STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 21-03

Modifying Emergency Executive Order 20-42 and Continuing to Protect Eligibility for Essential Human Services Programs

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. Minnesota has taken extraordinary steps to prevent and respond to the pandemic. 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. Since declaring the peacetime emergency, I have extended it every 30 days, with the most recent extension occurring on December 14, 2020.

The COVID-19 pandemic has caused many Minnesotans to suffer economic hardship as the result of job loss, reduction in hours of employment, and a reduction in available employment opportunities. In Executive Order 20-42, I ordered that when determining eligibility for programs administered by the Minnesota Department of Human Services ("DHS"), payments to eligible individuals and families made under the federal Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), as well as payments made by state, local, and tribal government entities to relieve the adverse economic impact caused by the COVID-19 pandemic, must not be counted as income, assets, personal property, or resources, subject to any necessary approval.

To provide additional economic security, the federal Consolidated Appropriations Act, 2021 ("CAA 2021"), enacted on December 27, 2020, authorized relief payments of up to $600 per eligible individual. Under the CAA 2021, as under the CARES Act, these relief payments are not counted as income for federally funded assistance programs. Under current state law and as noted in Executive Order 20-42, receipt of federal, tribal, state, county, or local government COVID-19 relief payments may make individuals ineligible for certain human services programs administered by DHS. Counting the receipt of certain federal, tribal, state, county, or local government payments provided for COVID-19 relief as income, assets, personal property, or resources when determining eligibility for human services programs administered by DHS would endanger the public health and cause severe hardship to Minnesotans who need these programs at this difficult time.

In addition, as a result of a recent Minnesota Court of Appeals decision, high school students are now eligible to receive Pandemic Unemployment Assistance benefits under the federal CARES Act and the CAA 2021, which extends such benefits. Accordingly, the Minnesota Department of Employment and Economic Development ("DEED") has authorized Pandemic Unemployment Assistance benefits to be paid to high school students. The payments could make a family ineligible for certain assistance under state law. Exempting unemployment benefits for high school students when determining eligibility for certain programs administered by DHS is consistent with applicable state law, which exempts earned income from full-time high school students, and most importantly, families will not lose their eligibility for such programs when their high school children receive Pandemic Unemployment Assistance benefits.

In Minnesota Statutes 2020, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers to "(1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2020, 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 the Minnesota Emergency Management Act. Pursuant to Minnesota Statutes 2020, section 12.21, subdivision 3(1), the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of the Minnesota Emergency Management Act. 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.

For these reasons, I order as follows:

1. Paragraph 1 of Executive Order 20-42 is amended to add the following sub-paragraphs e and f (indicated by underlined text):

    e. Federal stimulus payments of up to $600 to eligible individuals authorized under the Consolidated Appropriations Act, 2021.

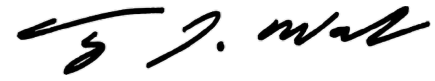
    f. Pandemic Unemployment Assistance payments made to high school students under the federal CARES Act and extended by the federal Consolidated Appropriations Act, 2021, subject to any necessary federal approval.

2. All other provisions of Executive Order 20-42 remain in full force and effect.

Pursuant to Minnesota Statutes 2020, 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 January 7, 2021.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on January 7, 2021:

Alice Roberts-Davis
Secretary, Executive Council

Filed January 7, 2021
Office of the Minnesota
Secretary of State
Steve Simon