**A** **BILL**

TO AMEND ARTICLE 4, CHAPTER 1, TITLE 25 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION, BY ADDING SECTION 25-1-435, TO CREATE, POPULATE, AND PROVIDE TERMS FOR THE BOARD OF EMERGENCY MANAGEMENT; AND TO AMEND SECTION 25-1-440(a)(2), RELATING TO THE ADDITIONAL POWERS AND DUTIES OF THE GOVERNOR DURING A STATE OF EMERGENCY, TO PROVIDE THAT A STATE OF EMERGENCY CANNOT BE EXTENDED BEYOND FIFTEEN DAYS WITHOUT THE AUTHORIZATION OF THE BOARD OF EMERGENCY MANAGEMENT, TO PROVIDE THAT THE BOARD SHALL BE VESTED WITH THE SAME POWERS THAT WERE VESTED IN THE GOVERNOR DURING THE INITIAL FIFTEEN DAY EMERGENCY DECLARATION, AND TO PROVIDE FOR A PROCEDURE TO ALTER THE PROVISIONS OF AN EMERGENCY DECLARATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 4, Chapter 1, Title 25 of the 1976 Code is amended by adding:

“Section 25-1-435. For the purposes of this article, there is created the Board of Emergency Management, which shall be activated pursuant to Section 25-1-440(a)(2). The Board of Emergency Management shall be comprised of the Governor, all elected constitutional officers, three members of the Senate appointed by the President of the Senate, and three members of the House of Representatives appointed by the Speaker of the House of Representatives. Members shall be appointed at the beginning of each biennial session and serve for a term of two years.”

SECTION 2. Section 25-1-440(a)(2) of the 1976 Code is amended to read:

“(2) declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency, as defined in Section 44‑4‑130, has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation. A declared state of emergency shall not continue for a period of more than fifteen days, except as provided in this item. ~~without the consent of the General Assembly~~ If the Governor determines that a declared state of emergency should be extended, then he shall notify the Board of Emergency Management. If the Board of Emergency Management consents to an extension, then the Board of Emergency Management shall be vested with all emergency powers that were vested in the Governor during the initial fifteen-day state of emergency. Any changes to the state of emergency, including the addition or deletion of policies included in the declaration, must be approved by a two-thirds vote of the Board of Emergency Management;”

SECTION 3. This act takes effect upon approval by the Governor.

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