STATE OF ALABAMA

PROCLAMATION

BY THE GOVERNOR

WHEREAS the Alabama Emergency Management Act of 1955, as amended, confers upon the Governor the power to proclaim a state of emergency when a natural disaster of major proportions has occurred or is reasonably anticipated in the immediate future, *see* Ala. Code § 31-9-8 (1975);

WHEREAS the National Weather Service has forecast a severe weather event for the State of Alabama for today and tomorrow, with significant potential for strong winds, flooding, hail, and tornadoes;

WHEREAS this severe weather is expected to cause significant damage to public and private property and seriously disrupt essential utility services and systems;

WHEREAS this severe weather event poses a danger to the health and safety of the people of Alabama and a high risk of physical injury or death;

WHEREAS, due to the outbreak of the 2019 novel coronavirus known as COVID-19, a state public health emergency is currently in effect that has strained state and local resources and that has required extraordinary measures to prevent the spread and mitigate the consequences of COVID-19;

WHEREAS those extraordinary measures include emergency proclamations issued by me, as Governor of Alabama, on March 13, 18, 20, 23 and 26 and April 2 and 3 of 2020, the Order of the State Health Officer Suspending Certain Public Gatherings Due to Risk of Infection by COVID-19, and various local government orders related to COVID-19 (collectively "the COVID-19 Orders"); and

WHEREAS this severe weather event, coupled with the COVID-19 public health emergency, poses extraordinary conditions of disaster and of extreme peril to the safety of persons and property within the State, and it is anticipated that these conditions, by reason of their magnitude, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and will require combined forces to combat, *see* Ala. Code § 31-9-3;

NOW THEREFORE, I, Kay Ivey, Governor of the State of Alabama, pursuant to the relevant provisions of the Alabama Emergency Management Act of 1955, as amended, Ala. Code §§ 31-9-1 *et seq.*, do hereby proclaim that a state of emergency exists in the State of Alabama, effective at 4:00 p.m. CDT on Sunday, April 12, 2020. I direct the activation of the Alabama Emergency Operations Plan (EOP) and all appropriate annexes for purposes of the State's response to this severe weather event. The Alabama Emergency Management Agency State Emergency Operations Center shall be activated for purposes of responding to this incident, as shall be all affected or potentially affected Alabama Emergency Management Divisions.

FURTHER, I hereby proclaim and direct all of the following:

I. Applicability of COVID-19 Orders

Because this severe weather event will occur during the State's response to the COVID-19-related public health emergency, I find that it would further promote the safety and protection of the people of Alabama to clarify the applicability of the COVID-19 Orders as they relate to this severe weather event. To that end:

A. Any provision of the COVID-19 Orders is suspended to the extent that its application or enforcement would endanger any person affected by this severe weather event or impede the ability of any individuals, governmental entities, organizations, or businesses responding to this severe weather event to preserve human life, to prevent or mitigate human suffering, or to protect or repair critical infrastructure as defined by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency.

B. Except as provided in this section, nothing in this proclamation shall be construed to modify, alter, or amend any provision of the COVID-19 Orders, which shall remain in full force and effect according to their terms.

C. All persons responding to this severe weather event are encouraged to remain vigilant against the spread of COVID-19 and to comply with the COVID-19 Orders to the greatest extent possible, even when excused from compliance under this section. Shelters and community safe rooms should remain open and accessibile to all individuals seeking refuge from this severe weather while implementing reasonable practices and procedures to prevent the spread of COVID-19 among those seeking shelter.

II. Activation of the Alabama National Guard and other state agencies

I hereby direct the Alabama National Guard to prepare to be activated on order of the Governor to respond to this severe weather event, and I direct the appropriate state agencies to exercise their statutory and regulatory authority to assist the affected communities and entities in responding to and recovering from this event. I also direct the Alabama Emergency Management Agency to make the appropriate assessment of damages from this event and seek the necessary state and federal assistance for the affected areas.

III. Price gouging

In accordance with sections 8-31-1 through 8-31-6 of the Code of Alabama, all persons are hereby placed on notice that it is unlawful for any person within the State of Alabama to impose unconscionable prices (i.e., to engage in "price gouging") for the sale or rental of any commodity or rental facility during the period of a declared state of emergency.

IV. Waiver of federal motor-carrier regulations

Pursuant to 49 C.F.R. § 390.23, this declaration of a state of emergency facilitates a waiver of certain regulations of the U.S. Department of Transportation-Federal Motor Carrier Safety Administration (FMSCA), including 49 C.F.R. Part 395 (Hours of Service for Drivers), as it relates to the provision of emergency- or disaster-related materials, supplies, goods, and services for this severe weather event. The waiver for this event shall terminate at the earliest of (1) the conclusion of the motor carrier's or driver's direct assistance in providing emergency relief; (2) 30 days from the initial declaration of emergency; (3) the issuance of a proclamation terminating this state of emergency; or (4) any other time dictated by the FMCSA's regulations. Motor carriers that have an out-of-

service order in effect may not take advantage of the relief from regulation that this declaration provides under 49 C.F.R. § 390.23.

V. Transportation of emergency equipment, supplies, etc.

I instruct the appropriate agencies to take necessary steps and issue the appropriate documents to expedite the movement of vehicles, or vehicles and loads, that are transporting emergency equipment, services and supplies, storm-related debris, building and construction materials, or temporary emergency buildings and their components, subject to the following rules:

A. Documents issued under authority of this proclamation shall be subject to approval and clearance by the Alabama Department of Transportation and the Alabama Law Enforcement Agency and shall cover designated state routes.

B. The director of the Alabama Department of Transportation, or his designee, may issue waivers for vehicles or combinations of vehicles and loads, whether those loads are divisible or non-divisible, with weights, dimensions, or combinations thereof exceeding the maximum limits specified by law.

C. Transporters are responsible for ensuring that they have proper oversize signs, markings, flags, and escorts as defined in the State of Alabama's rules and regulations.

D. Insurance requirements shall not be waived.

E. Nothing in this proclamation shall be construed to allow any vehicle to exceed the weight limits posted for bridges and like structures, nor shall anything in this proclamation be construed to relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this proclamation, or from any statute, rule, order, or other legal requirement not specifically waived herein.

VI. State government office closings

State government offices may be closed at the direction of the Governor. State agency heads will receive instructions from the Governor's Office or the State Personnel Director if closures are authorized.

VII. Actual expense reimbursement

I find that it is fair, reasonable, and appropriate that those State of Alabama employees who are required to perform disaster recovery and response services away from their home base of operations for this event be reimbursed for the actual expenses they incur while performing these services on behalf of the State of Alabama. Therefore, I authorize the reimbursement of actual and necessary expenses, as prescribed by the Fiscal Policies and Procedures Manual, for state employees who have been, are being, or may be called away from their home base in response to this state of emergency. All such claims for expense reimbursement must be reasonable and must be certified as such by the employee's agency head or appointing authority. To the extent that this order conflicts with any provision of state law, such law is hereby suspended for the duration of this state of emergency, and this order shall control.

FURTHER, I declare that this proclamation, and all subsequent orders, laws, rules, or regulations issued pursuant hereto, shall remain in full force and effect for the duration of this state of emergency, except as otherwise expressly specified.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused the Great Seal to be affixed by the Secretary of State at the State Capitol in the City of Montgomery on this the 12th day of April, 2020.

Kay Ivey

Kay Ivey
Governor

ATTEST:

John H. Merrill

John H. Merrill
Secretary of State