



EXECUTIVE ORDER NO. 736

ESTABLISHING THE ALABAMA RESILIENCE COUNCIL

WHEREAS protection of human life and property ranks among the highest duties of government;

WHEREAS human life and property in Alabama are vulnerable to a wide variety of events, both natural and manmade, that cause harmful impacts;

WHEREAS resilience is defined as the ability to withstand or recover quickly from such difficult conditions;

WHEREAS Alabama has taken numerous steps to reduce risks posed by these possible events and the impacts of such events;

WHEREAS one such step was the formation, by executive order, of a State Hazard Mitigation Council to develop and periodically update the State Hazard Mitigation Plan required by federal law as a condition of receiving federal disaster assistance, *cf.* 42 U.S.C. § 5165;

WHEREAS another step was the enactment of the Strengthen Alabama Homes Act to provide grants for retrofitting insurable properties to resist loss due to catastrophic windstorm events, *see* Ala. Code §§ 27-31E-1 *et seq.*;

WHEREAS the mission and functions of the existing State Hazard Mitigation Council can be broadened to include the promotion of innovative resilience programs like the Strengthen Alabama Homes Program; and,

WHEREAS the implementation of a comprehensive approach to resilience through a new "Alabama Resilience Council" will significantly reduce human suffering, property damage, and other economic loss;

NOW, THEREFORE, I, Kay Ivey, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of the State of

Alabama, do hereby establish the Alabama Resilience Council, effective immediately, as further set forth below.

1. **Purpose.** The purpose of the Council is to provide a forum for coordinating activities of state government and for facilitating interactions between state government and the private sector to proactively address harmful impacts on Alabama communities and infrastructure before they occur.
2. **Duties.** The Council's duties shall be as follows:
 - a. **Resilience strategies and principles.** The Council shall develop strategies to guide statewide resilience efforts by prioritizing objectives reflecting pressing resilience challenges. To this end, the Council shall regularly convene government and private-sector stakeholders with different perspectives and interests to facilitate planning across jurisdictions and sectors and thereby to avoid cascading failures. The Council shall develop principles to guide the work of state government in carrying out its resilience initiatives.
 - b. **Resilience education.** The Council shall take steps to enhance community awareness to prepare for, and protect against, hazards; to enable greater understanding of personal risks; to educate residents of the State about how to mitigate risks; and to increase knowledge of resources available for mitigation efforts.
 - c. **Private-sector collaboration.** The Council shall solicit participation of the private sector in programs to collectively strengthen the resilience of businesses and communities. The Council shall engage the private sector to reduce costs from lost productivity and pursue joint, public-private efforts to avoid infrastructure damages.
 - d. **Risk management.** The Council shall improve the public's ability to assess risk management alternatives by reducing the complexity of risk information for non-technical audiences, by generating and sharing reliable information that helps decisionmakers identify and select risk-reduction alternatives, and by providing guidance about assistance programs and

funding opportunities based on needs, cost effectiveness, feasibility, potential resources, and returns on investment.

- e. **Resilience advocacy.** The Council shall pursue and support federal and state policies and programs that promote innovative and flexible solutions for achieving individual, community, and statewide resilience. To this end, the Council shall engage the support and assistance of government agencies, professional associations, businesses, private citizens, non-profit organizations, and interested parties.
 - f. **State Hazard Mitigation Plan.** The Council shall provide support and assistance in the preparation and maintenance of the State Hazard Mitigation Plan, as required by the federal Disaster Mitigation Act of 2000, 42 U.S.C. § 5121, *et seq.*, which requires all States to adopt and maintain a FEMA-approved State Hazard Mitigation Plan as a prerequisite for receiving federal disaster assistance under the Stafford Act (*see* 42 U.S.C. § 5165); provided, however, that the Alabama Emergency Management Agency shall be responsible for administrative maintenance and day-to-day execution of the Plan.
 - g. **Pursuit of additional funding.** The Council may identify and pursue funding through federal, state, and private opportunities to promote resilience in the State of Alabama.
3. **Leadership.** The Council shall be led by a chair or co-chairs to be designated by the Governor.
4. **Members.** The membership of the Council shall consist of the executive head of each of the following agencies and departments or his or her designee:
- a. The Alabama Department of Agriculture and Industries.
 - b. The Alabama Department of Commerce.
 - c. The Alabama Department of Conservation and Natural Resources.

- d. The Alabama Department of Economic and Community Affairs.
 - e. The Alabama Department of Environmental Management.
 - f. The Alabama Department of Insurance.
 - g. The Alabama Department of Public Health.
 - h. The Alabama Department of Transportation.
 - i. The Alabama Emergency Management Agency.
 - j. The Alabama Forestry Commission.
 - k. The Alabama Geological Survey.
 - l. The Alabama Law Enforcement Agency.
 - m. The Alabama Military Department (i.e., the National Guard).
 - n. The Alabama Office of Information Technology.
5. **Designated representatives.** The following organizations may designate a representative to the Council:
- a. The Alabama Association of Regional Councils.
 - b. The Alabama Indian Affairs Commission.
 - c. The Alabama League of Municipalities.
 - d. The Alabama Soil and Water Conservation Committee.
 - e. The Association of County Commissions of Alabama.
 - f. The Business Council of Alabama.
 - g. The Economic Development Administration.
 - h. The Energy Institute of Alabama.
 - i. The Federal Emergency Management Agency.

- j. Manufacture Alabama.
 - k. The National Federation of Independent Business.
 - l. The Small Business Administration.
 - m. The United States Army Corps of Engineers.
 - n. The United States Forest Service.
 - o. The University of Alabama Center for Risk and Insurance Research.
 - p. The National Weather Service.
6. **Meetings and organization.** The Council shall meet at the call of the chair or co-chairs and may adopt such bylaws and procedures and appoint such committees, sub-committees, or other working groups as it sees fit for the effective and efficient organization of its work.
- a. **Governor's Office involvement.** The Council shall invite the Governor's Office to send a representative to each of its meetings and shall keep the Governor's Office updated on its activities.
 - b. **Compensation and expenses.** Members of the Council shall serve without compensation except members who are public officials or public employees may elect to receive the per diem and travel allowance authorized by state law for persons traveling on official state business.
 - c. **Administrative support.** The Alabama Department of Insurance and the Alabama Emergency Management Agency shall provide administrative support to the Council as appropriate.
7. **Implementation.** This order shall be implemented to the maximum extent possible consistent with applicable law and subject to the availability of appropriations. Nothing in this order shall be construed as impairing or otherwise affecting the authority granted by law to an executive department or agency, or the head thereof, including the Governor of the State of Alabama.

8. **No private right of action.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Alabama, its departments, agencies, or entities, or any of their officers, employees, or agents, or any other person.

9. **Effect on prior related orders.** All previously issued executive orders establishing a “state hazard mitigation council” or similar body—including, specifically, Executive Order No. 588 (February 24, 2004) (formerly Exec. Order No. 19 signed by Governor Bob Riley)—are hereby rescinded. The State Hazard Mitigation Council established by Executive Order No. 588 is specifically dissolved and replaced by the Alabama Resilience Council.

DONE AND ORDERED this the 5th day of May 2023.



Kay Ivey

KAY IVEY
Governor

ATTESTED

Wes Allen

WES ALLEN
Secretary of State