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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. R. No. 2

1.1 A House resolution

1.2 providing for the impeachment of Timothy J. Walz, Governor of the State of Minnesota,

1.3 for corrupt conduct in office and other crimes and misdemeanors.

1.4 WHEREAS, article VIII, section 1, of the Minnesota Constitution provides the House of

1.5 Representatives the power of impeachment, and provides the Senate the power to try impeachments;

1.6 and

1.7 WHEREAS, in responding to the COVID-19 pandemic, Timothy J. Walz has acted in conflict

1.8 with his constitutional duties as Governor by acting outside and beyond his constitutional authority,

1.9 violating the Minnesota Constitution, violating the constitutional rights of Minnesota citizens, and

1.10 issuing executive orders that are not in the best interests of Minnesota citizens; and

1.11 WHEREAS, the extra-constitutional actions taken by Timothy J. Walz are a matter of public

1.12 record, primarily in the form of executive orders and the enforcement of executive orders; NOW,

1.13 THEREFORE,

1.14 BE IT RESOLVED by the House of Representatives of the State of Minnesota that Timothy

1.15 J. Walz, Governor of the State of Minnesota, is impeached for corrupt conduct in office and for

1.16 crimes and misdemeanors.

1.17 BE IT FURTHER RESOLVED that the following articles of impeachment are adopted by

1.18 the House of Representatives and must be exhibited to the Senate.

1.19 BE IT FURTHER RESOLVED that, in accordance with article VIII, section 3, of the

1.20 Minnesota Constitution, Timothy J. Walz must not exercise the duties of Governor from the time

1.21 this resolution is adopted and may resume the duties of Governor only if acquitted by the Senate

1.22 of the State of Minnesota.

2.1 BE IT FURTHER RESOLVED that, in accordance with article VIII, section 4, of the  
2.2 Minnesota Constitution, the Speaker of the House of Representatives must ensure that Timothy J.  
2.3 Walz is served with papers giving notice of the articles of impeachment as expeditiously as possible.

2.4 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives is  
2.5 directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that  
2.6 of the Speaker, and transmit it to the Governor of Minnesota, the Secretary of State of Minnesota,  
2.7 and the President and Secretary of the Senate.

2.8 The following articles of impeachment exhibited by the House of Representatives of the State  
2.9 of Minnesota against Timothy J. Walz, Governor of the State of Minnesota, in maintenance and  
2.10 support of impeachment for corrupt conduct in office and for other crimes and misdemeanors:

#### 2.11 ARTICLE I

2.12 Timothy J. Walz, Governor of the State of Minnesota, has violated his constitutional oath of  
2.13 office by failing to respect the separation of powers and by exercising powers expressly granted to  
2.14 the legislative branch in the Minnesota Constitution.

2.15 The Minnesota Constitution provides for the separation of powers, including division of  
2.16 government into three branches: legislative, executive and judicial, with no person or persons  
2.17 exercising powers properly belonging to another branch except as expressly provided in the  
2.18 constitution. Moreover, article V, section 6, of the Minnesota Constitution requires each officer to  
2.19 take an oath or affirmation to support the United States Constitution, the Minnesota Constitution,  
2.20 and to faithfully discharge the duties of the office to the best of the officer's judgment and ability.

2.21 Timothy J Walz's executive orders include but are not limited to: closing bars, restaurants,  
2.22 and other private businesses that provide public accommodations (Executive Order 20-04, Executive  
2.23 Order 20-08, Executive Order 20-18, Executive Order 20-33, Executive Order 20-48, Executive  
2.24 Order 20-99); prohibiting evictions (Executive Order 20-14, Executive Order 20-73, and Executive  
2.25 Order 20-79); requiring residents to stay in their homes with limited exceptions (Executive Order  
2.26 20-20, Executive Order 20-33, Executive Order 20-48); ordering the disclosure of confidential,  
2.27 protected health information of Minnesota citizens to law enforcement (Executive Order 20-34);  
2.28 either banning individuals from different households (not excepting close family and friends who  
2.29 live in different households) from meeting or arbitrarily restricting the size of such meetings  
2.30 (Executive Order 20-38, Executive Order 20-99, Executive Order 21-01); banning medical and  
2.31 veterinary procedures he termed non-essential (Executive Order 20-09, Executive Order 20-16,  
2.32 Executive Order 20-17); mandating the use of masks in indoor spaces (Executive Order 20-81);  
2.33 and permitting public bodies to disregard statutorily mandated filing deadlines (Executive Order  
2.34 20-22).

2.35 Through these orders, Governor Walz has unilaterally overridden enacted laws, including  
2.36 but not limited to Minnesota Statutes, section 609.735, and created new laws in violation of the  
2.37 separation of powers guaranteed in the Minnesota Constitution.

3.1 State law grants emergency powers to the Governor for the sole purpose of responding to  
3.2 immediate crises, but requires the Governor's actions be consistent with the constitutionally mandated  
3.3 separation of powers. The Minnesota Constitution does not permit the Governor to bypass the  
3.4 legislative process, nor does it empower the Governor to unilaterally make or amend laws to protect  
3.5 public health. Timothy J. Walz's efforts to circumvent the legislature and the Minnesota Constitution  
3.6 violate the constitutional oath of office.

3.7 Wherefore, by virtue of the conduct described in this article, Timothy J. Walz warrants  
3.8 impeachment, trial, and removal from office.

## 3.9 ARTICLE II

3.10 Timothy J. Walz, Governor of the State of Minnesota, has violated his constitutional oath of  
3.11 office by failing to respect the separation of powers by inventing new penalties for violations of  
3.12 his executive orders, without legislative involvement or approval.

3.13 Timothy J. Walz unilaterally declared a violation of his Executive Orders is punishable as a  
3.14 gross misdemeanor subject to a fine not to exceed \$3,000 or jail time of up to one year. The  
3.15 legislature explicitly provided in the emergency powers statute under Minnesota Statutes, section  
3.16 12.45, that violation is a misdemeanor subject to a fine not to exceed \$1,000 or jail time not to  
3.17 exceed 90 days. No statutory or constitutional authority exists for the governor to invent new  
3.18 penalties.

3.19 Wherefore, by virtue of the conduct described in this article, Timothy J. Walz warrants  
3.20 impeachment, trial, and removal from office.

## 3.21 ARTICLE III

3.22 Timothy J. Walz, Governor of the State of Minnesota, has failed to uphold his constitutional  
3.23 oath of office by violating rights guaranteed in the United States Constitution and the Minnesota  
3.24 Constitution. Through executive orders, Governor Walz has restricted and effectively banned the  
3.25 free exercise of religion in the state of Minnesota in violation of the First Amendment of the United  
3.26 States Constitution and article I, section 16, of the Minnesota Constitution.

3.27 The First Amendment to the United States Constitution provides, in part, "Congress shall  
3.28 make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."

3.29 Article I, section 16, of the Minnesota Constitution provides, in part, "The right of every man  
3.30 to worship God according to the dictates of his own conscience shall never be infringed; nor shall  
3.31 any man be compelled to attend, erect or support any place of worship, or to maintain any religious  
3.32 or ecclesiastical ministry, against his consent; nor shall any control of or interference with the rights  
3.33 of conscience be permitted, or any preference be given by law to any religious establishment or  
3.34 mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse  
3.35 acts of licentiousness or justify practices inconsistent with the peace or safety of the state, nor shall

4.1 any money be drawn from the treasury for the benefit of any religious societies or religious or  
4.2 theological seminaries."

4.3 Article V, section 6, of the Minnesota Constitution provides, in part, "Each officer created  
4.4 by this article before entering upon his duties shall take an oath or affirmation to support the United  
4.5 States Constitution and of this state and to discharge faithfully the duties of his office to the best  
4.6 of his judgment and ability."

4.7 During the course of the COVID-19 pandemic, Governor Walz has issued executive orders  
4.8 that have restricted the free exercise of religion in Minnesota, including Executive Order 20-20,  
4.9 Executive Order 20-38, Executive Order 20-56, Executive Order 20-62, and Executive Order 20-99.  
4.10 The orders have limited the number of people who may gather in one place and restricted individuals'  
4.11 ability to participate in religious worship and events.

4.12 Governor Walz swore an oath to uphold the United States Constitution and the Minnesota  
4.13 Constitution and his executive orders banning gatherings and requiring individuals to stay at home  
4.14 have infringed upon guaranteed rights.

4.15 Wherefore, by virtue of the conduct described in this article, Timothy J. Walz warrants  
4.16 impeachment, trial, and removal from office.

#### 4.17 ARTICLE IV

4.18 Timothy J. Walz, Governor of the State of Minnesota, has failed to uphold his constitutional  
4.19 oath of office by violating rights guaranteed in the United States Constitution and the Minnesota  
4.20 Constitution. Through executive orders, Governor Walz has taken private property in violation of  
4.21 the Fifth Amendment of the United States Constitution and article I, section 13, of the Minnesota  
4.22 Constitution.

4.23 The Fifth Amendment to the United States Constitution provides, in part: "nor shall private  
4.24 property be taken for public use, without just compensation".

4.25 Article I, section 13, of the Minnesota Constitution provides: "private property shall not be  
4.26 taken, destroyed or damaged for public use without just compensation therefor, first paid or secured."

4.27 By invoking emergency powers to unilaterally deem certain activities "non-essential" and  
4.28 order the closure of businesses (Executive Order 20-04, Executive Order 20-08, Executive Order  
4.29 20-18, Executive Order 20-33, Executive Order 20-48, Executive Order 20-99), Governor Walz  
4.30 violated constitutional protections. The effect of the executive orders has been to substantially, and  
4.31 in many cases irreparably, damage or destroy the vitality and viability of businesses arbitrarily  
4.32 decreed as non-essential, thus taking property from affected business owners without compensation.  
4.33 Governor Walz's actions have also violated the equal protection provisions of the Minnesota  
4.34 Constitution.

5.1 Governor Walz banned evictions (Executive Order No. 20-14, Executive Order No. 20-73  
5.2 and Executive Order 20-79), injuring property owners by eliminating the ability to collect rents  
5.3 due, and by undermining the ability to maintain properties or benefit from the income the property  
5.4 owner would otherwise expect to receive from the property. The injuries amount to a taking of  
5.5 property without compensation, in violation of the United States Constitution and the Minnesota  
5.6 Constitution.

5.7 By taking property, Timothy J. Walz violated Minnesota Statutes, section 12.34, subdivision  
5.8 2, which provides that if property is commandeered during a state of emergency that "the owner  
5.9 of commandeered property must be promptly paid just compensation for its use and all damages  
5.10 done to the property while so used for emergency management purposes."

5.11 Wherefore, by virtue of the conduct described in this article, Timothy J. Walz warrants  
5.12 impeachment, trial, and removal from office.

#### 5.13 ARTICLE V

5.14 In responding to the COVID-19 pandemic, Timothy J. Walz, Governor of the State of  
5.15 Minnesota, has taken a number of extreme actions unnecessary to protect the public and that have  
5.16 had significant adverse effects on the citizens of Minnesota. Governor Walz's aggressive and poorly  
5.17 justified actions, including banning nearly all non-emergency medical procedures, are evidence of  
5.18 the Governor's failure to properly manage this crisis.

5.19 Governor Walz banned all non-essential medical, dental, and veterinary procedures under  
5.20 Executive Order 20-09, Executive Order 20-16, and Executive Order 20-17.

5.21 This universal, statewide prohibition on medical, dental, and veterinary care that the Governor  
5.22 deemed "non-essential" has had significant consequences for the citizens of Minnesota and for  
5.23 health care providers across the state. While postponing certain elective procedures may not pose  
5.24 an immediate health risk to some patients, many procedures have been banned even when needed  
5.25 to preserve patients' quality of life and long-term well-being.

5.26 Closing down significant portions of the health care system has had destructive effects on  
5.27 hospitals, clinics, and other providers. Health care providers rely on revenue from procedures and  
5.28 treatment to remain in business, and banning the providers from providing a full range of services  
5.29 to patients has led to layoffs and furloughs. Providers in areas of the state with fewer COVID cases  
5.30 have faced particularly negative consequences, as facilities sit empty, unable to treat patients in  
5.31 need despite having the capacity to provide the needed care.

5.32 Governor Walz's arbitrary actions have caused avoidable harm, do not protect the public  
5.33 health, and demonstrate the failure to uphold the duties of the office.

5.34 Wherefore, by virtue of the conduct described in this article, Timothy J. Walz warrants  
5.35 impeachment, trial, and removal from office.