STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-35

Extending the COVID-19 Peacetime Emergency Declared in Executive Order 20-01

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic continues to present an unprecedented and rapidly evolving challenge to our State. Since the World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020, confirmed cases of COVID-19 in Minnesota have rapidly increased. On March 15, 2020, Minnesota detected the first confirmed cases caused by "community spread"—infections not epidemiologically linked to overseas travel. By March 17, 2020, all fifty states had reported a confirmed case of COVID-19, and on March 21, 2020, the Minnesota Department of Health announced the first confirmed fatality due to COVID-19 in Minnesota.

Minnesota has taken extraordinary steps to prevent and respond to the COVID-19 pandemic. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency under Minnesota Statutes 2019, section 12.31, subdivision 2. On March 16, 2020, the Executive Council approved the extension of the peacetime emergency. Since declaring a peacetime emergency, I have exercised executive authority through more than thirty Executive Orders to provide relief and further prepare our state for the COVID-19 pandemic. Such actions have included the closure of schools and implementation of a distance learning period; enhanced protections for veterans in our veterans homes; activation of the National Guard to assist in relief efforts; measures to preserve personal protective equipment; temporary closure of bars, restaurants, and other places of public accommodation; efforts to provide economic relief and stability to those impacted by the pandemic; regulatory changes allowing our state agencies and licensing boards to ensure fast relief to Minnesotans; and orders directing Minnesotans to stay at home to slow the spread of the virus. Our actions have saved lives, but the threat remains, and our work must continue.

Community spread of COVID-19 continues to increase in Minnesota and nationwide. As of April 12, 2020, Minnesota had 1,650 confirmed COVID-19 cases, with 361 hospitalizations and 70 fatalities. Also, as of April 12, 2020, the United States had over 525,704 cases with over

20,486 recorded fatalities. To date, 70 Minnesota counties have at least one confirmed COVID-19 case, and increased testing would likely show that COVID-19 is circulating in the few communities across Minnesota that have not yet identified a confirmed case.

In Minnesota Statutes 2019, section 12.31, subdivision 2(a), the Minnesota Legislature authorized the Governor to declare a peacetime emergency when an act of nature endangers life and property and local government resources are inadequate to handle the situation. With the approval of the Executive Council, a peacetime emergency may continue for up to 30 days. Minnesota Statutes 2019, section 12.31, subdivision 2(b), provides the mechanism for the Governor to extend a peacetime emergency beyond 30 days. If the Governor determines a need to extend a peacetime emergency declaration beyond 30 days, and the Legislature is not already sitting in session, the Governor must issue a call immediately convening both houses of the Legislature. When, as is currently the case, the Legislature is sitting in session, there is no need for the Governor to issue a call to convene the Legislature. The Legislature may terminate a peacetime emergency extending beyond 30 days by a majority vote of each house.

Although Minnesota law does not clearly impose additional requirements for an extension of a peacetime emergency beyond the initial 30 days, given the importance of this decision, I have concluded that the prudent course is to limit subsequent extensions to 30-day increments and seek the Executive Council's review and approval of such extensions.

For these reasons, I order as follows:

1. I have determined that the threat of the COVID-19 pandemic, an act of nature, continues to endanger life and property in Minnesota, and local resources are inadequate to address the threat. The peacetime emergency declared in Executive Order 20-01 must therefore continue beyond 30 days.

2. The peacetime emergency declared in Executive Order 20-01 is extended through May 13, 2020, until this Executive Order is rescinded by proper authority, or until it is terminated by a majority vote of each house of the Legislature pursuant to Minnesota Statutes 2019, section 12.31, subdivision 2(b), whichever occurs earlier.

3. Because the Legislature is currently sitting in regular session, there is no need to call a special session of the Legislature under Minnesota Statutes 2019, section 12.31, subdivision 2(b).

4. The peacetime emergency declared in Executive Order 20-01 and extended in this Executive Order may be further extended by an executive order on or before May 13, 2020.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on April 13, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on April 13, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed on April 13, 2020
Office of the Minnesota
Secretary of State,
Steve Simon