



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 302

**An Amendment to Executive Order No. 300
Relating to a Proclamation of an Energy Emergency**

WHEREAS, an extreme shortage of propane continues to exist in the State of Wisconsin; and

WHEREAS, the Crop Progress report issued on November 23, 2009 by the National Agricultural Statistics Service indicates that 59% of the corn crop has been harvested in Wisconsin, compared to the 5-year average of 81%; and

WHEREAS, anticipated colder weather in the coming weeks is expected to increase the demand for propane for crop drying and for use as heating fuel by small businesses and residential consumers; and

WHEREAS, state propane terminals continue to run on strict allocations, with long waiting lines; and

WHEREAS, the long waits at propane terminals and trucking of propane over long distances continue to make it difficult for propane transporters to meet demand and comply with the state and federal hours-of-service requirements; and

WHEREAS, in light of the foregoing, the critical shortage of propane and the need for exemptions from hours of service restrictions under state and federal law is anticipated to continue past December 1, 2009; and

WHEREAS, the Federal Motor Carrier Safety Administration does not object to me exempting drivers of commercial motor vehicles transporting propane from the Wisconsin and federal hours of service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code, Ch. Trans 327; and does not object to allowing this exemption to apply to the national system of interstate and defense highways;

NOW, THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the Laws of Wisconsin, Wis. Stat. §§ 323.10 and 340.01(15s), and 49 C.F.R. sections 390.23 and 390.25, hereby determine that the shortage of propane continues to be a natural disaster and order that the state of emergency declared in Executive Order #300 shall continue through December 31, 2009.

PURSUANT to said state of emergency, by virtue of the authority vested in me by the Constitution and Laws of Wisconsin, Wis. Stat. §§ 323.10 and 340.01(15s), and 49 C.F.R. sections 390.23 and 390.25, I HEREBY ORDER THAT the following exemptions shall continue to be in effect through December 31, 2009:

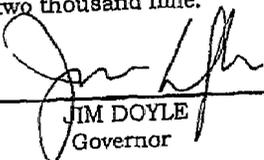
(1) Carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting propane are exempted from Wisconsin and federal hours of service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code, Ch. Trans 325 and 327. This exemption applies to all highways in Wisconsin, including the national system of interstate and defense highways.

(2) No motor carrier operating under the terms of this emergency declaration shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given at least 10 consecutive hours off-duty before the driver is required to return to service.

(3) This order does not suspend the operation of any state or federal laws within the State of Wisconsin except as specifically described in the order. All other laws remain in full force and will be enforced. This order does not authorize any person transporting propane to exceed any statutory vehicle weight, width, length, or height limit. This order does not authorize the use of unregistered or improperly registered vehicles. Vehicles registered in other jurisdictions and not entitled to reciprocity, or not registered for use in Wisconsin through the International Registration Plan, must obtain a permit as provided in Wis. Stat. § 341.41. Motor carriers transporting propane for hire must have proper authority to operate in this State, as provided by Wis. Stat. § 194.04, and must meet the insurance requirements of Wis. Stat. §§ 194.41 or 194.42. Carriers must satisfy all ordinarily applicable federal and Wisconsin requirements concerning vehicle equipment, vehicle operations and driver qualifications and conduct.

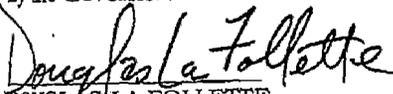


IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this thirtieth day of November in the year two thousand nine.



JIM DOYLE
Governor

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State