STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-25

Authorizing Peace Officers, Firefighters, and Security-Related Licensing Boards to Modify Requirements During the COVID-19 Peacetime Emergency

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 presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

In Minnesota Statutes 2019, section 12.02, subdivision 1, the Minnesota Legislature recognized the "existing and increasing possibility of the occurrence of natural and other disasters of major size and destructiveness" and conferred upon the Governor the emergency and disaster powers provided in Chapter 12 to "ensure the preparations of this state will be adequate to deal with disasters," to "generally protect the public peace, health, and safety," and to "preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the State's emergency management as well as carry out the provisions of Minnesota's Emergency Management Act. Pursuant to subdivision 3 of that same section, the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the pendency of a peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

Peace officers, emergency services providers, and security professionals are on the front lines of responding to the COIVD-19 pandemic. These workers keep Minnesotans and their communities safe and help ensure that critical services continue to be provided. For these dedicated professionals to continue supporting Minnesotans during the peacetime emergency, they need to maintain an active license.

Minnesota Rules 2019, Chapter 6700, pertaining to training and licensing, provides the requirements established by the Minnesota Board of Peace Officer Standards and Training ("POST Board") for renewal of licenses. These requirements are designed to promote the continuing professional competence of licensees. Minnesota Rules 2019, part 6700.1000 addresses the requirements established by the POST Board for license renewal and dictates that full- and part-time peace officer licenses are valid for a three-year period with a renewal date of June 30 on the third year of licensure. Peace officers are prohibited from working without an active license. During this peacetime emergency, compliance with licensing and continuing education requirements has become burdensome, and in some cases impossible, as many of the entities tasked with operations related to testing and education are not currently open or offering these services. I have concluded that during this peacetime emergency and to ensure that our peace officers can fully support Minnesotans during the COVID-19 pandemic, the POST Board must have the authority to appropriately modify licensing and continuing education requirements given the present constraints on the licensing and continuing education process.

Minnesota Statutes 2019, section 299N.05, subdivision 6, pertaining to license renewal, provides the requirements enforced by the Minnesota Board of Firefighter Training and Education for renewal of licenses designed to promote the continuing professional competence of licensees. A firefighter employed full-time by a fire department is not eligible for permanent employment without being licensed. During this peacetime emergency, compliance with licensing and continuing education requirements has become burdensome, and in some cases impossible, as many of the entities tasked with operations related to testing and education are not currently open or offering these services. I have concluded that during this peacetime emergency and to ensure that our firefighters can fully support Minnesotans during the COVID-19 pandemic, the Minnesota Board of Firefighter Training and Education must have the authority to appropriately modify licensing and continuing education requirements given the present constraints on the licensing and continuing education process.

Minnesota Statutes 2019, section 326.3383, pertaining to license reissuance, provides requirements enforced by the Minnesota Board of Private Detectives and Protective Agent Services for renewal of licenses designed to promote the continuing professional competence of licensees. Private security entities protect and guard people, businesses, and critical infrastructure. These private security entities are not allowed to operate without an active license. During this peacetime emergency, compliance with licensing and continuing education requirements has become burdensome, and in some cases impossible, as many of the entities tasked with operations related to testing and education are not currently open or offering these services. I have concluded that during this peacetime emergency and to ensure that our private detective and security professionals can fully support Minnesotans during the COVID-19 pandemic, the Minnesota Board of Private Detectives and Protective Agent Services must have the authority to appropriately modify licensing and continuing education requirements given the present constraints on the licensing and continuing education process.

For these reasons, I order as follows:

1. I authorize the POST Board to defer continuing education requirements until January 1, 2021 for all active peace officer licenses with an expiration date of June 30, 2020.

2. I authorize the Minnesota Board of Firefighter Training and Education to extend the June 30, 2020 expiration date for any license issued by the board to January 1, 2021, thereby allowing for such license holders to meet the continuing education and examination requirements of Minnesota Statutes 2019, sections 299N.04 and 299N.06.

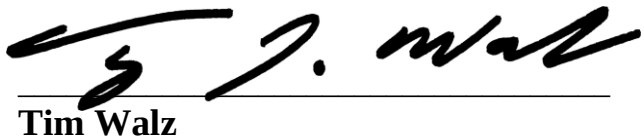
3. I authorize the Minnesota Board of Private Detectives and Protective Agent Services to temporarily suspend the license renewal period as prescribed in Minnesota Statutes 2019, section 326.3383. Such licenses will go into a contingent status and remain in contingent status until 60 days after the termination of the peacetime emergency declared in Executive Order 20-01, to the extent that this section requires license holders to submit renewal applications to the board for review and approval.

4. I authorize the Minnesota Board of Private Detectives and Protective Agent Services to temporarily suspend the license renewal period as prescribed in Minnesota Rules 2019, parts 7506.0110 and 7506.0130. Such licenses will go into a contingent status and remain in contingent status until 60 days after the termination of the peacetime emergency declared in Executive Order 20-01, to the extent that these parts require the board's review of renewal applications and guidelines for contingent or lapsed licenses.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

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 March 31, 2020.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on March 31, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed March 31, 2020
Office of the Minnesota
Secretary of State,
Steve Simon