

SENATE BILL NO. 2134

Introduced by

Judiciary Committee

(At the request of the State Board of Higher Education)

1 A BILL for an Act to amend and reenact subsection 1 of section 15-10-17 of the North Dakota
2 Century Code, relating to ~~performance evaluations~~the appointment and removal of institution
3 presidents and the commissioner of higher education by the state board of higher education;
4 and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 15-10-17 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 1. a. Appoint and remove the president or other faculty head, and the professors,
9 instructors, teachers, officers, and other employees of the several institutions
10 under its control, ~~and to~~ fix their salaries within the limits of legislative
11 appropriations ~~therefor~~, and ~~to~~ fix the terms of office and ~~to~~ prescribe the duties
12 thereof, provided that the consideration of the appointment or removal of ~~any~~
13 such personnel ~~shall be~~must take place in executive session ~~if the, unless:~~

- 14 (1) The board chooses ~~unless the~~to open the meeting; or
- 15 (2) The individual involved requests that the meeting be open to other
16 individuals or to the public ~~and the board consents to the request.~~

17 b. Appoint and remove the commissioner of higher education, fix the
18 commissioner's salary within the limits of legislative appropriations, and prescribe
19 the commissioner's duties, ~~provided that the consideration of the appointment or~~
20 removal of the commissioner shall be must take place in executive session ~~if the,~~
21 unless:

- 22 (1) The board chooses ~~unless the~~ to open the meeting; or
- 23 (2) The individual involved requests that the meeting be open to other
24 individuals or to the public ~~and the board consents to the request.~~

1 c. Appoint and remove all university system office personnel, fix their salaries within
2 the limits of legislative appropriations, fix their terms of office, and prescribe their
3 duties.

4 ~~d. All records used by the board, university system employees, and consultants to~~
5 ~~prepare performance evaluations of the presidents and the commissioner are~~
6 ~~exempt from section 44-04-18 and section 6 of article XI of the Constitution of~~
7 ~~North Dakota. The consideration of the performance evaluations of the presidents~~
8 ~~and commissioner shall be in executive session if the board chooses unless the~~
9 ~~individual involved requests the meeting be open to other individuals or to the~~
10 ~~public. The final performance evaluations are public records.~~

11 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.