

Session 123 - (2019-2020)

H*4287 (Rat #0113, Act #0095 of 2019) Joint Resolution, By Lucas, G.M. Smith, Simrill, Rutherford, McCoy, Ott, Stavrinakis, Gilliard and Caskey

Summary: Public Service Authority (Santee Cooper)

A JOINT RESOLUTION TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION SHALL ESTABLISH A PROCESS TO CONDUCT A COMPETITIVE BIDDING PROCESS FOR THE SALE OF SOME OR ALL OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND TO RECEIVE MANAGEMENT PROPOSALS THAT DO NOT INVOLVE A SALE OF SANTEE COOPER, BUT ARE DESIGNED TO IMPROVE THE EFFICIENCY AND COST-EFFECTIVENESS OF SANTEE COOPER'S ELECTRIC OPERATIONS, AND TO PROVIDE THAT SANTEE COOPER ALSO MUST SUBMIT A PROPOSAL TO THE DEPARTMENT FOR REFORM, RESTRUCTURING, AND CHANGES IN ITS OPERATION AS AN ALTERNATIVE TO A SALE OR MANAGEMENT PROPOSAL; TO PROVIDE THAT THE DEPARTMENT SHALL CONDUCT A THOROUGH EVALUATION OF ALL BIDS FOR THE SALE OF SANTEE COOPER RECEIVED THROUGH THE COMPETITIVE BIDDING PROCESS, TO PROVIDE THAT THE DEPARTMENT SHALL CONDUCT A THOROUGH EVALUATION OF ALL MANAGEMENT PROPOSALS FOR SANTEE COOPER, AND TO PROVIDE THAT THE DEPARTMENT SHALL CONDUCT AN ANALYSIS OF SANTEE COOPER'S REFORM PROPOSAL TO DETERMINE IF IT IS A FEASIBLE ALTERNATIVE, AND TO PROVIDE THE CRITERIA FOR THESE EVALUATIONS; TO PROVIDE FOR THE VARIOUS REQUIREMENTS, CONDITIONS, AND PROCEDURES WHICH MUST BE COMPLIED WITH IN REGARD TO THIS JOINT RESOLUTION, INCLUDING PROVISIONS THAT REQUIRE THE DEPARTMENT TO ESTABLISH A PROCESS IN WHICH ITS PROFESSIONAL SERVICES EXPERTS CONDUCT CONFIDENTIAL NEGOTIATIONS BETWEEN THE CENTRAL ELECTRIC POWER COOPERATIVE AND EACH ENTITY THAT SUBMITTED A QUALIFIED BID OR PROPOSAL, INCLUDING SANTEE COOPER, AFTER ALL THE BIDS AND PROPOSALS HAVE BEEN SUBMITTED; TO PROVIDE THAT IN THE EVENT OF THE SUCCESSFUL SALE OF SANTEE COOPER AND THE PURCHASING ENTITY'S CONTRACT CONTAINS PROJECTIONS OF FUTURE RATES, THE GENERAL ASSEMBLY'S APPROVAL OF SUCH SALE ON SUCH TERMS DOES NOT INDICATE ITS INTENT TO BIND THE PUBLIC SERVICE COMMISSION OR OFFICE OF REGULATORY STAFF TO THE PROJECTED RATE FIGURES, AND TO PROVIDE THAT THE SUCCESSFUL BIDDER SHALL BE SUBJECT TO THE SAME STATUTORY AND REGULATORY AUTHORITY OF THE PUBLIC SERVICE COMMISSION AND OFFICE OF REGULATORY STAFF, AS ARE ALL OTHER INVESTOR-OWNED ELECTRICAL UTILITIES; TO PROVIDE THAT FOLLOWING THE NEGOTIATIONS BETWEEN CENTRAL AND EACH ENTITY WHICH SUBMITTED A BID OR PROPOSAL, THE PROFESSIONAL SERVICES EXPERTS SHALL REVIEW THE PROJECTED FINANCIAL IMPACT ON SANTEE COOPER'S RETAIL CUSTOMERS TO ENSURE THAT ANY INCREASES OR DECREASES TO CURRENT RATES FOR THE RETAIL AND WHOLESALE CUSTOMERS ARE INITIALLY PROPORTIONATE; TO PROVIDE THAT INFORMATION RECEIVED DURING THIS PROCESS AND ENSUING NEGOTIATIONS MUST BE KEPT CONFIDENTIAL WITH CERTAIN LIMITED EXCEPTIONS, TO REQUIRE NONDISCLOSURE AGREEMENTS, AND TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY, THE GOVERNOR, AND THEIR RESPECTIVE STAFFS MUST NOT BE PROVIDED WITH OR HAVE ACCESS TO THE INFORMATION OBTAINED DURING THIS PROCESS, WITH CERTAIN EXCEPTIONS; TO PROVIDE THAT AT THE CONCLUSION OF THE EVALUATION OF THE BIDS, PROPOSALS, AND NEGOTIATIONS, BUT NO LATER THAN JANUARY 15, 2020, WITH A ONE-TIME EXTENSION PERMITTED, THE DEPARTMENT CONCURRENTLY SHALL PRESENT A RECOMMENDATION OF ONE PREFERRED BID FOR SALE AND ONE PREFERRED MANAGEMENT PROPOSAL THAT THE PROFESSIONAL SERVICES EXPERTS CONSIDER TO BE IN THE BEST INTERESTS OF THE STATE, ITS TAXPAYERS, AND THE CUSTOMERS OF SANTEE COOPER, AS WELL AS A RECOMMENDATION CONCERNING SANTEE COOPER'S PROPOSAL FOR REFORM; TO PROVIDE THAT EACH RECOMMENDATION MUST INCLUDE CERTAIN MATERIALS AND JUSTIFICATIONS, AND THE RECOMMENDATION IN REGARD TO THE SALE AND MANAGEMENT PROPOSAL MUST INCLUDE A CONTRACT FOR EACH RECOMMENDED BIDDER OBLIGATING THE BIDDER TO COMPLY WITH THE TERMS OF ITS BID IN THE EVENT IT IS APPROVED BY THE GENERAL ASSEMBLY, ALONG WITH A PROPOSED CONTRACT TO EXECUTE THE SALE OR MANAGEMENT PROPOSAL AND ANY SUPPORTING DOCUMENTS; AND TO PROVIDE FOR THE MANNER IN WHICH THE DEPARTMENT SHALL PRESENT TO THE GENERAL ASSEMBLY ITS PREFERRED SALE AND MANAGEMENT PROPOSAL, AS WELL AS A RECOMMENDATION AS TO SANTEE COOPER'S REFORM PROPOSAL, AND THE MANNER IN WHICH THE GENERAL ASSEMBLY SHALL CONSIDER AND MAY APPROVE A PROPOSAL. - ratified title

03/21/19 House Introduced and read first time (House Journal-page 29)

03/21/19 House Referred to Committee on Ways and Means (House Journal-page 29)

03/26/19 House Member(s) request name added as sponsor: Stavrinakis

03/27/19 House Committee report: Favorable with amendment Ways and Means (House Journal-page 34)

04/02/19 House Requests for debate-Rep(s). Simrill, Weeks, Fry, Crawford, Hiott, Bryant, Clary, Blackwell, Pope, Clemmons, Martin, Felder, Anderson, Davis, Forrester, Brown, Hayes, Henegan, Bennett, Moore, V.S. Moss, Finlay, Kirby, Caskey, Rose, Toole, Ridgeway, Calhoun, Hart, Hosey, Chellis (House Journal-page 44)

04/03/19 House Member(s) request name added as sponsor: Gilliard, Caskey

04/03/19 House Amended (House Journal-page 133)

04/03/19 House Read second time (House Journal-page 133)

04/03/19 House Roll call Yeas-101 Nays-6 (House Journal-page 139)

04/04/19 House Read third time and sent to Senate (House Journal-page 41)

04/04/19 House Roll call Yeas-96 Nays-6 (House Journal-page 42)

04/04/19 Senate Introduced and read first time (Senate Journal-page 5)

04/04/19 Senate Referred to Committee on Finance (Senate Journal-page 5)

04/18/19 Senate Recalled from Committee on Finance (Senate Journal-page 5)

05/02/19 Senate Amended (Senate Journal-page 37)

05/02/19 Senate Read second time (Senate Journal-page 37)

05/02/19 Senate Roll call Ayes-42 Nays-1 (Senate Journal-page 37)

05/02/19 Senate Unanimous consent for third reading on next legislative day (Senate Journal-page 37)

05/03/19 Senate Read third time and returned to House with amendments (Senate Journal-page 3)

05/03/19 Scrivener's error corrected

05/08/19 House Senate amendment amended (House Journal-page 26)

05/08/19 House Returned to Senate with amendments (House Journal-page 26)

05/09/19 Senate Non-concurrence in House amendment (Senate Journal-page 86)

05/09/19 House House insists upon amendment and conference committee appointed Reps. Ott, G.M. Smith, Lucas (House Journal-page 185)

05/09/19 Senate Conference committee appointed Setzler, Rankin, Massey (Senate Journal-page 88)

05/21/19 House Free conference powers granted (House Journal-page 35)

05/21/19 House Roll call Yeas-113 Nays-0 (House Journal-page 36)

05/21/19 House Free conference committee appointed Ott, G.M. Smith, Lucas (House Journal-page 50)

05/21/19 House Free conference report adopted (House Journal-page 50)

05/21/19 House Roll call Yeas-103 Nays-3 (House Journal-page 61)

05/21/19 Senate Free conference powers granted (Senate Journal-page 64)

05/21/19 Senate Roll call Ayes-40 Nays-0 (Senate Journal-page 64)

05/21/19 Senate Free conference committee appointed Setzler, Rankin, Massey (Senate Journal-page 64)

05/21/19 Senate Free conference report adopted (Senate Journal-page 64)

05/21/19 Senate Roll call Ayes-39 Nays-2 (Senate Journal-page 64)

05/21/19 Senate Ordered enrolled for ratification (Senate Journal-page 78)

05/22/19 Ratified R 113

05/22/19 Signed By Governor

06/10/19 Effective date 05/22/19

07/10/19 Act No. 95