



EXECUTIVE ORDER 2024-05

WHEREAS, the State of North Dakota is committed to providing opportunities for community integration and inclusion for individuals with disabilities; North Dakota strives to be a place where individuals with disabilities are living, learning, working and enjoying life in the least restrictive setting possible, considering the resources available 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. LC*, 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 2018-05.1 requires revision to clarify the Olmstead Commission's advisory role and governance structure, so as to move the State toward greater integration and inclusion for individuals with disabilities with respect to community services and supports, health care, housing, employment, education and transportation.

NOW, THEREFORE, pursuant to the authority vested in the Governor of the State of North Dakota, it is hereby ordered:

1. The North Dakota Olmstead Commission shall consist of eleven voting members representing the State, community services and supports, and citizens. A representative of the Governor's Office and a public member, chosen by the Governor, shall serve as the Commission Co-Chairs. Voting members shall include:

- A representative of the Office of the Governor;
- A member of the North Dakota Senate;
- A member of the North Dakota House of Representatives;
- A representative of the Judicial Branch;
- A member representing access to core services necessary for inclusion and community integration, such as education, health care or other public services;
- Two representatives of individuals with disability groups that include a cross-section of:
 - Individuals with physical, cognitive, sensory, and mental disabilities; and
 - Representatives of individuals who have difficulty representing themselves or are unable to represent themselves due to their disabilities.

- A member representing access to services and supports that focus on inclusion and community integration;
 - A member representing affordable, accessible living options that focus on inclusion and community integration; and
 - Two representatives of the public at large with expertise that would further the purpose of the Olmstead Commission.
2. Voting Commission members representing the Legislative Assembly and the Judicial Branch shall be appointed by Legislative Management and the Chief Justice, respectively. All other voting members shall be appointed by the Governor, with consideration given to input provided by individuals represented by the commission members as described in Section 1. All members appointed to the Commission serve at the pleasure of the appointing entity and may be removed, for cause, by the appointing entity prior to the expiration of their term.
 3. The members representing the Governor's Office, Legislative Assembly and the Judicial Branch will have open terms and not be subject to term limits.
 4. The initial terms of appointment are as follows:
 - i. The terms of the member representing access to core services necessary for inclusion and community integration, such as education, health care or other public services, and one member of the public at large shall serve an initial term ending on June 30, 2025.
 - ii. The terms of both representatives of individuals with disability groups, and the public at large co-chair shall serve an initial term ending on June 30, 2026.
 - iii. The terms of the member representing affordable, accessible living options that focus on inclusion and community integration, and the member representing access to services and supports that focus on inclusion and community integration shall serve an initial full term, ending on June 30, 2027.
 5. Following the initial terms of appointment as prescribed in Section 4, each subsequent appointment term shall be for a duration of three years. Each subsequent appointment shall be made by the appointing entities as prescribed in Section 2. Members initially appointed under Section 4(i) may be reappointed for a total of two additional three-year terms. Members initially appointed under Sections 4(ii-iii) may be reappointed for one additional three-year term.
 6. Following the initial appointments described in Section 4 and reappointments described in Section 5, all other newly appointed members may serve three-year terms up to a total of two consecutive terms. The term limits under this Section do not apply to the members representing the Governor's Office, Legislative Assembly and Judicial Branch as stated in Section 3.
 7. Non-voting members shall include the Executive Directors or Officers of the following state agencies, or a designee:

- Department of Labor and Human Rights
- Department of Health and Human Services;
- Department of Public Instruction;
- Department of Commerce;
- Job Service North Dakota;
- Department of Transportation;
- North Dakota Indian Affairs Commission;
- North Dakota Industrial Commission, Housing Finance Agency.

6. The Olmstead Commission shall meet at the call of the Co-Chairs. Once every two years, in the spring of even-numbered years, the Commission shall present its Olmstead Plan to the Department of Health and Human Services and the Office of the Governor. The Commission may, with concurrence of the Department of Health and Human Services and the Governor's Office, recommend legislation for greater integration and inclusion for individuals with disabilities with respect to community services and supports, health care, housing, employment, education and transportation.

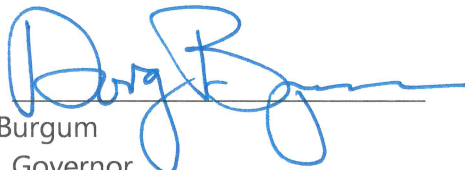
7. All Executive Branch agencies shall provide assistance and support to the Commission as appropriate and as requested.

8. The Commission may create subgroups for purposes of seeking expertise and input on community services and supports, health care, housing, employment, education and transportation.

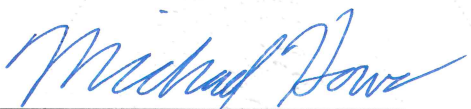
The Governor is vested with the executive authority to issue this Order pursuant to Article V, Sections 1 and 7 of the North Dakota Constitution. This Order supersedes and replaces Executive Order 2018-05.1.

This Executive Order is effective immediately and will remain in effect until rescinded.

Executed at the State Capitol, Bismarck, North Dakota, this 15th day of August 2024.


Doug Burgum
Governor

ATTEST:



Michael Howe