STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-89

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. The World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020. 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 an extension of the peacetime emergency. After notifying the Legislature, on April 13, 2020, May 13, 2020, June 12, 2020, July 13, 2020, and August 12, 2020, I issued additional Executive Orders extending the peacetime emergency. In this Executive Order, the peacetime emergency declared in Executive Order 20-01 and extended in Executive Orders 20-35, 20-53, 20-75, 20-78, and 20-83 is referred to as the "COVID-19 Peacetime Emergency."

As a result of the COVID-19 pandemic, all fifty states are in states of emergency. This is because COVID-19 cases and deaths continue to proliferate. According to the United States Centers for Disease Control and Prevention ("CDC"), more than 6.3 million people have been infected in the United States, resulting in over 190,000 deaths. As it has with the rest of the nation, the COVID-19 pandemic continues to take its toll on Minnesota. The Minnesota Department of Health recently reported the largest one-day increase in positive cases since the pandemic began. Over the past week, Minnesota has averaged 751 positive cases reported per day, an increase of 13 percent from the average two weeks earlier. Minnesota has had over 82,000 confirmed COVID-19 cases, with over 6,800 hospitalizations and over 1,800 fatalities. We have continued to learn more about COVID-19's propensity to spread rapidly throughout our communities—both rural and urban—and continued action is necessary to mitigate its impacts.

As I have noted in previous Executive Orders, the COVID-19 Peacetime Emergency opens our toolbox to allow us to take swift action to protect the health and well-being of our families, communities, and businesses. During the COVID-19 Peacetime Emergency, I have exercised executive authority through numerous 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, health care providers, and licensing boards to ensure fast relief to Minnesotans; and orders requiring Minnesotans to stay at home to slow the spread of the virus.

On July 22, 2020, I issued Executive Order 20-81 requiring Minnesotans to wear a face covering in certain settings to prevent the spread of COVID-19. According to the CDC, face coverings are effective in preventing the transmission of respiratory droplets that may spread COVID-19. Ideally, face coverings should be worn in combination with other infection control measures, including social distancing, but face coverings are especially important in settings where social distancing is difficult to maintain. Many states are now mandating face coverings in certain settings to control the spread of COVID-19. As of September 11, 2020, 34 states, Washington D.C., and Puerto Rico have implemented a face covering requirement. Federal officials have applauded our efforts, supported our common sense initiatives, and encouraged us to "buckle down" in our efforts to keep each other safe from the virus. Our collective actions have saved lives, but the threat remains, and our work must continue.

Thanks to Minnesotans' compliance with previous executive orders, we have reopened most sectors of our economy. In consultation with public health and occupational safety experts, we have implemented science-driven protections to keep our citizens safe and our businesses open. Nonetheless, the science and experience of other states show that increased social interaction leads to an increased presence of the virus in our communities and increased demands on our health care system. Indeed, other states that relaxed pandemic-related restrictions too quickly saw dramatic outbreaks of the virus and needed to reinstate restrictions. To avoid the fate of those other states, we continue to need statewide coordination and resources to fight the pandemic. The State Emergency Operations Center provides ongoing support to local governments, and—as the appropriation of significant public funds to fight the pandemic plainly shows—local resources continue to be inadequate to address the threat.

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 sitting in session, the Governor must issue a call immediately convening both houses of the Legislature.

The Legislature adjourned its regular session on May 17, 2020. On June 10, 2020, July 10, 2020, and August 7, 2020, I issued proclamations calling the Legislature into special sessions. On September 9, 2020, I again issued a proclamation calling the Legislature into a fourth special session to begin today, September 11, 2020. 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, I previously concluded that the prudent course was to limit subsequent extensions to 30-day increments and seek the Executive Council's approval of such extensions. I 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 COVID-19 Peacetime Emergency is extended through October 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.

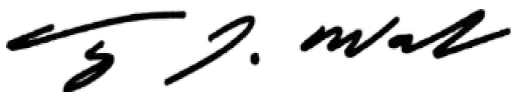
3. On September 9, 2020, I issued a proclamation calling a fourth special session of the Legislature beginning today, September 11, 2020, pursuant to Minnesota Statutes 2019, sections 4.03 and 12.31, subdivision 2(b).

4. The COVID-19 Peacetime Emergency may be further extended by an executive order on or before October 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 September 11, 2020.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on September 11, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed on September 11, 2020
Office of the Minnesota
Secretary of State,
Steve Simon