STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-53

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.

The President declared a national emergency related to COVID-19 on March 13, 2020. Since then, and for the first time in history, the President has approved major disaster declarations for all fifty states and the District of Columbia. Along with these federal actions and the actions of states across the nation, 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. On April 13, 2020, after notifying the Legislature, I issued Executive Order 20-35, extending the peacetime emergency declared in Executive Order 20-01. In this Executive Order, the peacetime emergency declared in Executive Order 20-01 and extended in Executive Order 20-35 is referred to as the "COVID-19 Peacetime Emergency."

In the past month, the COVID-19 pandemic's impact has only intensified in Minnesota. On April 12, 2020, Minnesota had 1,650 confirmed COVID-19 cases, with 361 hospitalizations and 70 fatalities. As of May 12, 2020, Minnesota has had over 12,000 confirmed COVID-19 cases, with over 1,700 hospitalizations and over 600 fatalities. We have continued to learn more about COVID-19's propensity to spread rapidly throughout our communities. Nobles County, for example, quickly went from having very few COVID-19 case to becoming a significant hotspot.

In addition, the spread of COVID-19 has now been confirmed in all but three of Minnesota's 87 counties. COVID-19 is also now present in over 170 long-term care facilities across the State. As a result, COVID-19 continues to place some of Minnesota's most vulnerable residents at risk.

During the COVID-19 Peacetime Emergency, I have exercised executive authority through more than fifty 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 asking 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.

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.

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, however, I concluded last month that the prudent course was to limit subsequent extensions to 30-day increments and seek the Executive Council's review and approval of such extensions. I will continue that course today.

For these reasons, I order as follows:

1. I have determined that 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 COVID-19 Peacetime Emergency must therefore continue.

2. The peacetime emergency declared in the COVID-19 Peacetime Emergency is extended through June 12, 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 COVID-19 Peacetime Emergency may be further extended by an executive order on or before June 12, 2020.

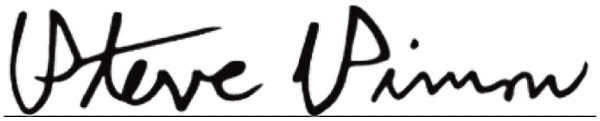
Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately.

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 May 13, 2020.

Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on May 13, 2020:

Alice Roberts-Davis
Secretary, Executive Council

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