

# MENTAL AND PHYSICAL ILLNESS OR DISABILITY

## CHAPTER 249

### SENATE BILL NO. 2266

(Senators St. Aubyn, Fischer, DeMers)  
(Representatives Delmore, Nottestad)

## COMMITTEE ON PROTECTION AND ADVOCACY MEMBERSHIP

AN ACT to amend and reenact section 25-01.3-02 of the North Dakota Century Code, relating to the membership of the committee on protection and advocacy.

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

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

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

1. The committee on protection and advocacy consists of seven members who broadly represent or are knowledgeable about the needs of the persons served by the protection and advocacy project. The governor shall appoint two members on August 1, 1995. The legislative council shall appoint one member from each house of the legislative assembly on August 1, 1995. The governing board of the North Dakota association for retarded citizens shall appoint one member of the association on August 1, 1995. The governing board of people first of North Dakota shall appoint one member of the association on August 1, 1995. The mental health consumer advocates of North Dakota, inc., shall appoint one of its members on August 1, 1995. The members appointed by the North Dakota association for retarded citizens, people first of North Dakota, and the mental health consumer advocates of North Dakota, inc., must include individuals with disabilities who are eligible for services or parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who are eligible for services. Each member appointed by the governor and the legislative council shall serve for a term of two years and until a successor is appointed. The remaining three members shall serve a term of three years and until a successor is appointed. A member may not serve more than six consecutive years. If any vacancy occurs on the committee, the appointing authority shall appoint an individual to fill the vacancy for the remainder of the term, but if the federal government designates a member ineligible, the original appointing body shall fill the vacancy for the unexpired term in a manner that is consistent with federal eligibility requirements. Any vacancy on the committee must be filled within sixty days after the date on which the vacancy occurs. The committee is

responsible for and shall adopt rules for the administrative supervision and direction and for the planning, design, implementation, and functioning of the project. The committee shall develop a formal process to review complaints from providers or other persons concerning protection and advocacy activities. The committee in its capacity of supervising and directing the project shall operate independently of the governor or and any state agency that provides treatment, services, or habilitation to persons with ~~developmental~~ disabilities or mental illness illnesses.

2. The committee consists of seven members who:

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

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

- a. The governor shall appoint two committee members for two-year terms, beginning on August one in each odd-numbered year.
- b. The legislative council shall appoint one member from each house of the legislative assembly for two-year terms, beginning on August one in each odd-numbered year.
- c. The governing board of the arc of North Dakota shall appoint one committee member for a three-year term, beginning on August one in each year that is evenly divisible by three.
- d. The governing board of people first of North Dakota shall appoint one committee member for a three-year term, beginning on August one in each year that is evenly divisible by three.
- e. The governing board of the mental health association in North Dakota shall appoint one committee member for a three-year term, beginning on August one in each year that is evenly divisible by three.

4. Each committee member appointed by the arc of North Dakota, people first of North Dakota, or the mental health association in North Dakota must be:

- a. An individual with disabilities who is eligible for services; or

- b. A parent, family member, guardian, advocate, or other authorized representative of an individual with disabilities who is eligible for services.
5. A member may not serve more than six consecutive years.
6. A member's term ends on July thirty-first in the last year of the term and a member shall serve until a successor has been appointed.
7. If any vacancy occurs on the committee, the appointing authority shall appoint an individual to fill the vacancy for the remainder of the term. If the federal government designates a member ineligible, the appointing body shall fill the vacancy for the remainder of the term. Any vacancy on the committee must be filled within sixty days after the date on which the vacancy occurs.
8. The committee is responsible for and shall adopt rules for the administrative supervision and direction and for the planning, design, implementation, and functioning of the project.
9. The committee shall develop a formal process to review complaints from providers or other persons concerning protection and advocacy activities.
10. The governor, upon compliance with federal law and regulations, may redesignate the agency responsible for carrying out the responsibilities of the project under this chapter.

Approved April 7, 1999  
Filed April 8, 1999

**CHAPTER 250****SENATE BILL NO. 2147**

(Appropriations Committee)

(At the request of the Department of Human Services)

**STATE HOSPITAL GOVERNING BODY COMPOSITION**

AN ACT to amend and reenact subsection 3 of section 25-02-01.1 of the North Dakota Century Code, relating to the governing body of the state hospital.

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

**SECTION 1. AMENDMENT.** Subsection 3 of section 25-02-01.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The governing body must be composed of the executive director of the department of human services; the director of the division of mental health services of the department, who shall serve as chairman of the governing body; the state hospital superintendent; the state hospital medical director; ~~the performance improvement coordinator;~~ a representative of the fiscal management of the state hospital; a mental health services consumer selected by the mental health association; and a legislator selected by the legislative council. The governing body may include other persons as appointed by the governing body.

Approved March 11, 1999

Filed March 11, 1999