

EXECUTIVE ORDER NO.

2023-11

WHEREAS, the State of South Carolina must stand ready and remain prepared to respond in a coordinated, efficient, and effective manner to a wide range of emergency situations, including natural, technological, and man-made disasters, which can damage and destroy property, obstruct important services, disrupt commercial and recreational activities, impede economic growth and development, and threaten the safety, security, and welfare of the people of this State; and

WHEREAS, the State's exposure or susceptibility to certain risks and disaster scenarios is exacerbated by recent population growth, particularly in the coastal areas; as well as increases in the number of seasonal vacationers and in the number of elderly residents and residents with access and functional needs; and

WHEREAS, the State must take timely precautions to protect its people, property, critical infrastructure, and communities from a variety of disaster scenarios and must proactively prepare for all-hazard events, to include planning for the efficient evacuation and shelter of threatened or displaced persons, the rapid and orderly provision of relief to impacted persons, the prompt restoration of essential services, and the effective coordination of activities and resources relating to emergency preparedness, response, mitigation, and recovery between and among agencies and officials of this State and the political subdivisions thereof and agencies and officials of other States and the federal government, as well as interstate and non-governmental organizations and other private-sector entities; and

WHEREAS, section 25-1-440(b) of the South Carolina Code of Laws, as amended, provides that the Governor is responsible "for the development and coordination of a system of Comprehensive Emergency Management," and section 25-1-420 of the South Carolina Code of Laws, as amended, specifies that the South Carolina Emergency Management Division ("EMD") of the Office of the Adjutant General, is responsible for, *inter alia*, "coordinating the efforts of all state, county, and municipal agencies and departments in developing a State Emergency Plan" and "maintaining a State Emergency Operations Center"; and

WHEREAS, pursuant to section 25-1-420(a) of the South Carolina Code of Laws and Regulation 58-101 of the South Carolina Code of Regulations, EMD has developed and submitted to the undersigned for review and approval an updated version of the South Carolina Emergency Operations Plan, dated April 25, 2023, which sets forth the policies and procedures governing the State's preparation for and coordinated response to any disasters or all-hazard events that may occur in or otherwise impact the State of South Carolina.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Approving the South Carolina Emergency Operations Plan and Issuing Certain Directives Related to the Same

A. I hereby approve the April 25, 2023 South Carolina Emergency Operations Plan ("Plan") and supersede, rescind, and replace Executive Order No. 2019-19, with any modified or remaining provisions thereof restated, in whole or in part, below or otherwise incorporated herein.

B. Each department or agency of the State shall be responsible for emergency services as assigned in the Plan.

C. Each department or agency of the State assigned a primary responsibility in the Plan shall maintain, as directed by EMD, comprehensive standard operating procedures for executing its assigned emergency services. Each department or agency of the State assigned a support responsibility in the Plan shall assist the primary department or agency in maintaining these procedures.

D. Each department or agency of the State assigned a primary or support responsibility in the Plan shall participate in EMD-scheduled exercises and shall conduct the requisite training of personnel essential to the implementation of all assigned emergency functions.

E. All departments or agencies of the State shall execute, without delay, the emergency functions so designated in the Plan, or as further ordered or otherwise directed by the undersigned, during any emergency or disaster through the initial use of existing department or agency appropriations and all necessary department or agency personnel, regardless of normal duty assignment.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 27th DAY OF
APRIL, 2023.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State