**South Carolina General Assembly**

126th Session, 2025-2026

**S. 166**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Campsen

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Introduced in the Senate on January 14, 2025

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

Summary: Emergency Order Balance of Powers Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/14/2025 Senate Introduced and read first time ([Senate Journal‑page 104](h:\sj\20250114.docx))

1/14/2025 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 104](h:\sj\20250114.docx))

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**VERSIONS OF THIS BILL**

[01/14/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/166_20250114.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE “EMERGENCY ORDER BALANCE OF POWERS ACT”; BY AMENDING SECTION 1‑3‑420, RELATING TO PROCLAMATIONS BY THE GOVERNOR, SO AS TO PROVIDE THE CONDITIONS IN WHICH A PROCLAMATION SHALL TERMINATE; AND BY AMENDING SECTION 25‑1‑440, RELATING TO DECLARATIONS OF A STATE OF EMERGENCY, SO AS TO PROVIDE THE CONDITIONS IN WHICH A DECLARED STATE OF EMERGENCY SHALL TERMINATE.

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

SECTION 1. This act may be cited as the “Emergency Order Balance of Powers Act”.

SECTION 2. Section 1‑3‑420 of the S.C. Code is amended to read:

Section 1‑3‑420. (A) The Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of unlawful assemblage, violence or threats of violence, or a public health emergency, as defined in Section 44‑4‑130, a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists.

(B) The Governor, upon the issuance of a proclamation as provided for in this section, must immediately file the proclamation in the Office of the Secretary of State, which. The proclamation is effective upon issuance and shall remain in full force and effect for a period of no more than fifteen days unless renewed by the Governor for no more than fifteen‑day periods until revoked by the Governor. A proclamation also shall terminate upon the earlier of:

(1) the termination date established by the Governor in a proclamation;

(2) the termination date established by the General Assembly in a concurrent resolution; or

(3) if the President of the Senate and the Speaker of the House determine it is not practical or possible to convene the General Assembly, then the termination date established in a written statement to both the Governor and Secretary of State by the President of the Senate and the Speaker of the House. If there is a vacancy in the office of the President of the Senate, then the duties that may be discharged by the President of the Senate in this item may be discharged by the Chairman of the Senate Rules Committee, and if that office is vacant, then by the Chairman of the Senate Finance Committee. If there is a vacancy in the office of Speaker of the House, then the duties that may be discharged by the Speaker of the House in this item may be discharged by the Speaker Pro Tempore of the House, and if that office is vacant, then by the Chairman of the House Rules Committee.

SECTION 3. Section 25‑1‑440(a)(2) of the S.C. 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 the General Assembly;unless renewed by the Governor for no more than fifteen‑day periods. A declared state of emergency also shall terminate upon the earlier of:

(i) the termination date established by the Governor in an executive order;

(ii) the termination date established by the General Assembly in a concurrent resolution; or

(iii) if the President of the Senate and the Speaker of the House determine it is not practical or possible to convene the General Assembly, then the termination date established in a written statement to both the Governor and the Secretary of State by the President of the Senate and the Speaker of the House. If there is a vacancy in the office of the President of the Senate, then the duties that may be discharged by the President of the Senate in this subitem may be discharged by the Chairman of the Senate Rules Committee, and if that office is vacant, then by the Chairman of the Senate Finance Committee. If there is a vacancy in the office of Speaker of the House, then the duties that may be discharged by the Speaker of the House in this subitem may be discharged by the Speaker Pro Tempore of the House, and if that office is vacant, then by the Chairman of the House Rules Committee;

SECTION 4. This act takes effect upon approval by the Governor.

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