**South Carolina General Assembly**

121st Session, 2015-2016

**A25, R47, S304**

**STATUS INFORMATION**

General Bill

Sponsors: Senators L. Martin, Alexander, Verdin, Hayes, Peeler, Cromer, Corbin, Nicholson, Rankin, Hembree, Williams, Coleman and Campbell

Document Path: l:\s-jud\bills\l. martin\jud0038.pb.docx

Companion/Similar bill(s): 3509

Introduced in the Senate on January 13, 2015

Introduced in the House on March 17, 2015

Passed by the General Assembly on May 21, 2015

Governor's Action: June 1, 2015, Signed

Summary: Contracts to buy power

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/13/2015 Senate Introduced and read first time ([Senate Journal‑page 177](file:///h%3A%5CSJ%20Archive%5C2015%5C01-13-15.docx))

 1/13/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 177](file:///h%3A%5CSJ%20Archive%5C2015%5C01-13-15.docx))

 1/23/2015 Senate Referred to Subcommittee: Rankin (ch), Hutto, Turner

 2/26/2015 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 17](file:///h%3A%5CSJ%20Archive%5C2015%5C02-26-15.docx))

 2/26/2015 Scrivener's error corrected

 3/4/2015 Senate Read second time ([Senate Journal‑page 17](file:///h%3A%5CSJ%20Archive%5C2015%5C03-04-15.docx))

 3/4/2015 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 17](file:///h%3A%5CSJ%20Archive%5C2015%5C03-04-15.docx))

 3/5/2015 Senate Read third time and sent to House ([Senate Journal‑page 29](file:///h%3A%5CSJ%20Archive%5C2015%5C03-05-15.docx))

 3/17/2015 House Introduced and read first time ([House Journal‑page 33](file:///h%3A%5CHJ%20Archive%5C2015%5C03-17-15.docx))

 3/17/2015 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 33](file:///h%3A%5CHJ%20Archive%5C2015%5C03-17-15.docx))

 5/14/2015 House Committee report: Favorable **Labor, Commerce and Industry** ([House Journal‑page 40](file:///h%3A%5CHJ%20Archive%5C2015%5C05-14-15.docx))

 5/20/2015 House Read second time ([House Journal‑page 30](file:///h%3A%5CHJ%20Archive%5C2015%5C05-20-15.docx))

 5/20/2015 House Roll call Yeas‑93 Nays‑0 ([House Journal‑page 30](file:///h%3A%5CHJ%20Archive%5C2015%5C05-20-15.docx))

 5/21/2015 House Read third time and enrolled ([House Journal‑page 14](file:///h%3A%5CHJ%20Archive%5C2015%5C05-21-15.docx))

 5/28/2015 Ratified R 47

 6/1/2015 Signed By Governor

 6/4/2015 Effective date 06/01/15

 6/5/2015 Act No. 25

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**VERSIONS OF THIS BILL**

[1/13/2015](file:///p%3A%5Cpprever%5C2015-16%5C304_20150113.docx)

[2/25/2015](file:///p%3A%5Cpprever%5C2015-16%5C304_20150225.docx)

[2/26/2015](file:///p%3A%5Cpprever%5C2015-16%5C304_20150226.docx)

[5/14/2015](file:///p%3A%5Cpprever%5C2015-16%5C304_20150514.docx)

(A25, R47, S304)

**AN ACT TO AMEND SECTION 6‑23‑110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA 1976, RELATING TO CONTRACTS TO BUY POWER BETWEEN A JOINT POWER AND ENERGY AGENCY AND ITS CONSTITUENT MUNICIPALITIES, SO AS TO PROVIDE FOR THE RENEWAL OR EXTENSION OF CONTRACTS TO BUY POWER FOR ADDITIONAL PERIODS NOT TO EXCEED FIFTY YEARS FROM THE DATE OF THE RENEWAL OR EXTENSION.**

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

**Findings**

SECTION 1. The General Assembly finds and determines that:

 (a) in 1978, the General Assembly enacted the Joint Municipal Electric Power and Energy Act, codified as Chapter 23, Title 6, Code of Laws of South Carolina, 1976, as amended, for the purpose of authorizing municipalities to form joint agencies to undertake joint planning, financing, development, ownership, and operation of electric generation and transmission facilities and that such joint undertakings would be for a public use and for public purposes and would be a means of achieving economies, adequacy and reliability in the generation of electric power and energy and in the meeting of future needs of this State and its inhabitants;

 (b) since the passage of the joint agency act in 1978, much has changed in the generation of electric power, including, but not limited to, the extension of the useful life of electric generating facilities by the applicable regulatory authorities;

 (c) since their inception, member municipalities and joint agencies have sought to match the useful life of generating facilities to the length of the contracts for the purchase of electric power from the joint agency;

 (d) there is presently a need to amend the joint agency act to more clearly state the method for extending and renewing contracts between joint agencies and member municipalities so they can better determine the appropriate duration of their contracts; and

 (e) the passage of this act is for a public purpose and is in the best interests of the State and its citizens.

**Municipal contracts to purchase power**

SECTION 2. The second paragraph of Section 6‑23‑110 of the 1976 Code, as last amended by Act 210 of 2004, is further amended to read:

 “Notwithstanding the provisions of any other law to the contrary, the initial term for any such contracts with respect to the sale or purchase of capacity, output, power, or energy from a project may be for a period not to exceed the later of either fifty years from the date of the contract or fifty years from the date a project is estimated to be placed in normal continuous operation. Such contracts may be renewed or extended by the joint agency and the member municipality, upon such terms and conditions as the joint agency and the member municipality may agree, for an additional period not to exceed fifty years from the date of the renewal or extension. The execution and effectiveness of those contracts, or renewals or extensions of those contracts, are not subject to any authorizations or approvals by the State or any agency, commission, or instrumentality, or political subdivision thereof.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 28th day of May, 2015.

Approved the 1st day of June, 2015.

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