

ND Olmstead Commission Bylaws

Article 1: Definitions

1. The term “Commission” refers to the North Dakota Olmstead Commission.
2. The term “Governor” refers to the Governor of the State of North Dakota. The Olmstead Commission is appointed by the Governor.
3. The term “NDCC” refers to North Dakota Century Code.
4. The term “persons with disabilities” includes both children and adults with a physical or mental (intellectual or developmental) impairment that substantially limits one or more of the major life activities of the person.
5. The term “conflict of interest” is defined as a situation in which a person, or their family member or their private employer is in a position to, or may have the appearance to, derive personal benefit from actions or decisions made in their official capacity as a member of the Commission.

Article II: Creation

The Commission in its current form was created by North Dakota Executive Order 2018-5.1 and shall establish rules for its own governance.

Article III: Duties

1. The Commission shall move the State forward towards greater integration and inclusion for persons with disabilities with respect to community services and supports, employment, education, health care, housing and transportation.

Article IV: Membership (Executive Order 2018-5.1)

Membership to Olmstead Commission is appointed by the Governor. All members serve at the pleasure of the Governor.

1. Commission Voting Members:

a) The voting members of the Commission, pursuant to the Executive Order, are 10 persons:

1. A co-chair Citizen Member;

2. A co-chair Representative from the Office of the Governor
3. A member of the North Dakota Senate
4. A member of the North Dakota House of Representatives;
5. A representative of the Judicial Branch;
6. A representative of the Protection and Advocacy Project;
7. A representative of Mental Health America North Dakota;
8. A representative of the North Dakota Statewide Council for Independent Living;
9. A representative of the North Dakota State Council on Developmental Disabilities; and
10. A citizen member.

b) Nonvoting members shall include the Executive Director or Officers of the following agencies, or a designee:

- 1) Department of Human Services;
- 2) Department of Health;
- 3) Department of Public Instruction;
- 4) North Dakota Housing Finance Agency;
- 5) Department of Commerce;
- 6) Department of Transportation;
- 7) Job Service North Dakota; and
- 8) North Dakota Indian Affairs Commission.

The term of appointment is three years; each voting member may serve no more than two consecutive terms.

2. Removal of a Member.

a) Removal will occur when the Governor or the co-Chairs notify a member, in writing, of their termination from Commission or a subcommittee. The Governor in consultation with the co-Chairs will appoint a replacement member.

b) Grounds for removal:

Three unexcused absences from scheduled Commission and/or Subcommittee business. Absences are unexcused when there is no prior notification by the member to support staff or co-Chairs 24 hours prior to a meeting.

3. Subcommittees

The co-Chairs of the Commission may appoint Commission members to subcommittees for specific issues or other matters that are related to and within the scope of the functions of the Commission.

Article V: Meetings

1. The Commission shall meet at the times and places specified by a call of the co-Chairs;
2. The co-Chairs and members will determine and approve the date and place of the meetings;
3. Meetings, including subcommittee meetings, are open to the public and subject to the requirements of the North Dakota Open Meeting laws; and
4. A Commission member may request that an item be placed on the agenda by contacting the co-Chairs no later than 3 days prior to the determined meeting date.

Article VI: Minutes

1. Minutes of the previous meeting will be prepared by staff within 30 days after the meeting.
 - a) After a draft of minutes is prepared, they will be transmitted to members of the Commission for review prior to the next meeting.
 - b) Final approval of the minutes will be made at the next Commission meeting.
2. Minutes of each meeting of the Commission are considered a public record. A draft version of the Minutes will be disclosed at least 7 days before the next Commission meeting.

Article VII: Rules of Order

1. The Commission will generally follow, as a guide, the Roberts Rules of Order where such rules do not conflict with state law and these Bylaws.
2. Voting
 - a) Each voting Commission member is allowed one vote per member.
 - b) A simple majority of the voting members of the Commission constitutes a quorum for the transaction of all business.

c) Within the scope of their duties, a simple majority of the quorum present is required for the determination of any action to be taken.

d) Members shall abstain from voting if they are found to have a conflict of interest under Article VIII.

e) The co-Chairs, as a voting members, may make or debate a motion on an action item.

Article VIII: Conflict of Interest

1. All members shall disclose conflicts of interest to the co-Chairs, including uncertain or potential conflicts, as soon as the conflict becomes apparent. Members have an ongoing duty to disclose any conflicts of interest.

2. A disclosure of a conflict, including refraining from voting on applicable items, shall be made at all applicable times.

3. Disclosure of any conflicts of interest shall be recorded in the meeting minutes.

4. A member who discloses and has been found to have a conflict of interest by the Commission must not participate in any discussion on any matter related to the subject of the conflict or influence or vote in those areas where a conflict has arisen.

Article IX: Bylaws

These Bylaws represent the rules of governance for the Commission. These bylaws may be amended at any meeting of the Commission, as long as written notice of the proposed amendment is provided to the membership at least three days prior to said Commission meeting and said proposed amendment then receives a simple majority of the voting members at said meeting.