

SENATE CONCURRENT RESOLUTION NO. 4016

Introduced by

Senators Holmberg, Cook, C. Nelson

Representatives Berg, Delmore, Drovdal

1 A concurrent resolution for the amendment of subsection 2 of section 6 of article VIII of the
2 Constitution of North Dakota, relating to the membership of the state board of higher education.

3 **STATEMENT OF INTENT**

4 This amendment would change from one to two individuals holding a bachelor's degree from a
5 state institution of higher education who could serve on the state board of higher education at
6 one time.

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
10 North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at
11 the primary election to be held in 2000, in accordance with section 16 of article IV of the
12 Constitution of North Dakota.

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

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

20 The governor shall appoint as the eighth member of the board a
21 full-time resident student in good academic standing at an institution under the
22 jurisdiction of the state board. Except for the student member, no more than
23 ~~one person~~ two persons holding a bachelor's degree from a particular
24 institution under the jurisdiction of the state board of higher education may
25 serve on the board at any one time. Except for the student member, no

1 person employed by any institution under the control of the board shall serve
2 as a member of the board and no employee of any such institution may be
3 eligible for membership on the state board of higher education for a period of
4 two years following the termination of employment.

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

20 b. In the event any nomination made by the governor is not consented to and
21 confirmed by the senate, the governor shall again nominate a candidate
22 selected from a new list. The nomination shall be submitted to the senate for
23 confirmation and the proceedings shall continue until an appointee has been
24 confirmed by the senate or the session of the legislature has adjourned.

25 c. If a term expires or a vacancy occurs when the legislature is not in session,
26 the governor may appoint from a list selected as provided, a member who
27 shall serve until the opening of the next session of the legislature, at which
28 time the appointment must be certified to the senate for confirmation. If the
29 appointee is not confirmed by the thirtieth legislative day of the session, the
30 office shall be deemed vacant and the governor shall nominate another
31 candidate for the office. The same proceedings shall be followed as are set

1 forth in this section. If the legislature is in session at any time within six
2 months prior to the date of the expiration of the term of any member, the
3 governor shall nominate a successor from a list selected as above set forth,
4 within the first thirty days of the session and upon confirmation by the senate
5 the successor shall take office at the expiration of the incumbent's term. No
6 person who has been nominated and whose nomination the senate has failed
7 to confirm is eligible for an interim appointment. On or before July first of
8 each year, beginning in 1995, the governor shall appoint a student member
9 from a list of names recommended by the executive board of the North
10 Dakota student association for a term of one year, beginning on July first. A
11 student member may not serve more than two consecutive terms.