



— State of —  
**North Dakota**  
*Office of the Governor*

**John Hoeven**  
*Governor*

**EXECUTIVE ORDER 2010-15**

**WHEREAS**, the State of North Dakota is committed to community-based alternatives for individuals with disabilities, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement and the State can reasonably accommodate the placement, taking into account the resources available to the State and the needs of others with disabilities; and

**WHEREAS**, on June 19, 2001, President George W. Bush issued an Executive Order directing the United States Attorney General, the Secretaries of Health and Human Services, Education, Labor and Housing and Urban Development to work closely with individual States to implement the decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), particularly with those States that choose to develop comprehensive, effective plans to provide services to qualified individuals under the criteria set forth in *Olmstead*; and

**WHEREAS**, Executive Order 2001-07 regarding the North Dakota Olmstead Commission requires revision to ensure the commission can properly conduct its duties, which consist of providing appropriate community based-placement for individuals with disabilities, consistent with the needs and available resources of the State.

**NOW, THEREFORE**, I, John Hoeven, by the authority invested in me as Governor of the State of North Dakota, hereby order and direct the following:

The continuation of the North Dakota Olmstead Commission, appointed by the Governor, consisting of the following members, who serve at the pleasure of the Governor:

The commission shall consist of the following:

- A representative of the Office of the Governor, who shall serve as co-chair.
- The Executive Director of the Department of Human Services, or her designee, who shall serve as co-chair.
- A member of the North Dakota Senate.
- Two members of the North Dakota House of Representatives.
- A representative of the Mental Health Association of North Dakota.
- A representative of the ARC of North Dakota.

- A representative of the North Dakota Protection and Advocacy Project.
- A representative of the AARP of North Dakota.
- A representative of the North Dakota State Council for Independent Living.
- A representative of the public at large.
- A representative of the North Dakota Indian Affairs Commission.
- A representative of the North Dakota State Council on Developmental Disabilities.

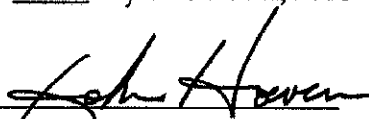
I shall select all representatives, giving consideration to nominations submitted by each entity represented on the commission.

It is further ordered that this Order supersedes and replaces Executive Order 2001-07.

The Governor is vested with the executive authority to issue this Order pursuant to Article V, Section 1 and 7 of the North Dakota Constitution. This order is intended only to improve the internal management of the State of North Dakota and does not create any enforceable right or benefit.

This Order is effective immediately and will continue until further order of the Governor.

Executed in Bismarck, North Dakota this 26 day of October, 2010.

  
\_\_\_\_\_  
John Hoeven  
Governor

ATTEST:

  
\_\_\_\_\_  
Secretary of State

\_\_\_\_\_  
Deputy

## EXECUTIVE ORDER 2001-07

WHEREAS, the State of North Dakota is committed to community-based alternatives for individuals with disabilities, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement and the State can reasonably accommodate the placement, taking into account the resources available to the State and the needs of others with disabilities; and

WHEREAS, on June 19, 2001, President George W. Bush issued an Executive Order directing the United States Attorney General, the Secretaries of Health and Human Services, Education, Labor and Housing and Urban Development to work closely with individual States to implement the decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), particularly with those States that choose to develop comprehensive, effective plans to provide services to qualified individuals under the criteria set forth in *Olmstead*; and

WHEREAS, it is in the best interest of all North Dakotans to continue our strong effort to provide community-based placement for individuals with disabilities in a manner consistent with the needs and resources of our State.

NOW, THEREFORE, I, John Hoeven, Governor of the State of North Dakota, do hereby establish the North Dakota Olmstead Commission to develop a plan to implement the *Olmstead* decision by providing appropriate community-based placement for individuals with disabilities, consistent with the needs and available resources of the State.

Such a plan shall be submitted to me in the form of recommendations for executive and legislative consideration no later than the convening of the 2003 legislative session.

The commission shall consist of the following:

A representative of the Office of the Governor, who shall serve as co-chair.

The Attorney General, or his designee.

The Executive Director of the Department of Human Services, or her designee, who shall serve as co-chair.

The Director of the Office of Management & Budget, or his designee.

A member of the North Dakota Senate.

Two members of the North Dakota House of Representatives.

A representative of the Mental Health Association of North Dakota.

A representative of the ARC of North Dakota.

A representative of the North Dakota Protection and Advocacy Project.

A representative of the AARP of North Dakota.

A representative of the North Dakota State Council for Independent Living.

A representative of the public at large.

I shall select all representatives, giving consideration to nominations submitted by each entity represented on the commission.

This order is issued pursuant to Article V, Sections 1 and 7 of the North Dakota Constitution. This order is intended only to improve the internal management of the State of North Dakota and does not create any enforceable right or benefit.

Executed at Bismarck, North Dakota, this 7<sup>th</sup> day of August, 2001.