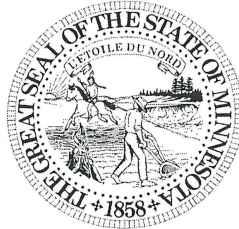


# STATE OF MINNESOTA

## EXECUTIVE DEPARTMENT



**MARK DAYTON**  
**GOVERNOR**



### **Emergency Executive Order 15-12**

#### **Declaring an Emergency and Providing for Relief from Regulations to Motor Carriers and Drivers Operating in the State of Minnesota**

**I, Mark Dayton, Governor of the State of Minnesota**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

**Whereas**, on March 5, 2015, the United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service and the Minnesota Board of Animal Health confirmed the presence of highly pathogenic H5N2 avian influenza (HPAI) in a commercial turkey flock in Minnesota, and since then the disease has been identified in one hundred and eight different locations across the state impacting twenty three counties;

**Whereas**, on April 10, 2015, Executive Order 15-06 was issued to exempt certain vehicles from Seasonal Load Restrictions while responding to the HPAI outbreak;

**Whereas**, on April 23, 2015, Executive Order 15-09 declared a Peacetime State of Emergency in Minnesota, activated the Minnesota National Guard, and provided an Hours of Service exemption to certain vehicles responding to the HPAI outbreak;

**Whereas**, transportation of live turkeys, with an effort to avoid infected areas of the state, is vital to ensuring healthy poultry reach processing facilities uninfected by HPAI, but may require traveling longer distances;

**Whereas**, live-haul trucks are driving additional miles to avoid contamination and to bring poultry to non-routine processing facilities;

**Whereas**, many processing facilities are experiencing a shortage of poultry from their regular farms and, to maintain operations and avoid employee layoffs, need to source poultry from greater distances;

**Whereas**, the timeline for restocking farms with birds and raising those birds to market weight will extend through the end of 2015; and

**Whereas**, it is urgent that continuous action be taken to prevent further economic hardship in the state's poultry industry.

**Now, Therefore**, I hereby declare that:

1. An emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hours of service for motor carriers and drivers of commercial motor vehicles providing direct assistance in emergency relief efforts.
2. Motor carriers and drivers traveling to and from farms, for the purpose of transporting live poultry around the affected areas of the state and providing direct assistance for emergency relief efforts, are exempted from the regulations incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hours of service.
3. Nothing in this order relieves motor carriers and drivers from regulations pertaining to driver qualifications; driving of commercial motor vehicles; commercial drivers' licenses; drug and alcohol testing for drivers; or equipment, parts, and accessories necessary for the safe operation of vehicles.
4. No motor carrier operating under terms of this emergency order shall require or allow an ill or fatigued driver to operate a commercial motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to service.
5. Upon the expiration of this emergency order, or when a driver or carrier ceases to provide direct assistance to the emergency relief effort, a driver that has had at least thirty-four consecutive hours off-duty must be permitted to start his or her on-duty status hours and 60/70-hour clock at zero.

Pursuant to Minnesota Statutes, section 4.035, subdivision 2, this Emergency Executive Order is effective immediately and must be filed with the Secretary of State and published in the State Register as soon as possible after its issuance. Emergency relief from regulations for motor carriers and drivers traveling to and from farms for the purpose of transporting live poultry around affected areas of the State remains in effect until August 11th, 2015, or until the commercial motor carrier or driver ceases direct assistance in providing emergency relief, whichever occurs first. For purposes of this Emergency Executive Order, direct assistance is defined in Minnesota Statutes, section 221.0269, subdivision 3, paragraph (c). This Emergency Executive Order may be extended in accordance with Minnesota Statutes, section 221.0269, subdivision 2.

In Testimony Whereof, I have set my hand on this 13th day of July, 2015.

A handwritten signature in black ink, appearing to read "Mark Dayton", written over a horizontal line.

**Mark Dayton**  
Governor

Filed According to Law

A handwritten signature in black ink, appearing to read "Steve Simon", written over a horizontal line.

**Steve Simon**  
Secretary of State