



*Brad Henry*  
Governor

**FILED**

**JAN 07 2010**

**OKLAHOMA SECRETARY  
OF STATE**

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER 2010-3

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I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

1. All of the 77 counties in Oklahoma are currently subjected to extremely cold temperatures with forecasts of continued extremely cold temperatures, effective today, January 7, 2010, and continuing. The entire State is being affected.
2. The uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene and liquefied petroleum gas (LPG) to residential and commercial establishments is an essential need of the public during the wintertime and any interruption threatens the public welfare. The continued period of cold weather has increased the demand for these fuels to residential and commercial customers. There continues to be a shortage of the above referenced fuels.
3. There is hereby declared a disaster emergency caused by the extremely cold temperatures and the necessity to deliver heating fuels to residential and commercial customers in the entire State of Oklahoma that threatens the lives and property of the people of this State and the public's peace, health and safety.
4. State agencies, in responding to this disaster emergency, may make necessary emergency acquisitions to fulfill the purposes of this executive order without regard to limitations or bidding requirements on such acquisitions.
5. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.
6. The Federal Motor Carrier Safety Regulations, 49 CFR 390, et seq., limit the hours of operation for motor carriers or drivers operating a commercial motor vehicle. 49

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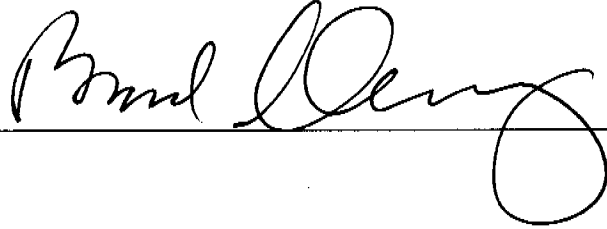
CFR 390.23 allows the Governor to suspend these rules and regulations for up to 30 days if the Governor determines that an emergency condition exists.

7. Pursuant to 49 CFR 390.23, the driver's hours of service, regulated by Part 395 of Title 49 of the Code of Federal Regulations, are hereby suspended for motor carriers providing emergency relief in the transportation of the above referenced fuels.
8. This Executive Order shall terminate at the end of thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City this 7<sup>th</sup> day of January, 2010

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

  
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ATTEST:

