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 there exist conditions of disaster or of extreme peril to the safety of persons and property within the State caused by natural or man-made disasters, Ala. Code §§ 31-9-3 and -8 (1975);

WHEREAS the National Weather Service is forecasting that the entire State of Alabama may be severely affected by ice, snow, sleet, and freezing rain, as well as extreme and prolonged freezing temperatures, beginning on January 16, 2018;

WHEREAS this winter storm system could cause significant damage to public and private property and poses a danger to the health and safety of the people of Alabama, including, potentially, property damage, personal injury, and loss of life;

WHEREAS disruption of essential utility systems could occur and may continue to occur, causing extreme peril to the citizens in the State; and,

WHEREAS it is anticipated that these damages, by reason of their magnitude, will be beyond the control of the services, personnel, equipment, and facilities of any single city and/or county, and it is expected that the situation will require the combined forces of mutual aid assistance to alleviate the adverse effects to the health, safety, and economy of the State.

NOW THEREFORE, I, Kay Ivey, Governor of the State of Alabama, pursuant to Section 8 of the Alabama Emergency Management Act of 1955, Ala. Code § 31-9-8 (1975), as amended, do hereby proclaim that a State of Emergency exists in the State of Alabama, effective as of 6:00 p.m. CST on Monday, January 15, 2018, and direct the activation of the Alabama Emergency Operations Plan (EOP) and all the appropriate annexes. The Alabama Emergency Management Agency State Emergency Operations Center shall be activated, as well as all impacted Alabama Emergency Management Agency Divisions, as of 6:00 a.m. CST on Tuesday, January 16, 2018.

FURTHER, I direct the activation of the Alabama National Guard, and I direct the appropriate state agencies exercise their statutory and regulatory authority to assist the communities and entities affected. I also direct the Alabama Emergency Management Agency to make the appropriate assessment of damages and seek the necessary State and Federal assistance for the affected areas.

FURTHER, I hereby proclaim and direct the following:

(I)

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.

(II)

Pursuant to 49 CFR 390.23, this declaration of a State of Emergency facilitates the waiver of certain regulations of the U.S. Department of Transportation-Federal Motor Carrier Safety Administration (FMCSA), including, but not limited to, 49 CFR Part 395 (Hours of Service for Drivers) as it relates to providing emergency or disaster related materials, supplies, goods, and services, which shall end after the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or 30 days from the initial declaration of emergency, unless sooner terminated, or as otherwise specified in the FMCSA's regulations, whichever is earlier. 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 CFR 390.23.

(III)

Section 9-17-109(d) of the Code of Alabama and section 530-X-2-.16(c) of the Alabama Administrative Code are hereby suspended during this State of Emergency to allow any propane gas dealer servicing the State of Alabama to fill any container belonging to another propane gas dealer which cannot or will not supply a customer.

(IV)

Local Educational Agencies maintain the discretion to open or close any school or office based on local conditions and forecasts, and any affected school system that is closed as a result and loses student days or employee days, or both, may appeal to the State Superintendent of Education for relief in fulfilling the local school calendar with respect to student days or employee days, or both, with no loss of income to employees.

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 the State of Emergency unless rescinded or extended by Proclamation.

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 15th day of January, 2018.

Kay Ivey

Kay Ivey
Governor

ATTEST:

J. H. Merrill

John H. Merrill
Secretary of State