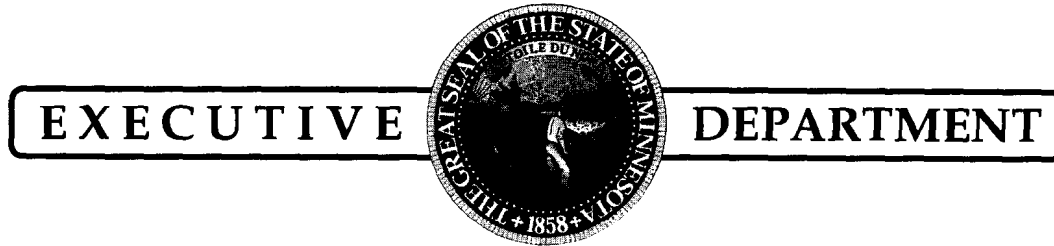


STATE of MINNESOTA



TIM PAWLENTY
GOVERNOR

EMERGENCY EXECUTIVE ORDER 10-04

DECLARING A STATE OF EMERGENCY IN THE STATE OF MINNESOTA

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, including Minnesota Statutes 2009, Chapter 12, do hereby issue this Executive Order:

WHEREAS, hydrologic conditions indicating a strong potential for severe spring flooding exist in the Red River of the North Basin, Minnesota River Basin, Crow River Basin, St. Croix River Basin, and Upper and Lower Mississippi River Basins; and

WHEREAS, the National Weather Service reports that points along the Red River of the North are experiencing minor to moderate flooding and are forecast to reach major flood stage within days and points along the Minnesota River are experiencing intermittent ice jams and increased risk of flooding; and

WHEREAS, such conditions contributing to the threat of flooding and inundation include excessive precipitation throughout the fall and winter seasons causing saturated soil conditions, high water equivalency in the current snowpack, full wetlands and ditches that result in minimal available surface storage, and the prospects of additional moisture and ice jams through the spring snowmelt; and

WHEREAS, the closure of secondary roads, sandbagging operations, and other emergency measures is required in response to flooding conditions; and

WHEREAS, counties' emergency operations plans are activated, cities and counties have declared local emergencies, and local jurisdictions have begun requesting state and federal assistance and resources; and

WHEREAS, the resources of local, county, and state governments must be fully utilized to ensure immediate response to protect the life and safety of persons in the affected area, including the tribal nation of Upper Sioux Agency and the following counties: Big Stone, Blue

Earth, Brown, Carver, Chippewa, Clay, Dakota, Goodhue, Hennepin, Kittson, Lac Qui Parle, Le Sueur, Lyon, Marshall, Nicollet, Norman, Polk, Ramsey, Redwood, Renville, Scott, Sibley, Swift, Traverse, Washington, Wilkin, Wright, and Yellow Medicine, and to protect property and infrastructure from additional damage; and

WHEREAS, emergency assistance of motor carriers is needed to transport supplies and materials to affected areas of the state.

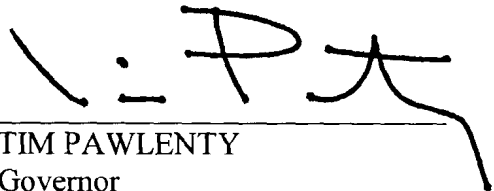
NOW, THEREFORE, I hereby order that:

1. A State of Emergency pursuant to Minnesota Statutes 2009, Section 12.31 exists.
2. The Department of Public Safety, Division of Homeland Security and Emergency Management will activate the Minnesota Emergency Operations Plan, continue the provision of on-site support and assistance to the affected local governments, and determine the need for supplementary emergency assistance.
3. All state agencies, in cooperation with appropriate federal agencies, are directed to provide the assistance necessary to help local units of government respond to and recover from this emergency.
4. The Adjutant General of Minnesota will order to state active duty on or about March 15, 2010, in the service of the State, such personnel and equipment of the military forces of the State as required to provide assistance in preparing for the emergency and in providing emergency relief services.
5. The Adjutant General is authorized to purchase, lease, or contract goods or services necessary to accomplish the mission. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in Minnesota Statutes 2009, Sections 192.49, 192.52 and 192.54.
6. A state of emergency exists that requires relief from motor carrier registration and fuel trip permit and fee requirements incorporated in Minnesota Statutes 2009, section 168.187, and Minnesota Statutes chapter 168D, for carriers that are providing direct assistance to the emergency by transporting supplies and equipment used to construct and maintain dikes, and other supplies required during this emergency.
7. Vehicles used to provide direct assistance to the emergency are exempted from the seasonal load restrictions on local and state highways and streets imposed under Minnesota Statutes 2009, Section 169.87.
8. The regulations incorporated in Minnesota Statutes 2009, Section 221.0314, Subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles shall not apply while those carrier or drivers are providing direct assistance for flood relief.

9. Nothing herein shall be construed to relieve commercial motor carriers and drivers from regulations pertaining to driver qualifications, driving of commercial motor vehicles, commercial driver's licenses, and drug and alcohol testing for drivers.
10. No commercial carrier operating under terms of this order shall require or allow an ill or fatigued driver to operate a commercial motor vehicle.

Pursuant to Minnesota Statutes 2009, Section 4.035, Subdivision 2, this Order is effective immediately and shall remain in effect until the emergency status no longer requires emergency response. The peacetime emergency can be extended by the Executive Council or the Legislature in accordance with Minnesota Statutes 2009, Section 12.31, Subdivision 2. The portion of this order activating the National Guard is not subject to any time limitation contained in Minnesota Statutes 2009, Chapter 12.

IN TESTIMONY WHEREOF, I have set my hand this 15th day of March, 2010.



TIM PAWLENTY
Governor

Filed According to Law:



MARK RITCHIE
Secretary of State

