NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-26

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 Operations, the State is actively responding to the crisis and working to gather, coordinate, and deploy goods, services, professionals and volunteers of all types and kinds; and,

WHEREAS, State agencies currently have surplus property, including personal protective equipment, that would benefit other agencies actively engaged in managing the current public health emergency; and,

WHEREAS, based upon these factors, strict compliance with the provisions of certain state statutes will prevent, hinder or delay necessary action to manage the COVID-19 declared emergency.

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 (NDCC) Chapter 37-17.1, and in consultation with the State Health Officer, the Director of Emergency Services, and the Director of the Office of Management and Budget, find it is reasonable and necessary to temporarily suspend rules and procedures requiring fair market value be exchanged for the disposal of certain State surplus property as follows:

1. Effective March 13, 2020, N.D.C.C. 54-44-04.6(3) shall be suspended as it pertains to the donation or transfer of surplus property that is directly related to the COVID-19 response, limited to, medical supplies or personal protective equipment being transferred to the North Dakota Department of Health or other state agency, political subdivisions, or any eligible charitable organizations.

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 N.D.C.C. Chapter 37-17.1.
3. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.

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

Doug Burgum
Governor

ATTEST:

Secretary of State