

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 of institution presidents and commissioner of
3 higher education by the state board of higher education; and to declare an emergency.

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

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

- 7 1. a. Appoint and remove the president or other faculty head, and the professors,
8 instructors, teachers, officers, and other employees of the several institutions
9 under its control, and to fix their salaries within the limits of legislative
10 appropriations therefor, and to fix the terms of office and to prescribe the duties
11 thereof, provided that the consideration of the appointment or removal of any
12 such personnel shall be in executive session if the board chooses unless the
13 individual involved requests that the meeting be open to other individuals or to
14 the public.
- 15 b. Appoint and remove the commissioner of higher education, fix the
16 commissioner's salary within the limits of legislative appropriations, and prescribe
17 the commissioner's duties, provided that the consideration of the appointment or
18 removal of the commissioner shall be in executive session if the board chooses
19 unless the individual involved requests the meeting be open to other individuals
20 or the public.
- 21 c. Appoint and remove all university system office personnel, fix their salaries within
22 the limits of legislative appropriations, fix their terms of office, and prescribe their
23 duties.

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

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