**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 5488**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Taylor, Yow, Chumley, Haddon, Morgan, Long, Magnuson, McCravy, Burns, G.R. Smith, Hiott, Trantham, B. Cox, Forrest, Hardee, Jones, Allison and Oremus

Document Path: l:\council\bills\cc\15768zw20.docx

Companion/Similar bill(s): 1200, 1203, 1213

Introduced in the House on May 12, 2020

Currently residing in the House Committee on **Judiciary**

Summary: Governor's powers; declared emergency; provide General Assembly must authorize state of emergency past 15 days

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/12/2020 House Introduced and read first time

5/12/2020 House Referred to Committee on **Judiciary**

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5488&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[5/12/2020](file:///p:\pprever\2019-20\5488_20200512.docx)

**A** **BILL**

TO AMEND SECTION 25‑1‑440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS AND DUTIES OF THE GOVERNOR DURING A DECLARED EMERGENCY, SO AS TO PROVIDE THAT A DECLARED STATE OF EMERGENCY SHALL NOT CONTINUE FOR A PERIOD OF MORE THAN FIFTEEN DAYS WITHOUT THE PASSAGE OF A JOINT RESOLUTION BY THE GENERAL ASSEMBLY EXPRESSLY APPROVING THE DECLARATION’S CONTINUATION, TO PROVIDE THAT UPON THE EXPIRATION OF THE GOVERNOR’S ORIGINAL EMERGENCY DECLARATION, HE MAY NOT DECLARE A NEW STATE OF EMERGENCY BASED UPON THE SAME OR SUBSTANTIALLY SIMILAR FACTS AND CIRCUMSTANCES AS THE ORIGINAL DECLARATION WITHOUT THE PASSAGE OF A JOINT RESOLUTION BY THE GENERAL ASSEMBLY EXPRESSLY APPROVING THE NEW EMERGENCY DECLARATION, TO REQUIRE THE GOVERNOR TO SUBMIT A REPORT TO THE GENERAL ASSEMBLY BEFORE CONTINUING A DECLARED STATE OF EMERGENCY OR DECLARING A NEW STATE OF EMERGENCY BASED UPON THE SAME OR SUBSTANTIALLY SIMILAR FACTS AND CIRCUMSTANCES AS THE ORIGINAL DECLARATION, AND TO DEFINE RELEVANT TERMS.

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

SECTION 1. 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 without the ~~consent of~~ passage of a joint resolution by the General Assembly expressly approving the declaration’s continuation and based upon a report submitted by the Governor to the General Assembly detailing the grounds for the continuation. Moreover, upon the expiration of the Governor’s original emergency declaration, he may not declare a new state of emergency based upon the same or substantially similar facts and circumstances as the original declaration without the passage of a joint resolution by the General Assembly expressly approving the new emergency declaration and based upon a report submitted by the Governor to the General Assembly detailing the grounds for the new emergency declaration. Notwithstanding another provision of law, the Governor’s report must be provided as set forth in this item, and neither its contents, nor any governmental actions taken pursuant to a gubernatorial emergency declaration shall prevent the General Assembly from taking any proposed action it deems appropriate. For purposes of this item, ‘report’ means either a written or electronic document delivered or transmitted by the Governor to the Speaker of the House of Representatives and the President of the Senate, or a presentation by the Governor at a Joint Assembly of the General Assembly;”

SECTION 2. This act takes effect upon approval by the Governor.

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