



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

### STATE OF EMERGENCY FOR TORNADOES AND SEVERE STORMS

- WHEREAS:** The National Weather Service issued several Tornado Warnings in North and Central Georgia for this afternoon, January 12, 2023; and
- WHEREAS:** The Storm Prediction Center upgraded much of North and Central Georgia to an Enhanced Risk level due to the threat of damaging thunderstorm wind gusts and tornadoes; and
- WHEREAS:** These thunderstorm wind gusts have the potential to reach up to 60 miles per hour and bring down trees and powerlines; and
- WHEREAS:** Multiple tornadoes have been confirmed or observed in Butts, Henry, Meriwether, Pike, Spalding, and Troup Counties, with the possibility of another tornado to touch down near Hartsfield-Jackson International Airport; and
- WHEREAS:** A Wind Advisory has been also issued for much of Georgia for non-thunderstorm wind gusts up to 40 miles per hour ahead of the main line of storms; and
- WHEREAS:** This severe thunderstorm system will continue to move southeastward through Georgia this evening and should weaken as it moves through Southern and Eastern Georgia tonight; and
- WHEREAS:** Throughout the evening and into tomorrow, January 13, 2023, an incoming cold airmass may cause flurries and light snow showers in North Georgia; and

- WHEREAS:** Assistance from the State of Georgia is necessary to provide for the public's safety and mitigate potential consequences of this severe weather system; and
- WHEREAS:** The Federal Motor Carrier Safety regulations, 49 C.F.R. 390, et seq., limit the hours of operators of commercial motor vehicles may drive; and
- WHEREAS:** 49 C.F.R. 390.23 allows the Governor of a State to suspend these rules and regulations for up to 30 days if the Governor determines that an emergency condition exists; and
- WHEREAS:** On April 14, 2022, due to the ongoing severe disruptions to Georgia's supply chain, I issued Executive Order 04.14.22.01, declaring a State of Emergency for Supply Chain Disruptions; and
- WHEREAS:** On May 10, 2022, I renewed the State of Emergency for Supply Chain Disruptions until June 14, 2022, by issuing Executive Order 05.10.22.01; and
- WHEREAS:** On May 26, 2022, I renewed the State of Emergency for Supply Chain Disruptions until July 14, 2022, by issuing Executive Order 05.26.22.01; and
- WHEREAS:** On July 1, 2022, I renewed the State of Emergency for Supply Chain Disruptions until August 13, 2022, by issuing Executive Order 07.01.22.01; and
- WHEREAS:** On August 3, 2022, I renewed the State of Emergency for Supply Chain Disruptions until September 12, 2022, by issuing Executive Order 08.03.22.01; and
- WHEREAS:** On September 1, 2022, I renewed the State of Emergency for Supply Chain Disruptions until October 12, 2022, by issuing Executive Order 09.01.22.01; and
- WHEREAS:** On October 3, 2022, I renewed the State of Emergency for Supply Chain Disruptions until November 11, 2022, by issuing Executive Order 10.03.22.01; and
- WHEREAS:** On November 4, 2022, I renewed the State of Emergency for Supply Chain Disruptions until December 11, 2022, by issuing Executive Order 11.04.22.01; and

**WHEREAS:** On December 8, 2022, I renewed the State of Emergency for Supply Chain Disruptions until January 10, 2023, by issuing Executive Order 12.08.22.01; and

**WHEREAS:** On January 6, 2022, I renewed the State of Emergency for Supply Chain Disruptions until February 9, 2023, by issuing Executive Order 01.06.23.01; and

**WHEREAS:** This Order shall create a coexisting state of emergency in the State of Georgia with the State of Emergency for Supply Chain Disruptions described in the immediately preceding paragraphs; and

**WHEREAS:** The responses by the State to this State of Emergency for Tornadoes and Severe Storms and the State of Emergency for Supply Chain Disruptions should both proceed simultaneously, without one impeding the other; and

**WHEREAS:** The Governor is vested with the emergency powers cited herein as the Chief Executive of this State; and

**WHEREAS:** As Chief Executive, the Governor is tasked with protecting the citizens of this State, including during a state of emergency; and

**WHEREAS:** Code Section 38-3-51 vests the Governor with the authority to bring emergency situations under control by issuing orders, rules, and regulations to protect the safety and welfare of the public; and

**WHEREAS:** Code Section 38-3-28 provides that "[a]ll orders, rules, and regulations promulgated by the Governor" have the force and effect of law; and

**WHEREAS:** In consultation with state emergency preparedness officials, I have determined that the following actions are necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors.

**NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**ORDERED:** That a State of Emergency exists in the State of Georgia due to the severe storm system and tornadoes that moved through the State on January 12, 2023.

**IT IS FURTHER**

**ORDERED:** That the State of Emergency declared by this Order shall coexist with the State of Emergency for Supply Chain Disruptions declared by Executive Order 04.14.22.01 and renewed by Executive Orders 05.10.22.01, 05.26.22.01, 07.01.22.01, 08.03.22.01, 09.01.22.01, 10.03.22.01, 11.04.22.01, 12.08.22.01, and 01.06.23.01. The existence or termination of one shall not impinge the other.

**IT IS FURTHER**

**ORDERED:** That any orders derivative of or appurtenant to this Order addressing this State of Emergency for Tornadoes and Severe Storms shall not infringe, overturn, or in any way amend any orders that have been issued for the purpose of responding to the State of Emergency for Supply Chain Disruptions declared by Executive Order 04.14.22.01 and renewed by Executive Orders 05.10.22.01, 05.26.22.01, 07.01.22.01, 08.03.22.01, 09.01.22.01, 10.03.22.01, 11.04.22.01, 12.08.22.01, and 01.06.23.01.

**IT IS FURTHER**

**ORDERED:** That all resources of the State of Georgia be made available to assist in preparation, response, and recovery activities throughout the affected areas, and the Georgia Emergency Management and Homeland Security Agency shall activate the Georgia Emergency Operations Plan.

**IT IS FURTHER**

**ORDERED:** That state agencies shall coordinate all public and emergency information, activities, releases, and response efforts related to this emergency with the Georgia Emergency Management and Homeland Security Agency.

**IT IS FURTHER**

**ORDERED:** That the Georgia Department of Transportation and Georgia Department of Public Safety shall take all necessary action to ensure the expeditious movement of utility vehicles, equipment, and personnel through the State to eliminate power outages.

**IT IS FURTHER**

**ORDERED:** That state agencies shall provide sufficient personnel required for the staffing of the Georgia State Operations Center or other command, control, and coordination points as may be designated by the Director

of the Georgia Emergency Management and Homeland Security Agency and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration, and recovery of essential public services.

**IT IS FURTHER**

**ORDERED:** That the federal rules and regulations limiting hours that operators of commercial vehicles may drive are suspended to ensure the uninterrupted supply of goods and services necessary to respond to this State of Emergency, including petroleum products, propane, and heating fuels. This declared emergency justifies a suspension of Part 395 (driver's hours of service) of Title 49 of the Code of Federal Regulations. The suspension will remain in effect for thirty (30) days or until the emergency condition ceases to exist, whichever is less. Nothing herein will be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 and the financial requirements in 49 C.F.R. § 387.

**IT IS FURTHER**

**ORDERED:** That no motor carrier operating under the terms of this State of Emergency for Tornadoes and Severe Storms will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that he or she needs immediate rest will be given at least ten (10) consecutive hours off-duty before being required to return to service.

**IT IS FURTHER**

**ORDERED:** Pursuant to Code Section 10-1-393.4, price gouging related to goods and services necessary to respond to this State of Emergency, including motor and diesel fuel, would be detrimental to the social and economic welfare of the citizens of this State and is therefore prohibited.

**IT IS FURTHER**

**ORDERED:** That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

**IT IS FURTHER**

**ORDERED:** That no provision of this Order shall limit, infringe, suspend, or supplant any judicial order, judgment, or decree issued pursuant to the laws or constitution of this State or the laws or constitution of the United States, nor shall any person use any provision this Order as a defense to an action in violation of a judicial order, judgment, or decree by any court created pursuant to the laws or constitution of this State or the laws or constitution of the United States.

**IT IS FURTHER**

**ORDERED:** The Office of the Governor may continue to issue guidance on the scope of this Order as needed through communication media, including social media, without need for further Executive Orders.

**IT IS FURTHER**

**ORDERED:** All provisions of the Order shall become effective upon signature and shall be valid for a period of seven (7) days, expiring January 19, 2023, at 11:59 P.M. unless this State of Emergency is renewed by the Governor.

**IT IS FURTHER**

**ORDERED:** That this Order shall be effective upon signature.

This 12<sup>th</sup> day of January 2023.

A handwritten signature in black ink, appearing to read "Bill", written in a cursive style.

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**GOVERNOR**