STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 21-04

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 2020, 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, August 12, 2020, September 11, 2020, October 12, 2020, November 12, 2020, and December 14, 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, 20-83, 20-89, 20-92, 20-97, and 20-100 is referred to as the "COVID-19 Peacetime Emergency."

As a result of the COVID-19 pandemic, all 50 states have declared states of emergency, and 49 of them are in place today. 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 22 million people have been infected in the United States, resulting in over 375,000 deaths. As it has with the rest of the nation, the COVID-19 pandemic continues to take its toll on Minnesota. Minnesota has had over 438,000 positive COVID-19 cases, nearly 23,000 hospitalizations, and recently surpassed 5,700 fatalities. Despite recent decreases in the number of COVID-19 cases in Minnesota, we continue to be in an area of high risk for future spread. We must remain vigilant in our efforts to preserve hospital capacity and prevent deaths.

I have noted in previous executive orders that 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 and to wear face coverings in certain settings. Our collective actions have saved lives, but the threat remains, and our work must continue.

In its January 3, 2021 report to Minnesota, the White House Coronavirus Task Force noted: "Mitigation measures to limit transmission in personal gatherings need ongoing strengthening, including continuing to ask Minnesotans to limit travel, wear masks, physically distance, and avoid gatherings in both public and private spaces, especially indoors." Recently, thanks to Minnesotans' compliance with previous executive orders, many key metrics—including COVID-19 deaths, new hospitalizations, daily case numbers, and test positivity rate—are now below where they were at the most severe stages of our late fall and early winter surge. To protect our recent progress and avoid another surge, we continue to need statewide coordination and resources to fight the pandemic. Emergency powers are essential for quick, equitable, and safe distribution of the vaccine. The peacetime emergency allows out-of-state pharmacists to add capacity for COVID-19 vaccine administration in Minnesota and enables timely acquisition of supplies and technology. 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 2020, 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 2020, 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 commenced its regular session on January 5, 2021 and is currently sitting in session. 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.

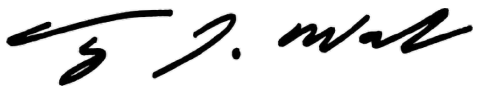
2. The COVID-19 Peacetime Emergency is extended through February 12, 2021, until this Executive Order is rescinded by proper authority, or until it is terminated by a majority vote of each house of the Legislature pursuant to Minnesota Statutes 2020, section 12.31, subdivision 2(b), whichever occurs earlier.

3. The COVID-19 Peacetime Emergency may be further extended by an executive order on or before February 12, 2021.

Pursuant to Minnesota Statutes 2020, 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 January 13, 2021.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on January 13, 2021:

Alice Roberts-Davis
Secretary, Executive Council

Filed on January 13, 2021
Office of the Minnesota
Secretary of State,
Steve Simon