

**SENATE BILL NO. 2266  
with House Amendments**

Fifty-sixth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2266**

Introduced by

Senators St. Aubyn, Fischer, DeMers

Representatives Delmore, Nottestad

1 A BILL for an Act to amend and reenact section 25-01.3-02 of the North Dakota Century Code,  
2 relating to the membership of the committee on protection and advocacy.

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

4 **SECTION 1. AMENDMENT.** Section 25-01.3-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **25-01.3-02. Committee on protection and advocacy.**

7 1. ~~The committee on protection and advocacy consists of seven members who~~  
8 ~~broadly represent or are knowledgeable about the needs of the persons served by~~  
9 ~~the protection and advocacy project. The governor shall appoint two members on~~  
10 ~~August 1, 1995. The legislative council shall appoint one member from each~~  
11 ~~house of the legislative assembly on August 1, 1995. The governing board of the~~  
12 ~~North Dakota association for retarded citizens shall appoint one member of the~~  
13 ~~association on August 1, 1995. The governing board of people first of North~~  
14 ~~Dakota shall appoint one member of the association on August 1, 1995. The~~  
15 ~~mental health consumer advocates of North Dakota, inc., shall appoint one of its~~  
16 ~~members on August 1, 1995. The members appointed by the North Dakota~~  
17 ~~association for retarded citizens, people first of North Dakota, and the mental~~  
18 ~~health consumer advocates of North Dakota, inc., must include individuals with~~  
19 ~~disabilities who are eligible for services or parents, family members, guardians,~~  
20 ~~advocates, or authorized representatives of individuals with disabilities who are~~  
21 ~~eligible for services. Each member appointed by the governor and the legislative~~  
22 ~~council shall serve for a term of two years and until a successor is appointed. The~~  
23 ~~remaining three members shall serve a term of three years and until a successor is~~  
24 ~~appointed. A member may not serve more than six consecutive years. If any~~

1 ~~vacancy occurs on the committee, the appointing authority shall appoint an~~  
2 ~~individual to fill the vacancy for the remainder of the term, but if the federal~~  
3 ~~government designates a member ineligible, the original appointing body shall fill~~  
4 ~~the vacancy for the unexpired term in a manner that is consistent with federal~~  
5 ~~eligibility requirements. Any vacancy on the committee must be filled within sixty~~  
6 ~~days after the date on which the vacancy occurs. The committee is responsible for~~  
7 ~~and shall adopt rules for the administrative supervision and direction and for the~~  
8 ~~planning, design, implementation, and functioning of the project. The committee~~  
9 ~~shall develop a formal process to review complaints from providers or other~~  
10 ~~persons concerning protection and advocacy activities. The committee in its~~  
11 ~~capacity of supervising and directing the project shall operate independently of the~~  
12 ~~governor or and any state agency that provides treatment, services, or habilitation~~  
13 ~~to persons with developmental disabilities or mental illness illnesses.~~

14 2. The committee consists of seven members who:

- 15 a. Meet federal eligibility requirements for membership;  
16 b. Do not provide direct treatment, nonadvocacy services, or habilitation to  
17 address a need related to a disability or a mental illness;  
18 c. Do not hold an interest, whether as an officer, director, employee, or  
19 otherwise, in an entity that provides direct treatment, nonadvocacy services,  
20 or habilitation to address a need related to a disability or a mental illness; and  
21 d. (1) Broadly represent persons served by the protection and advocacy  
22 project or  
23 (2) Are knowledgeable about the needs of persons served by the  
24 protection and advocacy project.

25 3. The appointments and terms of committee members are as follows:

- 26 a. The governor shall appoint two committee members for two-year terms,  
27 beginning on August one in each odd-numbered year.  
28 b. The legislative council shall appoint one member from each house of the  
29 legislative assembly for two-year terms, beginning on August one in each  
30 odd-numbered year.

- 1           c. The governing board of the arc of North Dakota shall appoint one committee  
2                   member for a three-year term, beginning on August one in each year that is  
3                   evenly divisible by three.
- 4           d. The governing board of people first of North Dakota shall appoint one  
5                   committee member for a three-year term, beginning on August one in each  
6                   year that is evenly divisible by three.
- 7           e. The governing board of the mental health association in North Dakota shall  
8                   appoint one committee member for a three-year term, beginning on  
9                   August one in each year that is evenly divisible by three.
- 10        4. Each committee member appointed by the arc of North Dakota, people first of  
11           North Dakota, or the mental health association in North Dakota must be:
- 12           a. An individual with disabilities who is eligible for services; or  
13           b. A parent, family member, guardian, advocate, or other authorized  
14                   representative of an individual with disabilities who is eligible for services.
- 15        5. A member may not serve more than six consecutive years.
- 16        6. A member's term ends on July thirty-first in the last year of the term and a member  
17           shall serve until a successor has been appointed.
- 18        7. If any vacancy occurs on the committee, the appointing authority shall appoint an  
19           individual to fill the vacancy for the remainder of the term. If the federal  
20           government designates a member ineligible, the appointing body shall fill the  
21           vacancy for the remainder of the term. Any vacancy on the committee must be  
22           filled within sixty days after the date on which the vacancy occurs.
- 23        8. The committee is responsible for and shall adopt rules for the administrative  
24           supervision and direction and for the planning, design, implementation, and  
25           functioning of the project.
- 26        9. The committee shall develop a formal process to review complaints from providers  
27           or other persons concerning protection and advocacy activities.
- 28        10. The governor, upon compliance with federal law and regulations, may redesignate  
29           the agency responsible for carrying out the responsibilities of the project under this  
30           chapter.