

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-68

Extending the Temporary Nighttime Curfew in the Cities of Minneapolis and Saint Paul

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:

On May 25, 2020, George Floyd died while in custody of the Minneapolis Police Department. Since Mr. Floyd's death, thousands of Minnesotans have expressed their frustration in a peaceful and constructive manner. Peaceful demonstrations are essential to our democratic system. Unfortunately, some individuals have engaged in unlawful and dangerous activity, including acts of arson, rioting, looting, and damaging public and private property. This senseless violence tears at the fabric of our society, does not reflect our values, and presents a clear and present danger to life and property in Minnesota.

The Cities of Minneapolis and Saint Paul have activated their emergency operations plans, and the mayors of both cities have requested assistance to help provide security and restore safety. In response to those requests and to the widespread civil unrest and unlawful activity in Minneapolis, Saint Paul, and surrounding communities, I declared a peacetime emergency and activated the Minnesota National Guard on May 28, 2020. I also imposed nighttime curfews in Minneapolis and Saint Paul on May 29 and 30, 2020. Conditions have improved, but threats to public safety remain. Because much of the destruction and violence has taken place under the cover of darkness, we must continue a temporary nighttime curfew, in coordination with the Cities of Minneapolis and Saint Paul, to ensure public safety.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers to "generally protect the public peace, health, and safety" and "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 and to carry out the provisions of Minnesota's Emergency Management Act.

Minnesota Statutes 2019, section 12.21, subdivision 3(7), authorizes the Governor to cooperate with federal and state agencies in "matters pertaining to the emergency management of the state and nation." This includes "the direction or control of . . . the conduct of persons in the state,

including entrance or exit from any stricken or threatened public place, occupancy of facilities, and the movement and cessation of movement of pedestrians, vehicular traffic, and all forms of private and public transportation during, prior, and subsequent to . . . actual emergencies.” This authority also extends to the direction and control of “public meetings or gatherings.”

Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 3(1), 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 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. **Nighttime Curfew.** A curfew is imposed in all public places within the City of Minneapolis and the City of Saint Paul from 8:00 pm on Sunday, May 31, 2020 until 6:00 am on Monday, June 1, 2020.
2. **Travel Prohibited.** During the curfew, all persons must not travel on any public street or in any public place.
3. **Exemptions.** All law enforcement, fire, medical personnel, and members of the news media, as well as other personnel authorized by the City of Minneapolis, City of Saint Paul, Minnesota Department of Public Safety, Minnesota State Patrol, or Minnesota National Guard, are exempt from the curfew. Individuals traveling directly to and from work, seeking emergency care, fleeing dangerous circumstances, or experiencing homelessness are also exempt.
4. **Definitions.**
 - a. For the purposes of this Executive Order, “travel” includes, without limitation, travel on foot, bicycle, skateboard, scooter, motorcycle, automobile, public transit, or any other mode of transporting a person from one location to another.
 - b. For the purposes of this Executive Order, a “public place” is any place, whether on privately or publicly owned property, accessible to the general public, including but not limited to public streets and roads, alleys, highways, driveways, sidewalks, parks, vacant lots, and unsupervised property.
5. **Enforcement.** I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2019, section 12.45, an individual who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000 or by imprisonment for not more than 90 days.

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 expires on June 1, 2020 at 6:00 am 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 May 31, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on May 31, 2020:



Alice Roberts-Davis
Secretary, Executive Council

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

RESOLUTION

RESOLVED, by the Executive Council of the State of Minnesota, at its emergency meeting on May 31, 2020, that it approves Emergency Executive Order 20-68 pursuant to Minnesota Statutes 12.31 and 12.32.

Extending the Temporary Nighttime Curfew in the Cities of Minneapolis and Saint Paul.

Approved by Executive Council

DATE: May 31, 2020

BY: *A Roberts Davis*

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