



August 28, 2020

VIA ELECTRONIC DELIVERY

The Honorable Tim Walz  
Governor of Minnesota  
130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Dear Governor Walz:

On March 13<sup>th</sup>, you signed Emergency Executive Order 20-01, *Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19*. At that time, Minnesota – like the rest of the world – was grappling with the appropriate response to such a quickly spreading pandemic. When you ordered places of public accommodation to close and directed Minnesotans to stay home, we were told that we could not stop the virus, but needed to buy enough time to “flatten the curve” and allow the healthcare system to accommodate a projected spike in cases.

Initially, the Legislature was involved in the process, quickly passing over \$550 million in support of the state’s COVID-19 response. Since then, however, you have chosen to sideline the Legislature by unilaterally spending \$1.6 billion in federal CARES Act money and issuing executive orders.

Your orders have affected almost every facet of Minnesotans’ lives, including schools, nursing homes, public services, housing, jobs, government, and recreation. While the overall impact of these actions are immeasurable, it’s important to highlight some compelling numbers:

- In total, you have issued 75 executive orders related to the COVID-19 pandemic.
- Initial MDH modeling projected as many as 74,000 COVID-related deaths, which was later revised to 50,000. We are now past the 16-week projected peak and our actual death total is 1,806, of which 1,331 (74%) are associated with long term care facilities.
- In May, 559,023 Minnesotans were unemployed as the result of a shuttered economy, approximately 10 percent of our state’s workforce.
- Unsurprisingly then, according to an August 5<sup>th</sup> letter from MMB, our state has a projected \$2.34 billion deficit in the current biennium, and is facing a \$4.7 billion deficit in the FY2022-23 Biennium.
  - Notably, your administration refused to address this deficit by freezing state employee salaries, but moved quickly to close correctional facilities.

Now, over 165 days later, Minnesotans still have no clearer picture of when this “emergency” will end. Our state has beat all COVID modeling expectations and deserves to be told when the excessive use of executive authority will cease. **What criteria will be used in determining when the COVID-19 peacetime emergency declaration will be rescinded?**

Even your own administration has implicitly acknowledged the value of placing goalposts to assist in a return to normal. For example, while I don’t agree with the metrics you’ve put in place, by introducing county infection rate thresholds in determining whether students should be taught in-person or remotely, the *Safe Learning Plan* developed by state agencies in accordance with EO 20-82 acknowledges changing circumstances and evolving courses of action.

In the spirit of collaboration, I would suggest some possible criteria:

- Vaccine availability;
- PPE availability;
- Testing capacity;
- Ventilator and ICU bed capacity; and/or
- Number of new cases.

Regardless of which of these your experts agree upon, I strongly suggest you identify and communicate to all Minnesotans the criteria that will be used in determining when we are no longer under a peacetime emergency declaration. We have flattened the curve, no Minnesotan has been denied necessary medical treatment, and, thankfully, our hospitals have not needed to use their surge capacity. There is no longer an emergency.

Regards,

A handwritten signature in black ink that reads "Paul Gazelka". The signature is written in a cursive, flowing style.

Paul Gazelka  
Majority Leader  
Senate District 9