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- 04/30/2015 Received by Lt. Gov & Speaker 04/05/2016

S 04/30/2015 Referred to Committee

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 provided for in the Regulation

Document No. 4563

**OFFICE OF THE GOVERNOR**

CHAPTER 58

Statutory Authority: 1976 Code Sections 25-1-420 et seq.

58-1. Local Emergency Preparedness Standards

**Synopsis:**

The proposed amendments will update the language of the regulation to comply with current standards of practice. Additionally, the amendments will delineate the roles and responsibilities of the counties and municipalities.

A Notice of Drafting was published in the *State Register* on February 27, 2015.

**Instructions:**

Replace Regulation 58-1 as shown below.

**Text:**

58-1. Local Emergency Management Standards.

A. Counties

1. In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies each county within this state must establish and maintain an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program.

2. The emergency management standards outlined in the various publications of the Department of Homeland Security and Federal Emergency Management Agency, such as the National Incident Management System and the Comprehensive Preparedness Guide are the overarching basis for the State and local jurisdictions.

3. Each county emergency management agency shall have a director. The director must meet the minimum training and education qualifications established in a job description approved by the county. The director shall be appointed in accordance with appropriate county personnel procedures, and serve at the pleasure of the appointing authority, in conformance with applicable resolutions, ordinances, and laws.

4. Each director has direct responsibility for the organization, administration, and operation of the county emergency management agency. The director shall coordinate emergency management activities, services, and programs within the county and shall serve as liaison to the division and other local emergency management agencies and organizations.

5. Each county emergency management agency shall perform emergency management functions within the territorial limits of the county within which it is organized and, in addition, shall conduct such activities outside its territorial limits as are required and in accordance with state and county emergency management plans and mutual aid agreements. Counties shall serve as liaison for and coordinator of municipalities’ requests for state and federal assistance during post-disaster emergency operations.

B. Municipalities

1. Legally constituted municipalities are authorized and encouraged to create municipal emergency management programs.

2. Municipal emergency management programs shall coordinate their activities with those of the county emergency management agency. Municipalities without emergency management programs shall be served by their respective county agencies.

3. If a municipality elects to establish an emergency management program, it must comply with all laws, rules, and requirements applicable to county emergency management agencies.

4. Each municipal emergency management plan must be consistent with and subject to the applicable county emergency management plan. In addition, each municipality must coordinate requests for state or federal emergency response assistance with its county. This requirement does not apply to requests for reimbursement under federal public disaster assistance programs.

C. Review Committee

1. A review committee shall be formed to review and address any concerns or issues regarding emergency management. The committee shall meet on a bi-annual basis and any recommendations shall be forwarded to the Adjutant General.

2. The Review Committee will be comprised of seven members and will be appointed by the Adjutant General.

a. One elected board member from SCEMA,

b. Two members from counties with a population greater than 200,000,

c. Two members from counties with a population between 50,000 and 200,000, and

d. Two members from counties with a population of less than 50,000.

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for this regulation.

**Statement of Rationale:**

The determination to amend this regulation was based on numerous requests received by the South Carolina Emergency Management Division. The current regulation does not reflect the current standards of practice so it is reasonable and necessary to update the language to reflect current practices. It is also important to encourage the development of emergency management at the local level to ensure the best response and coordination during an emergency. During an emergency situation, the clear delineation of roles and responsibilities is crucial to a successful operation and is directly linked to the health and safety of the public.