



# State of North Carolina

**ROY COOPER**  
GOVERNOR

November 1, 2024

## EXECUTIVE ORDER NO. 326

### DIRECTING DONATIONS OF SURPLUS PROPERTY TO AGENCIES AND LOCAL GOVERNMENTS IN RESPONSE TO HURRICANE HELENE

**WHEREAS**, Hurricane Helene (“Helene”) entered the State of North Carolina on September 26, 2024 as a tropical storm; and

**WHEREAS**, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

**WHEREAS**, on September 25, 2024, the undersigned issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

**WHEREAS**, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

**WHEREAS**, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

**WHEREAS**, state agencies and local governments in the affected areas lost or had destroyed property that is essential to serving the people of North Carolina; and

**WHEREAS**, recovery and rebuilding from the devastation of Helene may require resources that agencies, local governments, non-profits, or public schools currently do not possess; and

**WHEREAS**, state agencies have surplus property that may be beneficial to other state agencies, political subdivisions, public schools and non-profits in the state that are assisting in the recovery effort; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 143-64.01, the North Carolina Department of the Administration (“DOA”) is designated as the state agency for surplus property under the supervision of the Secretary of DOA; and

**WHEREAS**, pursuant to 01 N.C. Admin. Code 43A.0305, the Governor may direct the disposal of surplus property to any state agency, or political subdivision in response to a declared emergency; and

**WHEREAS**, currently, the State Surplus Property Agency, is constrained from facilitating the donation of surplus property to some types of non-profit organizations; and

**WHEREAS**, non-profit organizations can effectively utilize state surplus property for restoration and recovery efforts, including using donated lumber to assist with rebuilding; and

**WHEREAS**, to expedite the donation or low-cost transfer of state surplus property to non-profits for purposes of restoration and recovery efforts related to Helene, the undersigned has determined that the Secretary of DOA requires the authority to temporarily waive enforcement of legal constraints and regulatory requirements as necessary; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 143B-1321(a)(1-2) the North Carolina Department of Information Technology ("DIT") is responsible for providing information technology support and services to state agencies, local government entities, and others as may be required; and

**WHEREAS**, under N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind the necessary orders, rules, and regulations within the limits of the authority conferred through the Emergency Management Act with due consideration of the policies of the federal government; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(3), the undersigned may delegate any authority vested in him under the Emergency Management Act and provide for the sub-delegation of that authority; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7), the undersigned is authorized and empowered to utilize the services, equipment, supplies, and facilities of departments, offices, and agencies of the state in response to the emergency; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(2), the undersigned may establish a system of economic controls over all resources, materials, and services; and

**WHEREAS**, pursuant to Article III § 1 of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1. Transfers of Surplus State Property**

1. The undersigned authorizes the disposition of state surplus property by donation or transfer to any state agency, or political subdivision of the state to abate the effects of Helene or assist with rebuilding. DOA may rely upon the written statement of these organizations that the transferred property is being used for Helene recovery.
2. The undersigned delegates to the Secretary of DOA the authority to waive or modify enforcement of requirements limiting the prompt donation of state surplus property, including without limitation N.C. Gen. Stat. § 143-64.02 and 01 N.C. Admin. Code 43A. 0304, to any nonprofit tax-exempt organization under Section 501(c)(3) of the United States Internal Revenue Code that is assisting with relief efforts related to Helene or public school system affected. DOA may rely upon the written

confirmation by the non-profit's leadership that the transferred property will be used for Helene recovery.

3. For transfers or donations of computers or other technology, DIT shall be consulted to ensure assets are secure and safe to be distributed.

### **Section 2. Implementation of this Executive Order**

The undersigned authorizes the Secretaries of DOA and DIT or the Secretaries' designees, to carry out Section 1 of this Executive Order. All North Carolina state agencies, political subdivisions, and public-school systems affected by Helene are encouraged to contact the State Surplus Property Agency to identify what inventory is available for donation or transfer.

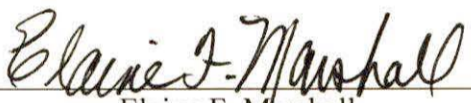
### **Section 3. Effective Date**

This Executive Order is effective immediately and shall remain in effect through the duration of the State of Emergency unless repealed, replaced, or rescinded by another applicable Executive Order, unless otherwise noted.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 1<sup>st</sup> day of November in the year of our Lord two thousand and twenty-four.

  
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Roy Cooper  
Governor

**ATTEST:**

  
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Elaine F. Marshall  
Secretary of State

