

House Human Services Committee
Sixty-Seventh Legislative Assembly of North Dakota
Senate Bill No. 2256
March 9, 2021

Good afternoon, Chairman Weisz and Members of the House Human Services Committee. I am David Boeck, a State employee and a lawyer for the Protection & Advocacy Project. The Protection & Advocacy Project is an independent state agency that acts to protect people with disabilities from abuse, neglect, and exploitation, and advocates for the disability-related rights of people with disabilities.

The original Senate Bill 2256 arose from concerns shared by numerous individuals with disabilities and members of several disability-related groups. After the Senate hearing, it was apparent that the original Senate Bill 2256 had not been worded to accurately express the intent of the involved individuals and disability-related groups.

The First Engrossment looks quite different from what had been intended. The Department of Human Services testified critically on the original bill. After inquiry, the Senate Human Services Committee invited the Department of Human Services to suggest amendments that would convert the bill to one the Department could support.

As more clearly stated in amendments being proposed, the study should focus on individuals with developmental disabilities, who do not have intellectual disabilities or cognitive impairments. These are

Exhibit A to Testimony of David Boeck, Protection & Advocacy Project
SB 2256 as it would look if the House accepts all amendments
proposed by the Protection & Advocacy Project on behalf of the
individuals and disability-related groups behind the original SB 2256

A BILL for an Act to provide for a legislative management study of the
state's responsibility to ensure adequate treatment, services, and
habilitation in the least restrictive settings for individuals who have
developmental disabilities but who do not have cognitive impairments
or intellectual disabilities; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA
SECTION 1. LEGISLATIVE MANAGEMENT STUDY - DEVELOPMENTAL
DISABILITIES SERVICES.

During the 2021-22 interim, the legislative management shall
study the state's responsibility to enable all individuals with
developmental disabilities to receive appropriate treatment, services,
and habilitation for those disabilities in the least restrictive appropriate
settings, consistent with the legislative purpose in enacting section 2
of chapter 294 of the 1981 session laws, "rights of the

developmentally disabled," now codified at section 25-01.2-02 of the century code.

1. The study must include
 - a. The state's programs for individuals who have a developmental disability and developmental disability-related needs for treatment, services, or habilitation but who do not have a cognitive impairment or intellectual disability;
 - b. Recommendations for modifications to existing programs and development of any new programs to enable individuals with developmental disabilities who do not have cognitive impairments or intellectual disabilities to obtain appropriate treatment, services, and habilitation in the least restrictive settings;
 - c. Efforts undertaken and services offered by other states, for similar populations, including the planning and implementation process for modifications of current programs and any new programs;
 - d. The impact of providing appropriate treatment, services, and habilitation in the least restrictive

appropriate setting, arising from a well-designed expansion of current and development of new human services programs; including the number of individuals impacted, associated costs and timelines for implementation; and

2. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement those recommendations, to the sixty-eighth legislative assembly.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to legislative management for the purpose of selecting a consultant to assist legislative management in the study related to the state's developmental services, for the biennium beginning July 1, 2021, and ending June 30, 2023.