

Session 123 - (2019-2020)

H*3145 (Rat #0076, Act #0056 of 2019) General Bill, By Ott, Clary, Cobb-Hunter, Collins, Jefferson, Kirby, Willis, Cogswell, D.C. Moss, G.R. Smith, Elliott, Sandifer, Lucas, Ballentine, Caskey, Simrill, West, Murphy, McKnight, Mace, Kimmons, Davis, Magnuson, Sottile, Hewitt, Hiott, B. Newton, Pope, Forrest, Bales, Rutherford, R. Williams, Gilliam, Norrell, Funderburk, G.M. Smith, Weeks, Ridgeway, Yow, W. Newton, Bamberg, Stavrinakis, McCoy, Erickson, Blackwell, Wheeler, Fry, Bannister, Calhoun, Huggins, Gilliard and Taylor

Similar (S 0539, S 0760)

Summary: Electric coops, audits

AN ACT TO AMEND SECTION 33-49-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF COOPERATIVES AND FOREIGN CORPORATIONS FROM THE JURISDICTION AND CONTROL OF THE PUBLIC SERVICE COMMISSION, SO AS TO MODIFY THIS EXEMPTION; BY ADDING SECTION 33-49-150 SO AS TO VEST THE OFFICE OF REGULATORY STAFF WITH AUTHORITY AND JURISDICTION TO MAKE INSPECTIONS, AUDITS, AND EXAMINATIONS OF SPECIFIED ELECTRIC COOPERATIVES AND TO PROVIDE EXCEPTIONS AND A PROCESS RESOLVING DISPUTED ISSUES; TO AMEND SECTION 33-49-255, RELATING TO RESTRICTIONS ON THE INTERRUPTION OF ELECTRIC SERVICE TO RESIDENTIAL CUSTOMERS OF ELECTRIC COOPERATIVES AND COMPLAINTS BY CUSTOMERS FOR VIOLATION OF THESE PROVISIONS, SO AS TO PROVIDE THAT THESE COMPLAINTS MUST BE MADE TO THE OFFICE OF REGULATORY STAFF AND THEN, IF NECESSARY, TO COURTS OF APPROPRIATE JURISDICTION; TO AMEND SECTION 33-49-420, RELATING TO ANNUAL MEETINGS OF MEMBERS OF AN ELECTRIC COOPERATIVE, SO AS TO REVISE THE NOTICE REQUIREMENTS FOR CERTAIN MEETINGS; TO AMEND SECTION 33-49-430, RELATING TO A QUORUM AT MEETINGS OF ELECTRIC COOPERATIVES, SO AS TO ALLOW PERSONS CASTING EARLY VOTING BALLOTS WHERE AN ELECTION IS TO BE HELD TO BE COUNTED FOR PURPOSES OF DETERMINING A QUORUM AT THE MEETING, AND TO PROHIBIT VOTING BY PROXY; TO AMEND SECTION 33-49-440, RELATING TO VOTING BY MEMBERS AND SECTION 33-49-620, RELATING TO VOTING DISTRICTS FROM WHICH SOME MEMBERS OF THE BOARD OF TRUSTEES MAY BE ELECTED, SO AS TO REQUIRE POLLING LOCATIONS TO BE OPEN FOR A MINIMUM OF FOUR HOURS AND TO PERMIT EARLY VOTING FOR MEETINGS AT WHICH TRUSTEES ARE TO BE ELECTED AND THE PROCEDURES FOR EARLY VOTING; TO AMEND SECTION 33-49-610, RELATING TO THE BOARD OF TRUSTEES OF A COOPERATIVE, SO AS TO PROVIDE THAT A TRUSTEE'S PRINCIPAL RESIDENCE MUST BE SERVED BY THE COOPERATIVE AND REVISE THE MANNER IN WHICH VACANCIES OCCURRING FOR ANY REASON OTHER THAN EXPIRATION OF A TERM ARE FILLED; BY ADDING SECTION 33-49-615 SO AS TO REQUIRE DISCLOSURE OF COMPENSATION AND BENEFITS OF MEMBERS OF THE BOARD OF TRUSTEES AND THE DATE WHEN THESE PROVISIONS ARE EFFECTIVE; BY ADDING SECTION 33-49-621 SO AS TO PROVIDE THAT WITHIN EIGHTEEN MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, EACH DISTRIBUTION COOPERATIVE MUST PUT THE QUESTION OF SINGLE-MEMBER VOTING DISTRICTS TO ITS MEMBERSHIP AT AN ANNUAL MEETING; BY ADDING SECTION 33-49-625 SO AS TO REQUIRE SPECIFIED NOTICE OF CERTAIN MEETINGS TO THE COOPERATIVE MEMBERSHIP, TO REQUIRE VOTES OF TRUSTEES TO BE TAKEN IN OPEN SESSION WITH CERTAIN EXCEPTIONS, TO REQUIRE VOTES TAKEN IN EXECUTIVE SESSION TO BE RATIFIED IN OPEN SESSION, AND TO REQUIRE MINUTES OF ALL MEETINGS TO BE PROVIDED TO COOPERATIVE MEMBERS; TO AMEND SECTION 33-49-630, RELATING TO COMPENSATION OR EMPLOYMENT OF TRUSTEES, SO AS TO PROHIBIT CERTAIN ACTIONS OR CONDUCT BY TRUSTEES WITH SPECIFIED EXCEPTIONS; TO AMEND SECTION 33-49-640, RELATING TO THE ANNUAL ELECTION AND TERMS OF TRUSTEES, SO AS TO PROVIDE THAT INCUMBENT TRUSTEES SEEKING REELECTION SHALL NOT DIRECTLY OR INDIRECTLY INFLUENCE THE NOMINATION OR CREDENTIALS PROCESS; BY ADDING SECTION 33-49-645 SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH TRUSTEE AND OTHER ELECTIONS MUST BE CONDUCTED; TO AMEND SECTION 58-4-50, RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE OFFICE OF REGULATORY STAFF, SO AS TO PROVIDE THAT WHEN CONSIDERED NECESSARY BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF AND IN THE PUBLIC INTEREST, THE OFFICE OF REGULATORY STAFF SHALL CONDUCT INSPECTIONS AND AUDITS OF, AND EXAMINATIONS OF COMPLIANCE BY ELECTRIC COOPERATIVES; TO AMEND SECTION 58-4-55, RELATING TO THE PRODUCTION OF RECORDS TO THE OFFICE OF REGULATORY STAFF WHEN CONDUCTING INSPECTIONS, AUDITS, AND EXAMINATIONS, SO AS TO INCLUDE ELECTRIC COOPERATIVES WITHIN THE SECTION, AND TO PROVIDE FOR HOW THE EXPENSES OF THE OFFICE OF REGULATORY STAFF MUST BE CERTIFIED AND ASSESSED TO AUDITED ELECTRIC COOPERATIVES; TO AMEND SECTION 58-27-840, RELATING TO PREFERENCES AND UNREASONABLE DIFFERENCES IN RATES, SO AS TO PROVIDE FOR THE MANNER IN WHICH THIS PROHIBITION APPLIES TO DISTRIBUTION ELECTRIC COOPERATIVES; BY ADDING SECTION 33-49-160 SO AS TO PROVIDE THAT

AN ASSOCIATION FORMED BY A GROUP OF ELECTRIC COOPERATIVES THAT MEETS THE REQUIREMENTS OF SECTION 501(C)(6) OF THE INTERNAL REVENUE CODE, IS ORGANIZED UNDER THE LAWS OF THIS STATE AND HAS AS ITS PURPOSE THE REPRESENTATION OF THE INTERESTS OF ELECTRIC COOPERATIVES IN THIS STATE, IS SUBJECT TO CERTAIN REQUIREMENTS, TO REQUIRE CERTAIN DISCLOSURES BY THE ASSOCIATION, TO AUTHORIZE THE ASSOCIATION TO COMPENSATE ITS BOARD OF TRUSTEES AND PROVIDE FOR SPECIFIC REQUIREMENTS IN REGARD TO THIS COMPENSATION, AND TO PROVIDE FOR SPECIFIED ETHICAL AND OTHER RULES OF CONDUCT, INCLUDING PROHIBITED ACTIONS BY TRUSTEES AND OFFICERS OF THE ASSOCIATION. -

ratified title

- 12/18/18 House Prefiled**
- 12/18/18 House Referred to Committee on Labor, Commerce and Industry**
- 01/08/19 House Introduced and read first time (House Journal-page 104)**
- 01/08/19 House Referred to Committee on Labor, Commerce and Industry (House Journal-page 104)**
- 02/20/19 House Member(s) request name added as sponsor: Collins**
- 02/26/19 House Member(s) request name added as sponsor: Jefferson, Kirby, Willis**
- 02/28/19 House Member(s) request name added as sponsor: Cogswell**
- 02/28/19 House Committee report: Favorable with amendment Labor, Commerce and Industry (House Journal-page 48)**
- 03/04/19 Scrivener's error corrected**
- 03/05/19 House Member(s) request name added as sponsor: D.C.Moss, G.R.Smith, Elliott, Sandifer, Lucas, Ballentine, Caskey, Simrill, West, Murphy, McKnight, Mace, Kimmons, Davis, Magnuson, Sottile, Hewitt, Hiott, B.Newton, Pope, Forrest, Bales, Rutherford, R.Williams, Gilliam, Norrell, Funderburk, G.M.Smith, Weeks, Ridgeway, Yow, W.Newton, Bamberg, Stavrinakis, McCoy, Erickson**
- 03/06/19 House Member(s) request name added as sponsor: Blackwell, Wheeler**
- 03/06/19 House Requests for debate-Rep(s). Hayes, Hill, Atkinson, King, Bamberg, Hart, Moore, S. Williams, W. Cox, Sandifer, R. Williams, Forrester, Taylor, Felder, V.S. Moss, Fry, Brown, Jefferson (House Journal-page 35)**
- 03/07/19 House Member(s) request name added as sponsor: Fry, Bannister, Calhoon, Huggins, Gilliard, Taylor**
- 03/07/19 House Amended (House Journal-page 28)**
- 03/07/19 House Debate adjourned (House Journal-page 28)**
- 03/20/19 House Amended (House Journal-page 29)**
- 03/20/19 House Read second time (House Journal-page 29)**
- 03/20/19 House Roll call Yeas-104 Nays-6 (House Journal-page 35)**
- 03/21/19 Scrivener's error corrected**
- 03/26/19 House Read third time and sent to Senate**
- 03/26/19 Senate Introduced and read first time (Senate Journal-page 9)**
- 03/26/19 Senate Referred to Committee on Judiciary (Senate Journal-page 9)**
- 04/05/19 Senate Referred to Subcommittee: Gambrell (ch), Hutto, Massey, Sabb, Climer**
- 04/24/19 Senate Committee report: Favorable with amendment Judiciary**
- 04/25/19 Scrivener's error corrected**
- 05/07/19 Senate Committee Amendment Adopted (Senate Journal-page 35)**
- 05/07/19 Senate Amended (Senate Journal-page 35)**
- 05/07/19 Senate Read second time (Senate Journal-page 35)**
- 05/08/19 Scrivener's error corrected**
- 05/08/19 Senate Amended (Senate Journal-page 57)**
- 05/08/19 Senate Read third time and returned to House with amendments (Senate Journal-page 57)**
- 05/08/19 Senate Roll call Ayes-42 Nays-0 (Senate Journal-page 57)**
- 05/09/19 House Senate amendment amended (House Journal-page 114)**
- 05/09/19 House Returned to Senate with amendments (House Journal-page 114)**
- 05/09/19 Senate Concurred in House amendment and enrolled (Senate Journal-page 61)**
- 05/13/19 Ratified R 76**
- 05/16/19 Signed By Governor**
- 05/31/19 Effective date See Act for Effective Date**

06/05/19

Act No. 56