The director may be~~  
24 ~~removed by the governor for cause.~~

25 ~~3. The director must:~~

- 1 ~~a. Have a dossier that reflects national stature as a scholar and leader;~~
- 2 ~~b. Have a record of senior level managerial experience in education, business, the~~
- 3 ~~public sector, or government;~~
- 4 ~~c. Be uniquely familiar with the broad spectrum of higher education administration~~
- 5 ~~and delivery; and~~
- 6 ~~d. Be committed to the development and maintenance of an educational system~~
- 7 ~~that provides opportunities for students, through academic pursuits and technical~~
- 8 ~~training, to meet the educational and workforce challenges of the current decade~~
- 9 ~~and beyond.~~
- 10 ~~4.2. The governor shall appoint each member of the commission from a list of at least~~
- 11 ~~three nominees agreed to by a majority of the following:~~
- 12 ~~a. The speaker of the house of representatives;~~
- 13 ~~b. The president pro tempore of the senate;~~
- 14 ~~c. The chief justice of the North Dakota supreme court;~~
- 15 ~~d. The superintendent of public instruction; and~~
- 16 ~~e. A representative of an educational interest group selected by three of the four~~
- 17 ~~mentioned individuals.~~
- 18 ~~3. The governor shall ensure that one member of the commission has leadership~~
- 19 ~~experience in a private sector business, industry, or service, and that one member, at~~
- 20 ~~the time of appointment, holds a professional position within the higher education~~
- 21 ~~sector. Each member of the commission must be confirmed by the senate.~~
- 22 ~~4. The term of office for each commission member is four years, except that the initial~~
- 23 ~~terms must be staggered by lot so that no more than one member's term expires each~~
- 24 ~~year. Each term begins on July first and members may be reappointed to three~~
- 25 ~~consecutive terms.~~
- 26 ~~5. A member of the commission is subject to removal by impeachment in the same~~
- 27 ~~manner as that established for the removal of the governor.~~
- 28 ~~6. a. The ~~director~~commission has full executive responsibility for the management and~~
- 29 ~~operation of the North Dakota university system, within constitutional and~~
- 30 ~~statutory requirements and limitations.~~

