

ARTICLE 65.5-01 COMMITTEE ON PROTECTION AND ADVOCACY

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CHAPTER 65.5-01-01 ORGANIZATION OF COMMITTEE

Section	
65.5-01-01-01	Organization and Functions of the Committee on Protection and Advocacy

65.5-01-01-01. Organization and functions of the committee on protection and advocacy.

1. **Membership.** The protection and advocacy project is governed by a committee which is made up only of those members appointed as provided by statute. Any vacancies on the committee must be filled as provided by statute.
2. **Administrative status.** The committee and project is an administrative unit of the executive branch of state government and is subject to the Administrative Agencies Practice Act, North Dakota Century Code chapter 28-32.
3. **Committee officers.** The committee shall elect annually from its membership a chair and a vice chair. The duties of these officers are those ordinarily attached to a presiding officer and a vice presiding officer respectively. Any dispute over the duties or powers of one of these officers shall be decided by vote of the committee.
4. **Quorum.** A majority of committee membership is required to constitute a quorum for the transaction of business. A majority vote of committee members participating in any meeting is required for committee action.
5. **Meetings.** The committee must meet at least four times each year. A meeting may be an in-person meeting or some members may attend electronically so long as each member attending electronically is able to participate in discussions and vote. If a member attends a meeting electronically but is unable to participate in discussions or voting, that member may not be counted in determining the presence of a quorum.
6. **Conflicts of interests.** A committee member may not be a service provider and may not have a fundamental conflict of interests with the lawful purposes of the committee. Each member shall complete and update annually a disclosure statement revealing any potential conflicts of interest.

If a conflict of interest arises in a specific matter, the affected member must abstain from deliberations and voting on the matter that gives rise to the conflict. The committee may disqualify any member from participating and voting on a matter that gives rise to a perceived conflict of interest.

Employees of the protection and advocacy project are not eligible for membership on the committee.

7. **Misuse of position.** A committee member shall not promote the interests of an employer, business, or other organization while acting under color of approval by the committee or the

project. A committee member may not improperly use committee affiliation for personal, commercial, or financial purposes.

8. **Executive director.** The committee shall employ an executive director who shall perform the duties specified by statute and additional duties as assigned by the committee. Rules of the committee and project shall be promulgated by the executive director with the advice and consent of the committee.

History: Effective December 1, 1990; amended effective January 1, 1992; June 1, 1998.

General Authority: NDCC 25-01.3-02, 25-01.3-03, 28-32-02

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