STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-22

Authorizing the State Auditor to Temporarily Suspend Reporting 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 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.

I have issued several orders in recent days to protect the health and welfare of Minnesotans. On March 25, 2020, I issued Executive Order 20-19, ordering the implementation of a distance learning period for Minnesota schools, and Executive Order 20-20, ordering a stay-at-home period for Minnesotans. These are proactive measures necessary to protect Minnesotans. The COVID-19 pandemic and the measures Minnesotans must take to combat it have direct and

indirect disruptive impacts on all parts of our lives, including businesses and government services and operations.

Minnesota's numerous units of local government include counties, cities, towns, school districts, fire relief associations, housing authorities, soil and water districts, health and human services organizations, and many other special districts. They are the front-line of government services and operation in our communities, and they face extraordinary challenges due to the COVID-19 pandemic.

The Minnesota State Auditor is the constitutional officer charged with overseeing the finances of these local government units, including their expenditure of nearly $40 billion annually. This oversight occurs through a variety of local government reporting requirements and deadlines mandated in part by Minnesota statutes. In some instances, failure to meet these statutory requirements and deadlines can result in withholding of state aid or other fiscal consequences. The COVID-19 pandemic has required local governments to rapidly shift priorities and resources and to do so under physical working conditions and challenges that strain their usual processes. During this time, it is critical that we support our local governments and give them flexibility, when appropriate, to adjust normal operations in order to allow government staff to focus on the urgent demands and needs in their community.

For these reasons, I order as follows:

1. Notwithstanding any state law to the contrary, the State Auditor shall have the discretion to suspend, extend, or otherwise modify any state statutorily imposed deadline or reporting requirement pertaining to reports or other filings to the State Auditor by a political subdivision within the meaning of Minnesota Statutes 2019, section 6.465, or by local units of government within the meaning of Minnesota Statutes 2019, section 6.74. The State Auditor shall use such discretion only if the following conditions are met:

    a. The State Auditor has determined that it is not reasonable to require the political subdivision or local unit of government to comply with the statutory requirement or deadline in light of conditions and restrictions affecting the political subdivision or local unit of government as a result of the COVID-19 pandemic and the consequent peacetime emergency;

    b. The State Auditor has the ability to provide, where applicable, a new deadline or alternative means to advance the purpose or goal of the statutory requirement;

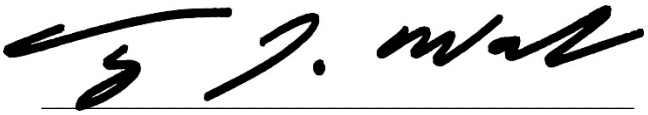
    c. If the statutory deadline or requirement has interdependencies with the authority, duty, or work of another state office, department, or agency, the State Auditor has coordinated with the head of the entity or entities to determine the appropriate suspension, extension, or modification of the statutory deadline or requirement, and any concurrent new deadline or means to advance the purpose or goal of the statutory requirement.

d. The State Auditor documents all deadline suspensions or extensions and requirement modifications and posts them on the State Auditor's website.

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.

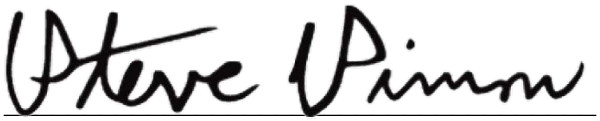
A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on March 27, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on March 27, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed March 27, 2020
Office of the Minnesota
Secretary of State,
Steve Simon