A concurrent resolution to create and enact a new section to article VIII of the Constitution of North Dakota, relating to the creation of a department of education; to amend and reenact sections 2 and 5 of article V and section 3 of article IX of the Constitution of North Dakota, relating to the superintendent of public instruction and creation of a department of education; to repeal section 6 of article VIII of the Constitution of North Dakota, relating to the state board of higher education; and to provide an effective date.

STATEMENT OF INTENT

This measure would create a department of education beginning on January 1, 2015, with the charge that the department oversee and administer the provision of all public education in this state.

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

That the following proposed new section to article VIII, the proposed amendments to sections 2 and 5 of article V, and the repeal of section 6 of article VIII of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2012, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 2 of article V of the Constitution of North Dakota is amended and reenacted as follows:

Section 2. The qualified electors of the state at the times and places of choosing members of the legislative assembly shall choose a governor, lieutenant governor, agriculture commissioner, attorney general, auditor, insurance commissioner, three public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer. The legislative assembly may by law provide for a department of labor to be administered by a public official who may be either elected or appointed.
The powers and duties of the agriculture commissioner, attorney general, auditor, insurance commissioner, public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer must be prescribed by law. If the legislative assembly establishes a labor department, the powers and duties of the officer administering that department must be prescribed by law.

SECTION 2. AMENDMENT. Section 5 of article V of the Constitution of North Dakota is amended and reenacted as follows:

Section 5. The qualified electors shall choose the elected state officials at a time designated by the legislative assembly. The elected state officials shall serve until their successors are duly qualified. Terms of office of the elected officials except the public service commissioners are four years, except that in 2004 the agriculture commissioner, attorney general, secretary of state, and tax commissioner are elected to a term of two years and that the term of the superintendent of public instruction elected in 2012 expires as of January 1, 2015. The terms of the public service commissioners are six years, so arranged that one of them is elected every two years. The terms of the governor and lieutenant governor begin on December fifteenth following their election.

If two or more candidates for any executive office other than for governor and lieutenant governor receive an equal and highest number of votes, the legislative assembly in joint session shall choose one of them for the office.

SECTION 3. A new section to article VIII of the Constitution of North Dakota is created and enacted as follows:

1. The department of education is created for the purpose of overseeing and administering the provision of public education in this state, including early childhood education, elementary and high school education, and higher education at sites that include Bismarck, Bottineau, Devils Lake, Dickinson, Fargo, Grand Forks, Mayville, Minot, Valley City, Wahpeton, and Williston.

2. Subject to confirmation by the legislative assembly, the governor shall appoint the director of the department of education, who shall serve as the chief executive officer of the department. The appointment must be for a term of three years and may be renewed for like terms. The director is removable by the governor for cause.
3. The director must hold a doctoral degree from an accredited institution, be uniquely familiar with the broad spectrum of educational delivery and administration, and committed to the development and maintenance of an educational system that provides opportunities for students, through academic pursuits and technical training, to meet the educational and workforce challenges of the current century and beyond.

4. There is created an eleven-member educational council. Each member must be appointed by the governor, with the advice and consent of four from among the following: the majority and minority leader of the house of representatives, the majority and minority leader of the senate, the president pro tempore of the senate, and the speaker of the house. The council must be a balanced and representative group of individuals who by training and experience each have a profound knowledge and understanding of the purpose and mission of education at all levels, and collectively understand the function of education with respect to agriculture, the arts, commerce and finance, manufacturing, mineral extraction, natural resources, and the professions.

5. The term of office for each member of the educational council begins on January first and has a duration of three years. The initial appointments must be staggered by lot so that no more than four positions terminate at any one time. An individual may not serve more than two consecutive terms. If an individual is appointed to fill a vacancy, that service is not counted as a term for purposes of this section unless that service exceeds one year.

6. Annually, the governor shall appoint one member to serve as chairman of the educational council. The individual may be reappointed as chairman but may not serve more than two consecutive terms in that role.

7. The chairman shall call all meetings of the educational council and shall call a special meeting of the council within seven days when petitioned to do so by five council members. The council shall meet at least once every calendar quarter.

8. Each member of the educational council is entitled to receive per diem compensation in the amount provided to members of the legislative assembly plus reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council.
The educational council shall provide advice and guidance to the director of the department of education in all matters pertaining to the delivery and administration of education in this state, including academic standards, accountability, budgetary and financial matters, managerial and operational matters, and regulatory and legislative matters. The council may form workgroups, task forces, and subcommittees to seek additional information and outside expertise in order to fully and adequately perform the functions with which the council is charged.

**SECTION 4. AMENDMENT.** Section 3 of article IX of the Constitution of North Dakota is amended and reenacted as follows:

Section 3. The superintendent of public instruction, governor, attorney general, secretary of state and, state treasurer, and the director of education comprise a board of commissioners, to be denominated the "board of university and school lands". Subject to the provisions of this article and any law that may be passed by the legislative assembly, the board has control of the appraisement, sale, rental, and disposal of all school and university lands, and the proceeds from the sale of such lands shall be invested as provided by law.

**SECTION 5. REPEAL.** Section 6 of article VIII of the Constitution of North Dakota is repealed.

**SECTION 6. EFFECTIVE DATE.** If approved by the voters, section 2 of this measure becomes effective upon approval, and sections 1, 3, 4, and 5 of this measure become effective on January 1, 2015.