NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-12.1

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States; and,

WHEREAS, on March 13, 2020, a state of emergency was declared in the State of North Dakota through Executive Order 2020-03, in response to the public health crisis resulting from the novel coronavirus (COVID-19); this Order activated the North Dakota State Emergency Operations Plan (SEOP) to assist local and tribal officials, to prevent injuries and save lives, alleviate hardships, implement appropriate response and recovery actions and future mitigation measures, and facilitate restoration of services and infrastructure; and,

WHEREAS, on March 25, 2020, under Executive Order 2020-12, it was determined reasonable and necessary to suspend certain provisions of Title 65, North Dakota Century Code, in order to extend eligibility for workers' compensation benefits to first responders and health care providers assisting in the State's response to the COVID-19 emergency. This was necessary to reduce the risk of economic hardship for those front-line workers required to be engaged in the fight against COVID-19; and,

WHEREAS, those professionals, such as funeral directors, who provide the care, removal, and final disposition of the deceased are also part of the continuum of care for individuals infected with the COVID-19 virus; and,

WHEREAS, to mitigate the risk of economic hardship and to ensure adequate funeral practitioner resources are available to meet the needs of communities when death occurs during the COVID-19 emergency, extension of the benefits provided under Executive Order 2020-12 to funeral directors and other individuals employed in funeral homes, who provide for the care, removal, and final disposition of the deceased, is necessary and appropriate.

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code 37-17.1, hereby orders that the eligibility for workers' compensation benefits provided in Executive Order 2020-12 be extended to funeral directors and other individuals employed in funeral homes, who provide for the care, removal and final disposition of the deceased, provided that any funeral director or employee who tests positive for COVID-19 demonstrate the virus resulted from exposure to a deceased individual who tested positive for COVID-19.

This order is issued upon the following basis and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1, of the North Dakota Constitution.

2. The Governor is vested with statutory authority to issue executive orders, to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code.

3. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.

This order is in effect immediately and shall remain in effect for the duration of the declared state of Emergency.

Executed at Bismarck, North Dakota, this 16th day of April, 2020.

Doug Burgum
Governor

ATTEST:

Secretary of State