

SENATE BILL NO. 2080

Introduced by

Education Committee

(At the request of the State Board for Vocational and Technical Education)

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 28-32-01 of
2 the North Dakota Century Code, relating to an exemption from the Administrative Agencies
3 Practice Act for the state board for vocational and technical education; and to amend and
4 reenact sections 15-20.1-01 and 15-20.1-02, subsection 9 of section 15-20.1-03,
5 sections 15-20.2-02, 15-20.2-09, 15-20.2-15, and 15-20.2-16, subsections 4 and 6 of
6 section 15-20.4-03, subsection 2 of section 15-20.4-05, and subsection 2 of section 15-20.4-14
7 of the North Dakota Century Code, relating to rulemaking authority of the state board for
8 vocational and technical education.

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

10 **SECTION 1. AMENDMENT.** Section 15-20.1-01 of the 1999 Supplement to the North
11 Dakota Century Code is amended and reenacted as follows:

12 **15-20.1-01. Definitions.** In this chapter, unless the context otherwise requires:

- 13 1. "Director" means the director of vocational and technical education.
14 2. ~~"Regulations" means regulations made by the director with the approval of the~~
15 ~~state board.~~
16 3. "State board" means the state board for vocational and technical education.

17 **SECTION 2. AMENDMENT.** Section 15-20.1-02 of the 1999 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **15-20.1-02. State board for vocational and technical education - Director of**
20 **vocational and technical education - Appointment, qualifications, assistants, duties.** The
21 state board for vocational and technical education consists of the members of the state board of
22 public school education, the executive director of job service North Dakota, and the
23 commissioner of higher education or the commissioner's designee. The state board shall
24 appoint a director and executive officer of vocational and technical education who are charged

1 with the administration, under the direction and supervision of the board, of the provisions of
2 this chapter relating to vocational and technical education. The state board shall designate
3 such assistants to the director as may be necessary to carry out the provisions of this chapter.
4 The duties, terms of office, and compensation of the director and of ~~his~~ the director's assistants
5 must be determined by the state board. The director shall hold as a minimum a baccalaureate
6 degree received from a recognized college or university. The director shall enforce such ~~rules~~
7 ~~and regulations~~ policies as the state board may adopt and shall prepare such reports
8 concerning vocational education as the state board may require.

9 **SECTION 3. AMENDMENT.** Subsection 9 of section 15-20.1-03 of the 1999
10 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11 9. To cooperate with governing bodies of school districts and with organizations and
12 communities in the maintenance of classes for the preparation of teachers,
13 directors, and supervisors of vocational education, to maintain classes for such
14 purposes under its own direction and control, and to establish and control, by
15 ~~general regulations~~ policies, the qualifications to be possessed by persons
16 engaged in the training of vocational teachers.

17 **SECTION 4. AMENDMENT.** Section 15-20.2-02 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **15-20.2-02. Submission of plan for area center - Approval by state board.** The
20 school boards of three or more school districts may submit to the state board a proposed plan
21 to establish an area vocational and technology center. Such proposal must be consistent with
22 the state plan for vocational education and meet the requirements, ~~rules~~, standards, and
23 procedures as adopted by the state board. The state board upon receipt of a proposed plan to
24 establish an area vocational and technology center shall examine such plan and receive
25 testimony for the purpose of examining supporting and nonsupporting evidence submitted
26 therewith. The state board shall process the proposed plan according to procedures consistent
27 with the state plan. Nothing in this chapter may be interpreted to prohibit school districts from
28 entering into other kinds of administrative structures for vocational centers approved by the
29 state board pursuant to other provisions of law.

30 **SECTION 5. AMENDMENT.** Section 15-20.2-09 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **15-20.2-09. Distribution of state funds to area centers - ~~Rules and regulations~~**

2 **Policies**. Funds which may be made available to the state board for distribution to area
3 vocational and technology centers must be apportioned and distributed by the state board to
4 the area vocational and technology centers to assist such centers in defraying the cost involved
5 in maintaining and operating such centers. The use of such funds is subject to such ~~rules and~~
6 ~~regulations~~ policies as may be prescribed by the state board; and must be in accordance with
7 the approved state plan for vocational education.

8 **SECTION 6. AMENDMENT.** Section 15-20.2-15 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15-20.2-15. Dissolution of established center.** An established area vocational and
11 technology center may be dissolved in accordance with ~~rules~~ policies and procedures adopted
12 by the state board.

13 **SECTION 7. AMENDMENT.** Section 15-20.2-16 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **15-20.2-16. ~~Rules, regulations,~~ Policies and standards for area centers.** The state
16 board is hereby authorized and empowered to establish and adopt ~~rules, regulations~~ policies,
17 standards, and procedures set forth in the state plan pertaining to the creation, operation,
18 control, supervision, and approval of area vocational and technology centers.

19 **SECTION 8. AMENDMENT.** Subsections 4 and 6 of section 15-20.4-03 of the 1999
20 Supplement to the North Dakota Century Code are amended and reenacted as follows:

21 4. Negotiate and enter into interstate reciprocity agreements with similar agencies in
22 other states, if in the judgment of the board such agreements are or will be helpful
23 in effectuating the purposes of this chapter; provided, however, that nothing
24 contained in any such reciprocity agreement may be construed as limiting the
25 board's powers, duties, and responsibilities with respect to independently
26 investigating or acting upon any application for authorization to operate, or any
27 application for renewal of such authorization to operate, a postsecondary
28 educational institution, or with respect to the enforcement of any provision of this
29 chapter, or any of the ~~rules or regulations promulgated~~ policies adopted hereunder.

30 6. ~~Promulgate~~ Adopt such ~~rules, regulations,~~ policies and procedures necessary or
31 appropriate for the conduct of its work and the implementation of this chapter, and

1 to hold such hearings as it may deem advisable in accordance with chapter 28-32
2 or as required by law in developing such rules, regulations, and procedures, or in
3 aid of any investigation or inquiry.

4 **SECTION 9. AMENDMENT.** Subsection 2 of section 15-20.4-05 of the 1999
5 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6 2. Instruct or educate, or offer to instruct or educate, including advertising or soliciting
7 for such purpose, enroll or offer to enroll, contract or offer to contract with any
8 person for such purpose, or award any educational credential, or contract with any
9 institution or party to perform any such act, at a facility or location in this state
10 unless such person, group, or entity observes and is in compliance with the
11 minimum standards and criteria established by the board pursuant to subsection 1
12 of section 15-20.4-03, and the ~~rules and regulations~~ policies adopted by the board
13 pursuant to subsection 6 of section 15-20.4-03.

14 **SECTION 10. AMENDMENT.** Subsection 2 of section 15-20.4-14 of the 1999
15 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16 2. Whenever it appears to the board that any person, group, or entity is, is about to,
17 or has been violating any of the provisions of this chapter or any of the ~~lawful rules,~~
18 ~~regulations,~~ policies or orders of the board, the board may, on its own motion or on
19 the written complaint of any person, file a petition for injunction in the name of the
20 board in any court of competent jurisdiction in this state against such person,
21 group, or entity, for the purpose of enjoining such violation or for an order directing
22 compliance with the provisions of this chapter, and all ~~rules, regulations,~~ policies
23 and orders issued hereunder. It is not necessary that the board allege or prove
24 that it has no adequate remedy at law. The right of injunction provided in this
25 section is in addition to any other legal remedy which the board has, and is in
26 addition to any right of criminal prosecution provided by law; provided, however,
27 the board may not obtain a temporary restraining order without notice to the
28 person, group, or entity affected. The existence of board action with respect to
29 alleged violations of this chapter does not operate as a bar to an action for
30 injunctive relief pursuant to this section.

1 **SECTION 11.** A new subdivision to subsection 2 of section 28-32-01 of the 1999
2 Supplement to the North Dakota Century Code is created and enacted as follows:

3 The state board for vocational and technical education except with respect to
4 hearings under subsection 6 of section 15-20.4-03.