NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-31

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, a state of emergency was declared by Governor Doug Burgum on March 13, 2020, in response to the public health crisis resulting from COVID-19; Executive Order 2020-03 activated the State Emergency Operations Plan (SEOP), implementing appropriate response and recovery actions and future mitigation measures; and,

WHEREAS, with the guidance and assistance of the State Health Officer and the Director of Emergency Services, the State is actively responding to the crisis; significant efforts have been made by all state agencies and offices, as well as North Dakota citizens, to exercise preventative measures to control the spread of COVID-19, including working from home, engaging with friends and family remotely, conducting business meetings virtually, and limiting group gatherings to no more than 10 people; and,

WHEREAS, in the interest of public health and safety, to further the recommendations issued by the State Health Officer and the Centers for Disease Control and Prevention, to exercise social distancing and eliminate all non-essential travel, it is necessary to suspend the operation of certain statutes that require public meetings of public entities in a specific location; and,

WHEREAS, Executive Order 2020-16, issued on March 30, 2020, acknowledged the interests of public health and safety allowed public meetings by remote means, to protect the health and safety of the members of our governing bodies and members of the public.

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 Chapter 37-17.1, hereby orders temporary suspension of certain administrative rules, as follows:

1. The operation of the Department of Environmental Quality's (the Department) rules in North Dakota Administrative Code (N.D. Admin. Code) Title 33.1 that require the Department to hold public hearings on proposed permits in specific locations, is hereby suspended.

2. In furtherance of this Order, Notice of public hearings must include a video or audio

conference calling number for public testimony and input, as well as a conference calling number or an electronic link for real time or live stream public attendance at the meeting.

3. If a public hearing has been properly noticed and scheduled pursuant to N.D. Admin. Code Title 33.1, the Department may conduct the hearing by remote means; notice of the remote hearing must be immediately posted on the Department's webpage and its listserv; to the extent practicable and as time permits, notice will be posted in the official county newspaper. The Department's notice of hearing by remote means must include a video or audio conference electronic link or dial-in number for public testimony and input, as well as a conference calling number or an electronic link for real time or live stream public attendance at the hearing.

4. The operation of rules in N.D. Admin. Code Title 33.1 regarding the hearing not consistent with this order is hereby suspended.

This order is issued based upon the following authority 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 will become effective immediately and shall remain in effect for the duration of the declared state of emergency.

Executed at Bismarck, North Dakota, this 8th day of May, 2020.

Doug Burgum, Governor

ATTEST:

Secretary of State