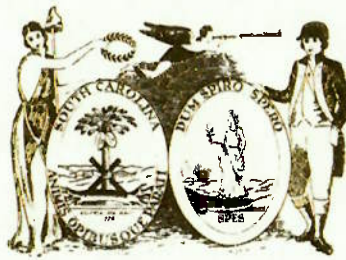


State of South Carolina
Executive Department

FILED

AUG 03 2024

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2024-15

WHEREAS, on August 1, 2024, the Governor of the State of Florida issued Executive Order No. 24-156, declaring a State of Emergency for the majority of the State of Florida in connection with a tropical wave—previously identified as Invest 97L, presently designated as Tropical Depression Four, and anticipated to be named Tropical Storm Debby—and projecting that forecasted conditions associated with the same, including the threat of significant rainfall and flooding, will constitute a major disaster for the State of Florida; and

WHEREAS, on August 1, 2024, in accordance with the provisions of the Emergency Management Assistance Compact (“EMAC”), S.C. Code Ann. §§ 25-9-420 *et seq.*, the Governor of the State of Florida formally requested that the State of South Carolina assist the State of Florida by providing mutual aid in preparation for and response to the declared emergency; and

WHEREAS, article IV, section 13 of the South Carolina Constitution designates the Governor as the “Commander-in-Chief of the organized and unorganized militia of the State”; and

WHEREAS, article XIII, section 3 of the South Carolina Constitution states that “[t]he Governor shall have the power to call out the volunteer and militia forces, either or both, to execute the laws, repel invasions, suppress insurrections and preserve the public peace”; and

WHEREAS, section 25-1-1820 of the South Carolina Code of Laws, as amended, provides that the South Carolina National Guard may be subject to active duty “for aiding civil officers in the execution of the laws, in which cases the Governor or local commander . . . shall order out for active service, by draft or otherwise, as many of the National Guard as necessity demands”; and

WHEREAS, section 25-1-1840 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “[i]n the event of (a) war, insurrection, rebellion, invasion, tumult, riot[,] or a mob, (b) a body of men acting together by force with intent to commit a felony to offer violence to persons or property or by force and violence to break and resist the laws of this State or the United States, (c) in case of the imminent danger of the occurrence of any such events[,] or (d) in the event of public disaster the Governor may order the National Guard of South Carolina

or any part thereof into the active service of the State and cause them to perform such duty as he shall deem proper"; and

WHEREAS, South Carolina is prepared to provide the personnel, resources, and equipment necessary to assist the State of Florida and to respond to the cited circumstances and emergency conditions pursuant to the terms of the EMAC; and

WHEREAS, upon consultation with the Adjutant General of South Carolina and the South Carolina Emergency Management Division ("EMD"), the undersigned has determined that it is necessary and appropriate for South Carolina National Guard personnel, resources, and equipment to respond to the aforementioned request for mutual aid and emergency assistance from the State of Florida.

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. Activating the South Carolina National Guard to Provide Requested Assistance and Mutual Aid to the State of Florida

A. In accordance with the foregoing authorities and other applicable law, I hereby authorize and direct the Adjutant General to place specified units or personnel, or both, of the South Carolina National Guard on State Active Duty; to issue any supplemental orders he deems necessary and appropriate; and to utilize the requisite South Carolina National Guard personnel, resources, and equipment to fulfill the aforementioned mission in support of, and requested by, the State of Florida.

B. South Carolina National Guard personnel and equipment deployments and mission requirements shall be coordinated through EMD, in consultation with the Office of the Governor, in accordance with the terms of the EMAC.

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.

August 3, 2024

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 to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and, in accordance with article 4 of the EMAC, shall remain in effect for so long as the activities for mutual aid are in progress, the state of emergency or disaster remains in effect in the State of Florida, or the loaned resources remain in the State of Florida, whichever is longer.



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 3rd DAY OF AUGUST, 2024.


HENRY DARGAN MCMASTER
Governor

ATTEST:



MARK HAMMOND
Secretary of State