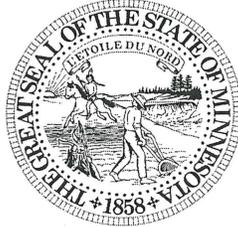


# STATE OF MINNESOTA

## EXECUTIVE DEPARTMENT



**MARK DAYTON**  
**GOVERNOR**

### **Emergency Executive Order 15-09**

#### **Declaring a State of Peacetime Emergency 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 forty six different locations across the state impacting sixteen counties;

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

**Whereas**, farms need support to maintain healthy flocks;

**Whereas**, emergency operations equipment and personnel are needed to support the response to and recovery from the H5N2 avian influenza incident statewide;

**Whereas**, emergency assets and personnel from state agencies and local governments are needed; and

**Whereas**, the USDA has identified that increased support from state and local government is needed to respond to the incident.

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

1. A state of peacetime emergency exists pursuant to Minnesota Statutes, section 12.31.
2. The Minnesota Board of Animal Health is the lead technical agency for developing, implementing, and coordinating measures to protect the health of Minnesota domestic animals.
3. The Minnesota Department of Agriculture is the lead support agency to the Board of Animal Health for implementing measures to protect the health of Minnesota domestic animals.
4. The Minnesota Department of Natural Resources is the lead technical agency for developing, implementing, and coordinating measures to protect the health of wildlife in Minnesota.
5. The Departments of Agriculture, Public Safety, Health, Natural Resources, and Transportation, the Minnesota Pollution Agency, and the Board of Animal Health shall continue to coordinate and integrate the state response and recovery resources and coordinate with the USDA Incident Management Team.
6. The Department of Public Safety, Division of Homeland Security and Emergency Management is to continue to implement the Minnesota Emergency Operations Plan and continue the activation of the State Emergency Operations Center (SEOC) for the duration of the incident.
7. All state agencies are directed to provide the assistance necessary to help agricultural agencies and local units of government respond to and recover from this incident as coordinated through the State Emergency Operations Center.
8. Joseph Kelly, the Director of the Division of Homeland Security and Emergency Management, be appointed as the Governor's Authorized Representative (GAR) for coordination of the state agency and local government support to the Department of Agriculture and the Board of Animal Health HPAI operations and response in Minnesota.
9. Joseph Kelly, the Director of the Division of Homeland Security and Emergency Management, acting as the GAR is authorized to make purchases, and coordinate and deploy state resources as necessary to support the response and recovery efforts as requested by the Board of Animal Health and the Department of, and request assistance from and coordinate with the federal government to enhance the emergency response activity in Minnesota.
10. The Adjutant General of Minnesota order to state active duty on or about April 23, 2015, in the service of the state, coordination staff for the SEOC and such personnel and equipment of the military forces of the state as required, and for such period of time as

necessary to protect the lives and property of the citizens of Minnesota when requested by the GAR.

11. 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 2014, Sections 192.49, 192.52 and 192.54.
12. This state of emergency also requires relief from certain federal regulations incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hours of service for motor carriers and drivers providing direct assistance in emergency relief efforts.
13. Motor carriers and drivers, as identified in Executive Order 15-06, traveling to affected areas of the state and providing direct assistance for emergency relief efforts, are exempted from paragraphs (b), (c), and (d) under the Code of Federal Regulations, title 49, part 395.3 which are incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hours of service.
14. Nothing in this order shall be construed to relieve motor carriers and drivers transporting supplies and materials and providing direct assistance for emergency relief efforts from the requirements under paragraph (a) of the Code of Federal Regulations, title 49, part 395.3 which states, in part, a driver may drive only during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty.
15. Nothing in this order shall be construed to relieve motor carriers and drivers transporting supplies and materials and providing direct assistance for emergency relief efforts 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.
16. No motor carrier or driver operating under the terms of this order shall require or allow an ill or fatigued driver to operate a 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.
17. Upon the expiration of this order, or when a motor carrier or driver 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 4.035, subdivision 2, this emergency executive order shall be effective immediately and must be filed with the Secretary of State and published in the State Register as soon as possible after its issuance. This peacetime emergency shall remain in effect for five days, unless extended in accordance with Minnesota Statutes, 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 Chapter 12. Emergency relief from regulations for motor carriers and drivers, as identified in Executive Order 15-06, traveling to affected areas of the state, shall remain in effect until May 22, 2015, or until the 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). The hours of service exemption granted in 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 23th day of April, 2015.



**Mark Dayton**  
Governor

Filed According to Law:



**Steve Simon**  
Secretary of State

