

Testimony
SCR 4018 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
February 5, 2007

Chairman Lee, members of the Senate Human Services Committee, I am Carol K. Olson, the Executive Director of the Department of Human Services. I am here today to testify in support of Senate Concurrent Resolution number 4018.

On August 7, 2001, by Executive Order¹, Governor John Hoeven, created the North Dakota Olmstead Commission. This Commission was created to deal with the issues raised by the United States Supreme Court decision in *Olmstead v. L.C.*² which addressed the Americans with Disabilities Act of 1990. The decision states that there may be a violation of the ADA if a State fails to find community placements for institutionalized individuals with disabilities in certain circumstances.

The recommendation for this resolution came out of the Olmstead Commission. The Commission consists of the following or their designees: a representative of the Office of the Governor; the Attorney General; the Executive Director of the Department of Human Services; the Director of the Office of Management & Budget; the Executive Director of the Indian Affairs Commission; 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

¹ Executive Order No. 2001-07

² *Olmstead v L.C. ex rel. Zimring*, 527 U.S. 581, 119 S.Ct. 2176, 144 L.Ed.2d 540 (1999)

North Dakota; a representative of the North Dakota State Council for Independent Living; and a representative of the public at large.

The Commission appointed a workgroup from its members to work collaboratively to develop an "Olmstead Plan" as suggested in the *Olmstead* decision for the State of North Dakota. This resolution came as a result of the efforts to develop an Olmstead Plan and was designed to be a definitive statement of the State's undertaking to enhance community services for individuals with disabilities. It recognizes that the State of North Dakota is committed to community-based alternatives for individuals with disabilities, whenever 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. This resolution would send a message that the State pledges to provide an array of care choices to individuals with disabilities so that these individuals may live in a community setting whenever it is desired and appropriate.

This concludes my testimony. I would be happy to respond any questions you may have. Thank you.