

Introduced by

Senators Wardner, Bekkedahl, Heckaman

Representatives Mock, Nathe, Roers Jones

1 A concurrent resolution to amend and reenact subsections 2 and 6 of section 6 of article VIII of  
2 the Constitution of North Dakota, relating to the membership and meeting requirements of the  
3 state board of higher education; to provide for transition; and to provide an effective date.

4 **STATEMENT OF INTENT**

5 This measure increases the number of individuals who serve on the state board of higher  
6 education from eight to eleven, increases the term of board membership from four years to six  
7 years, requires the board to meet at least annually with the heads of each institution under the  
8 board's control, and prohibits state legislators, elected state officials, and full-time state  
9 employees from serving on the board.

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

12 That the following proposed amendments to subsections 2 and 6 of section 6 of article VIII  
13 of the Constitution of North Dakota are agreed to and must be submitted to the qualified  
14 electors of North Dakota at the general election to be held in 2020, in accordance with  
15 section 16 of article IV of the Constitution of North Dakota.

16 **SECTION 1. AMENDMENT.** Subsection 2 of section 6 of article VIII of the Constitution of  
17 North Dakota is amended and reenacted as follows:

18 2. a. The state board of higher education consists of ~~eight~~eleven members. The  
19 governor shall appoint ~~seven~~ten members who are qualified electors and  
20 taxpayers of the state, and who have resided in this state for not less than five  
21 years immediately preceding their appointments. These ~~seven~~ten appointments  
22 are subject to confirmation by the senate. The governor shall appoint as the  
23 ~~eight~~eleventh member of the board a full-time resident student in good  
24 academic standing at an institution under the jurisdiction of the state board.

- 1           b. An individual serving as a member of the legislative assembly or in an elected  
2           statewide office may not serve as a member of the state board of higher  
3           education.
- 4           c. Except for the student member,~~no~~:
- 5           (1) No more than two persons holding a bachelor's degree from a particular  
6           institution under the jurisdiction of the state board of higher education may  
7           serve on the board at any one time. ~~Except for the student member, no; and~~
- 8           (2) A person employed by the state, including a person employed full time by  
9           any institution under the control of the board ~~shall~~ may not serve as a  
10          member of the board ~~and no~~. An employee of any ~~such an~~ institution ~~may~~  
11          be under the control of the board is not eligible for membership on the state  
12          board of higher education for a period of two years following the termination  
13          of employment.
- 14          d. The governor shall nominate from a list of three names for each position,  
15          selected by action of four of the following five persons: the president of the North  
16          Dakota ~~education association~~ united or its successor organization, the chief  
17          justice of the ~~supreme court~~ secretary of state, the superintendent of public  
18          instruction, the president pro tempore of the senate, and the speaker of the  
19          house of representatives and, with the consent of a majority of the  
20          members-elect of the senate, shall appoint from the list to the state board of  
21          higher education ~~seventeen~~ members. The governor shall ensure ~~that~~ the board  
22          membership is maintained in a balanced and representative manner. ~~The~~ Other  
23          than the student member, the term of office of members appointed to fill  
24          vacancies at the expiration of ~~said~~ the terms ~~shall be for four~~ is six years, and in  
25          the case of vacancies otherwise arising, appointments ~~shall~~ must be made only  
26          for the balance of the term of the members whose places are to be filled. A  
27          member may not be appointed to serve ~~for~~ more than two full terms; ~~however, the~~  
28          terms may not be served consecutively. If a member is appointed to fill a vacancy  
29          and serves ~~two~~ three or more years of that term, the member is deemed to have  
30          served one full term.
- 31          ~~b.~~ In the event

1 e. On or before July first of each year, the governor shall appoint a student member  
2 from a list of names recommended by the executive board of the North Dakota  
3 student association for a term of one year, beginning on July first. A student  
4 member may not serve more than two consecutive terms.

5 f. If any nomination made by the governor is not consented to and confirmed by the  
6 senate, the governor again shall again nominate a candidate selected from a new  
7 list. The nomination shall must be submitted to the senate for confirmation and the  
8 proceedings shall must continue until an appointee has been confirmed by the  
9 senate or the session of the legislature legislative assembly has adjourned.

10 e.g. If a term expires or a vacancy occurs when the legislature legislative assembly is  
11 not in session, the governor may appoint from a list selected as provided, a  
12 member who shall serve until the opening of the next session of the  
13 legislature legislative assembly, at which time the appointment must be certified to  
14 the senate for confirmation. If the appointee is not confirmed by the thirtieth  
15 legislative day of the session, the office shall be is deemed vacant and the  
16 governor shall nominate another candidate for the office. The same proceedings  
17 shall must be followed as are set forth in this section. If the legislature legislative  
18 assembly is in session at any time within six months prior to the date of the  
19 expiration of the term of any member, the governor shall nominate a successor  
20 from a list selected as above set forth, within the first thirty days of the session  
21 and upon confirmation by the senate the successor shall take office at the  
22 expiration of the incumbent's term. No person who has been nominated and  
23 whose nomination the senate has failed to confirm is eligible for an interim  
24 appointment. On or before July first of each year, beginning in 1995, the governor  
25 shall appoint a student member from a list of names recommended by the  
26 executive board of the North Dakota student association for a term of one year,  
27 beginning on July first. A student member may not serve more than two  
28 consecutive terms.

29 **SECTION 2. AMENDMENT.** Subsection 6 of section 6 of article VIII of the Constitution of  
30 North Dakota is amended and reenacted as follows:

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

1           d.c.    It shall be the duty of the heads~~The head~~ of the several state institutions-  
2                    hereinbefore mentioned, to~~each~~ institution under the board's control shall submit  
3                    the budget requests~~request~~ for the biennial appropriations for said ~~institutions~~the  
4                    institution to said~~the~~ state board of higher education; and said~~the~~ state board of  
5                    higher education shall consider said ~~budgets and shall revise the same~~and revise  
6                    each budget as in its judgment ~~shall be for~~is in the best interests of the  
7                    educational system of the state; ~~and thereafter the.~~ The state board of higher  
8                    education shall prepare and present to the state budget board and to the  
9                    ~~legislature~~legislative assembly a single unified budget covering the needs of all  
10                  the institutions under its control. "~~Said budget shall be prepared and presented by~~  
11                  ~~the board of administration until the state board of higher education organizes as~~  
12                  ~~provided in subsection 6a.~~" The appropriations for all of said institutions shallmust  
13                  be contained in one legislative measure. The budgets and appropriation  
14                  measures for the agricultural experiment stations and ~~their~~the substations and  
15                  the extension division of the North Dakota state university of agriculture and  
16                  applied science may be separate from those of state educational institutions.  
17            e.d.    The said state board of higher education shall ~~have~~has the control of the  
18                  expenditure of the funds belonging to, and allocated to ~~such~~ institutions and also  
19                  those appropriated by the ~~legislature~~legislative assembly, for the institutions of  
20                  higher education in this state; provided, however, that funds appropriated by the  
21                  ~~legislature~~legislative assembly and specifically designated for any one or more of  
22                  ~~such~~ institutions, shallmay not be used for any other institution.

23            **SECTION 3. EFFECTIVE DATE - TRANSITION.** This measure becomes effective June 30,  
24            2021. Any member of the state board of higher education serving a term on the board on the  
25            effective date of this measure whose term does not expire on July 1, 2021, may serve the  
26            remainder of that member's term. For those board positions expiring on July 1, 2021, and for  
27            the three new positions on the board created by this measure, the governor shall appoint  
28            individuals to fill those positions in accordance with this measure, and the terms of those  
29            appointees must be staggered so not more than two positions expire in any year. To accomplish  
30            the staggering, the initial term of those appointees may be for less than six years.