



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

### STATE OF EMERGENCY FOR HURRICANE IDALIA

- WHEREAS:** Hurricane Idalia is forecasted to make landfall in the early morning on Wednesday, August 30, 2023, along areas of the Florida Gulf Coast and portions of the Florida Panhandle and is projected to travel northeast affecting areas in south central Georgia and southeast coastal Georgia; and
- WHEREAS:** The National Hurricane Center forecasts Hurricane Idalia may produce heavy rainfall, damaging winds, isolated tornadoes, storm surge, and flooding in the State of Georgia; and
- WHEREAS:** This storm system has the potential to produce severe impacts to citizens throughout south-central and southeast coastal Georgia; and
- WHEREAS:** Potential flooding, downed trees, power lines, and debris may render Georgia's network of roads impassable in affected counties, isolating residences and persons from access to essential public services; and
- WHEREAS:** Preliminary reports from county emergency management agencies and the Georgia Emergency Management and Homeland Security Agency indicate a need for assistance in the impacted counties; and
- WHEREAS:** Assistance from the State of Georgia is necessary to provide for the public's safety, protect public and private property, and restore the social and economic welfare of the State; 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:** The Governor is vested with the emergency powers cited herein as the Chief Executive of this State; 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:** 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(c)(1) vests the Governor with the power to enforce all laws, rules, and regulations relating to emergency management and to assume direct operational control of all civil forces and helpers in the state; and

**WHEREAS:** Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and

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

**NOW, THEREFORE, PURSUANT TO CODE SECTIONS 38-3-28 AND 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 potential negative impact of Hurricane Idalia.

**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 Georgia Department of Defense provide up to one thousand (1000) Georgia National Guard troops to be used in preparation, response, and recovery efforts for this State of Emergency for Hurricane Idalia.

**IT IS FURTHER**

**ORDERED:** That said Georgia National Guard troops be called up to State Active Duty as necessary by the Adjutant General.

**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 for Hurricane Idalia, including petroleum products. 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 Hurricane Idalia 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 for preparation, response, and recovery activities for this State of Emergency for Hurricane Idalia, including motor fuel, diesel fuel, and other petroleum products, 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:** That this Order does not suspend operation of any state or federal law or regulation, except as specifically described herein.

**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 ten (10) days, expiring Friday, September 8, 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 29<sup>th</sup> day of August 2023.

  
GOVERNOR