

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1135
(Human Services Committee)
(At the request of the Department of Human Services)

AN ACT to amend and reenact subsections 5 and 10 of section 39-01-15, section 50-06.1-16, subsection 1 of section 54-07-01.2, and section 54-44.3-20 of the North Dakota Century Code, relating to consolidating the committee on employment of people with disabilities into the state rehabilitation council and updating the categories of positions in the state service.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 5 and 10 of section 39-01-15 of the North Dakota Century Code are amended and reenacted as follows:

5. Except as provided in this subsection, two dollars of each fee for issuance of a certificate and one dollar of each fee for issuance of an additional certificate under this section must be deposited in the state highway department fund for purposes of defraying the cost of issuing the certificate. The rest of the fee, and the five dollar fee received for the issuance of an additional certificate under subsection 4, must be deposited in the state treasury and credited to the ~~employment of people with disabilities~~state rehabilitation council fund. The fees deposited in the fund are hereby appropriated on a continuing basis to the department of human services for use by the ~~committee on employment of people with disabilities~~state rehabilitation council to accomplish the ~~committee's~~council's statutory duties provided under section 50-06.1-16. If a certificate is lost, mutilated, or destroyed, the individual to whom the certificate was issued is entitled to a replacement. The individual shall furnish proof satisfactory to the director that the certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars.

10. An individual may not stop, stand, or park any vehicle in any designated parking space that is reserved for the mobility impaired unless the vehicle displays a mobility-impaired identification certificate issued by the director to a mobility-impaired individual. A mobility-impaired individual may not permit the use of a certificate issued under this section by an individual who is not mobility impaired when that use is not in connection with the transport of the mobility-impaired individual. The registered owner of a vehicle may not allow that vehicle to be used in a manner that violates this subsection. Proof of intent is not required to prove a registered owner's violation of this subsection. The registered owner, however, may be excused from a violation if the owner provides the citing authority with the name and address of the individual operating the vehicle at the time of the violation. A vehicle may temporarily use a space reserved for a mobility-impaired individual without a mobility-impaired certificate for the purpose of loading and unloading a mobility-impaired individual. A violation of this subsection is a nonmoving violation for which a fee of one hundred dollars must be imposed. Notwithstanding section 29-27-02.1, fifty percent of the fee imposed and collected under this subsection is appropriated on a continuing basis to the ~~local committee on persons with disabilities, if one exists in the city in which the violation occurred,~~state rehabilitation council for the development of job competitive and integrated employment opportunities for disabled individuals in the community.

SECTION 2. AMENDMENT. Section 50-06.1-16 of the North Dakota Century Code is amended and reenacted as follows:

50-06.1-16. ~~Committee on employment of people with disabilities -- Appointment -- Expenses -- Director -- Duties -- Annual report~~State rehabilitation council.

1. ~~There is established a committee on employment of people with disabilities~~state rehabilitation council in accordance with section 105 of the Rehabilitation Act of 1973 [29 U.S.C. 725].
 - a. ~~The governor shall appoint four members of the public to serve as committee members with terms of three years, staggered so the terms of at least one but no more than two members expire July first of each year:~~
 - (1) ~~The executive director of the North Dakota association of community providers or a designee of the director;~~
 - (2) ~~One community employer representative;~~
 - (3) ~~One individual with a disability; and~~
 - (4) ~~One family member of an individual with a disability.~~
 - b. ~~The following five individuals shall serve on the committee as ex officio members:~~
 - (1) ~~The director of the department of commerce division of workforce development, or the director's designee;~~
 - (2) ~~The director of the department of human services division of vocational rehabilitation, or the director's designee;~~
 - (3) ~~The superintendent of public instruction's director of special education, or the director's designee;~~
 - (4) ~~The director of the protection and advocacy project, or the director's designee; and~~
 - (5) ~~The head of the department of human services developmental disabilities programs, as identified by the executive director of the department of human services.~~
 - c. ~~A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for only the remainder of the unexpired term.~~
2. ~~The public members of the committee are entitled to be paid for mileage and actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees.~~
3. ~~The goal of the committee is to remove barriers in reaching and identify how to further the goal of public and private employers considering competitive and integrated employment as the first option when supporting individuals with disabilities who are of working age to obtain employment. As used in this section:~~
 - a. ~~"Competitive employment" means work in the competitive labor market which is performed on a full-time or part-time basis in an integrated setting, and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by an individual who does not have a disability.~~
 - b. ~~"Integrated setting" means with respect to an employment outcome, a setting typically found in the community in which applicants or eligible individuals interact with individuals who do not have a disability, other than individuals who do not have a disability who are providing services to those applicants or eligible individuals, to the same extent that individuals without a disability in comparable positions interact with others.~~

4. The ~~committeestate~~ rehabilitation council:

- a. ~~At the call of the chairman, shall meet at least quarterly~~ Shall fulfill the duties outlined in section 105 of the Rehabilitation Act of 1973 [29 U.S.C. 725].
- b. Shall collaborate, coordinate, and improve employment outcomes for working-age adults with disabilities, including:
 - (1) Reviewing and aligning policies, procedures, eligibility, and enrollment and planning for services for individuals, with the objective of increasing opportunities for community employment for North Dakotans with disabilities.
 - (2) Developing cross-agency tools to document eligibility, order of selection, assessment, and planning for services for individuals with disabilities.
 - (3) Identifying best practices, effective partnerships, sources of available federal funds, opportunities for shared services among existing providers, and means to expand model programs to increase community employment opportunities for individuals with disabilities.
 - (4) Identifying and addressing areas where sufficient support is not currently available or where additional options are needed to assist individuals with disabilities to work in competitive employment in integrated settings.
 - (5) Establishing interagency agreements to improve coordination of services and allow for data sharing as appropriate to assist individuals with disabilities.
 - (6) Setting benchmarks for improving community employment outcomes and services for individuals with disabilities.
- e. ~~Before January first of each year, shall issue an annual report. The committee shall submit the annual report to the governor and the legislative management. The report must detail the committee's activities, the committee's goals, and the progress the committee has made in reaching these goals. State agencies shall cooperate with the committee on the creation and dissemination of the annual report. The annual report must include identification of barriers to achieving the committee's goals and must include identified strategies and policies that can help the committee realize its goals.~~

~~5-3.~~ The department of human services division of vocational rehabilitation shall provide the ~~committeestate~~ rehabilitation council with administrative services.

SECTION 3. AMENDMENT. Subsection 1 of section 54-07-01.2 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1, 12-55.1-02, 12-59-01, 15-39.1-05.1, 15.1-01-01, 15.1-13-02, 20.1-02-23, 23-01-02, 23-25-02, 36-01-01, 37-18.1-01, 50-06-05.6, ~~50-06.1-16~~, 54-34.3-10, 54-54-02, 55-01-01, 61-02-04, and 61-28-03, all members of the following boards and commissions must, subject to the limitations of this section, be considered to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor:
 - a. The aeronautics commission.
 - b. The milk marketing board.
 - c. The dairy promotion commission.
 - d. The state banking board.

- e. The state credit union board.
- f. The advisory board of directors to the Bank of North Dakota.
- g. The pardon advisory board.
- h. The state parole board.
- i. The state board of public school education.
- j. The education standards and practices board.
- k. The board of trustees of the teachers' fund for retirement.
- l. The state game and fish advisory board.
- m. The health council.
- n. The air pollution control advisory council.
- o. The board of animal health.
- p. The administrative committee on veterans' affairs.
- q. The committee on aging.
- ~~r. The committee on employment of people with disabilities.~~
- ~~s. The commission on the status of women.~~
- ~~t.s.~~ The North Dakota council on the arts.
- ~~u.t.~~ The state historical board.
- ~~v.u.~~ The state water commission.
- ~~w.v.~~ The state water pollution control board.

SECTION 4. AMENDMENT. Section 54-44.3-20 of the North Dakota Century Code is amended and reenacted as follows:

54-44.3-20. Categories of positions in the state service.

All positions in the state service are included in the classified service except:

1. Each official elected by popular vote and each person appointed to fill vacancies in an elective office, one principal assistant, and one private secretary.
2. Members of boards and commissions required by law.
3. Administrative heads of departments required by law, other than the superintendent of North Dakota vision services - school for the blind, the superintendent of the school for the deaf, and the state librarian.
4. Officers and employees of the legislative branch of government.
5. Members of the judicial branch of government of the state of North Dakota and their employees and jurors.

6. Persons temporarily employed in a professional or scientific capacity as consultants or to conduct a temporary and special inquiry, investigation, or examination for the legislative branch of government or a department of the state government.
7. Positions deemed to be inappropriate to the classified service due to the special nature of the position as determined by the division and approved by the board.
8. Employees of the institutions of higher education under the control of the state board of higher education.
9. Members and employees of occupational and professional boards.
10. Officers and employees of the North Dakota mill and elevator association.
11. ~~The director of the committee on employment of people with disabilities of the department of human services.~~
- ~~12.~~ Positions referred to under law as serving at the pleasure of or at the will of the appointing authority.
- ~~13.~~12. Licensed teachers engaged in teaching at the North Dakota youth correctional center, North Dakota vision services - school for the blind, and the school for the deaf.
- ~~14.~~13. Officers of workforce safety and insurance.
- ~~15.~~14. Officers and employees of the department of commerce.
- ~~16.~~15. Attorneys employed by the insurance commissioner.
- ~~17.~~16. Engineers, engineering technicians, and geologists employed by the director of mineral resources.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1135.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2017.

Approved at _____ M. on _____, 2017.

Governor

Filed in this office this _____ day of _____, 2017,

at _____ o'clock _____ M.

Secretary of State