

NO. 60

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

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THURSDAY, APRIL 22, 2021

**Thursday, April 22, 2021  
(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 147:1b

The Psalmist writes: "How good it is to sing praises to our God. how pleasant and fitting to praise him."

Let us pray: On this Earth Day, O God, we find ourselves once more thinking about how very blessed we are in South Carolina. Our riches are so great, from the mountains, through the Piedmont, to the Sandhills, down to the sea. These wondrous treasures are all so truly special. And in response to Your gifts, we pray today, Lord, that these Senators -- actually that every single one of us -- will always be wise and caring stewards of these resources we so cherish. Moreover, we further ask that You guide and bless not only all who serve You here in this Senate, Lord, but also all of our State's other leaders. Know that our hearts are full as we sing praise to You for all of Your blessings. In Your wondrous name we pray, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**Point of Quorum**

At 11:05 A.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator ALEXANDER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hutto

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<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Malloy	Martin
Massey	McElveen	McLeod
Peeler	Rankin	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Young

A quorum being present, the Senate resumed.

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 5022

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Section 63-11-30

SUBJECT: Residential Group Care Facilities for Children

Received by Lieutenant Governor January 12, 2021

Referred to Committee on Family and Veterans' Services

Legislative Review Expiration May 12, 2021

Withdrawn and Resubmitted April 22, 2021

Document No. 5023

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Section 43-1-80

SUBJECT: Licensure for Foster Care

Received by Lieutenant Governor January 12, 2021

Referred to Committee on Family and Veterans' Services

Legislative Review Expiration May 12, 2021

Withdrawn and Resubmitted April 22, 2021

**Leave of Absence**

At 11:07 A.M., Senator CROMER requested a leave of absence beginning at 12:50 P.M. until 9:00 P.M.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:

S. 464 Sen. Scott

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**RECALLED AND ADOPTED**

H. 4217 -- Reprs. Cobb-Hunter, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, K.O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D.C. Moss, V.S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G.M. Smith, G.R. Smith, M.M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE APRIL 28, 2021, AS "WORKERS' MEMORIAL DAY" IN SOUTH CAROLINA IN TRIBUTE TO THE WORKING MEN AND WOMEN WHO HAVE LOST THEIR LIVES BECAUSE OF WORKPLACE INJURIES AND ILLNESSES.

Senator ALEXANDER asked unanimous consent to make a motion to recall the Resolution from the Committee on Labor, Commerce and Industry.

The Resolution was recalled from the Committee on Labor, Commerce and Industry.

Senator ALEXANDER asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator ALEXANDER, the Resolution was adopted and ordered returned to the House.

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**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on April 22, 2021, at 11:15 A.M. and the following Acts and Joint Resolution were ratified:

(R30, S. 271) -- Senators Talley, Turner, Rice, Adams, Verdin, Setzler, M. Johnson, Kimbrell, McElveen, Climer, Garrett and Campsen: AN ACT TO AMEND SECTION 12-65-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE TEXTILE COMMUNITIES REVITALIZATION ACT, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE DEFINITION OF "CONTIGUOUS PARCEL"; AND TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT, AS CONTAINED IN CHAPTER 67, TITLE 12 OF THE 1976 CODE, UNTIL DECEMBER 31, 2025.

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(R31, S. 454) -- Senators Martin, Bennett, Massey, Jackson and Young: AN ACT TO AMEND SECTION 40-33-43, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED PROVISION OF MEDICATIONS BY UNLICENSED PERSONS IN COMMUNITY RESIDENTIAL FACILITIES, SO AS TO EXTEND THESE PROVISIONS TO CORRECTIONAL FACILITIES.

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(R32, S. 571) -- Senators Shealy, Hutto and Senn: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-361 SO AS TO REQUIRE PRESCRIBERS TO OFFER A PRESCRIPTION FOR NALOXONE HYDROCHLORIDE OR OTHER APPROVED DRUG TO A PATIENT UNDER CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES.

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(R33, S. 704) -- Senators Hembree, Massey and Malloy: A JOINT RESOLUTION TO PROVIDE FOR A RETURN TO FIVE-DAY, IN-PERSON CLASSROOM INSTRUCTION FOR THE 2020-2021 AND 2021-2022 SCHOOL YEARS, TO SUSPEND THE EARNINGS LIMITATION UNDER CERTAIN TERMS AND FOR CERTAIN MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM,

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AND TO PROVIDE REQUIREMENTS CONCERNING DUAL-MODALITY INSTRUCTION FOR THE 2021-2022 SCHOOL YEAR.

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(R34, H. 3179) -- Reps. G.M. Smith, McCabe, Caskey, Yow and Brawley: AN ACT TO AMEND SECTION 44-53-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRESCRIPTIONS, SO AS TO EXEMPT SURGICALLY IMPLANTED DRUG DELIVERY SYSTEMS FROM THE THIRTY-ONE-DAY SUPPLY LIMITATION.

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(R35, H. 3567) -- Reps. Bernstein, Collins, Felder, Hosey, Murray, Henegan, Jefferson and R. Williams: AN ACT TO AMEND SECTION 63-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE CHILDREN'S CODE, SO AS TO ADD A DEFINITION FOR "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" AND OTHER TERMS; TO AMEND SECTIONS 63-7-1210 AND 63-7-2350, AS AMENDED, RELATING TO INVESTIGATIONS OF INSTITUTIONAL ABUSE AND RESTRICTIONS ON FOSTER CARE PLACEMENTS, RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTIONS 63-7-1730 AND 63-7-1740 SO AS TO REQUIRE ASSESSMENT, CASE PLANNING, AND JUDICIAL REVIEW FOR CHILDREN PLACED IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS; AND TO AMEND SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CONFORMING CHANGES.

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(R36, H. 3589) -- Reps. Allison, Lucas, M.M. Smith, Calhoon, Felder and Huggins: AN ACT TO AMEND SECTION 59-19-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF SCHOOLS OF CHOICE EXEMPT FROM CERTAIN STATUTES AND REGULATIONS, SO AS TO REDESIGNATE THESE SCHOOLS AS BEING SCHOOLS OF INNOVATION, TO CLARIFY THAT PUBLIC SCHOOL DISTRICTS MAY ESTABLISH MULTIPLE SCHOOLS OF INNOVATION, AND TO PROVIDE PROCEDURES FOR OBTAINING AND RENEWING STATUS AS A SCHOOL OF INNOVATION.

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(R37, H. 3664) -- Reps. Hewitt, Hixon, Stavrinakis, Crawford, Kirby, B. Cox, Anderson, Erickson, Bradley, Murray and B. Newton: AN ACT TO AMEND SECTION 40-57-115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL BACKGROUND CHECKS REQUIRED FOR INITIAL LICENSURE BY THE REAL ESTATE COMMISSION, SO AS TO REQUIRE SOCIAL SECURITY NUMBER-BASED CRIMINAL RECORDS CHECKS IN ADDITION TO EXISTING REQUIREMENTS.

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### **INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 761 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE THE NEWBERRY ACADEMY GIRLS VOLLEYBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS A GIRLS VOLLEYBALL STATE CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 762 -- Senators Kimbrell, Rice, Adams, Turner and Climer: A BILL TO AMEND SECTION 15-36-10 OF THE 1976 CODE, RELATING TO FRIVOLOUS LAWSUITS, TO PROVIDE THAT SANCTIONS MUST BE IMPOSED UNDER CERTAIN CONDITIONS, TO PROVIDE THAT A COURT OR PARTY PROPOSING A SANCTION MUST EXPEDITIOUSLY NOTIFY THE COURT AND ALL PARTIES OF THE CONDUCT CONSTITUTING A VIOLATION, TO PROVIDE THAT THE ATTORNEY, PARTY, OR PRO SE LITIGANT WHO ALLEGEDLY COMMITTED THE VIOLATION HAS FIFTEEN DAYS TO RESPOND TO THE ALLEGATIONS, AND TO INCLUDE THE COSTS OF DEPOSITIONS AND REASONABLE FEES FOR TESTIFYING EXPERT WITNESSES AS REASONABLE COSTS,

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Senator KIMBRELL spoke on the Bill.

Read the first time and referred to the Committee on Judiciary.

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S. 763 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ASBESTOS BANKRUPTCY TRUST CLAIMS TRANSPARENCY AND CLAIMS LEGITIMACY ACT" BY ADDING CHAPTER 83 TO TITLE 15 SO AS TO ESTABLISH REQUIRED DISCLOSURES BY PLAINTIFFS IN ASBESTOS ACTIONS, TO ESTABLISH RELATED DISCOVERY PROVISIONS, TO ESTABLISH THAT COURTS MAY STAY SUCH ACTIONS, TO ESTABLISH THAT DEFENDANTS IN SUCH ACTIONS MAY IDENTIFY ADDITIONAL OR ALTERNATIVE ASBESTOS TRUSTS, TO ESTABLISH THE VALUATION OF ASBESTOS TRUST CLAIMS IN ASBESTOS ACTIONS, TO ESTABLISH SETOFF PROVISIONS, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Judiciary.

S. 764 -- Senator Scott: A JOINT RESOLUTION TO PROHIBIT THE ENFORCEMENT OF SECTION 16-7-110 SO AS TO ALLOW A PERSON TO WEAR A MASK WHICH CONCEALS A PERSON'S IDENTITY AS A MEANS OF LIMITING EXPOSURE TO RESPIRATORY VIRUSES DURING THE COVID-19 PANDEMIC.

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Read the first time and referred to the Committee on Judiciary.

S. 765 -- Senator Scott: A BILL TO AMEND SECTION 16-7-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON WEARING A MASK WHICH CONCEALS A PERSON'S IDENTITY, SO AS TO PROVIDE THAT NOTWITHSTANDING ANOTHER PROVISION OF LAW, THIS PROHIBITION DOES NOT APPLY DURING AN ACTIVE PANDEMIC OR EPIDEMIC IN THIS STATE OR DURING AN ACTIVE AND LAWFULLY DECLARED STATE OF EMERGENCY IN THIS STATE.

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Read the first time and referred to the Committee on Judiciary.

S. 766 -- Senators Martin, Corbin, Kimbrell, Peeler and Talley: A SENATE RESOLUTION TO CONGRATULATE HENRY M. LAYE III UPON THE OCCASION OF HIS RETIREMENT AS DIRECTOR OF THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF SPARTANBURG COUNTY, TO COMMEND HIM FOR HIS



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FOURTEEN YEARS OF DEDICATED SERVICE TO THE BOARD,  
AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN  
THE YEARS AHEAD.

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The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator VERDIN from the Committee on Medical Affairs polled out  
H. 3681 favorable:

H. 3681 -- Reps. Simrill, Rutherford, Bannister, West and Lowe: A  
BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,  
1976, BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT  
POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT  
ANY LAWS, ORDINANCES, OR RULES PERTAINING TO  
INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES,  
ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR  
PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE  
NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS,  
ORDINANCES, AND RULES ENACTED BY A POLITICAL  
SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT  
SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

**Poll of the Medical Affairs Committee**

**Polled 17; Ayes 10; Nays 7**

**AYES**

Verdin	Martin	Scott
Alexander	Davis	Corbin
Matthews	Gambrell	Loftis
Garrett		

**Total--10**

**NAYS**

Peeler	Hutto	Kevin Johnson
Kimpson	Cash	McLeod
Senn		

**Total--7**

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Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 3957 -- Reps. Hewitt, Kirby, Bailey and G.M. Smith: A BILL TO AMEND SECTIONS 50-5-1705 AND 50-5-1710, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH AND SIZE LIMITS FOR THE TAKING, POSSESSING, LANDING, SELLING, OR PURCHASING OF CERTAIN FISH FROM THE STATE'S WATERS, SO AS TO DECREASE THE CATCH LIMIT AND INCREASE THE SIZE LIMIT FOR FLOUNDER.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 4100 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2021, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

H. 4101 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2020-2021, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Ordered for consideration tomorrow.

**Appointments Reported**

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

**Statewide Appointments**

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Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2019, and to expire June 30, 2023  
3<sup>rd</sup> Congressional District:

Timothy W. Roberts, 2907 Rambling Path, Anderson, SC 29621

Received as information.

Reappointment, South Carolina State Board of Cosmetology, with the term to commence March 19, 2019, and to expire March 20, 2023  
Cosmetologist:

LaQuita W. Horton, 1210 Cheraw Road, Cassatt, SC 29032

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 628 -- Senator Davis: A BILL TO ENACT THE "PHARMACY ACCESS ACT"; TO AMEND CHAPTER 43, TITLE 40 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA PHARMACY PRACTICE ACT, BY ADDING SECTIONS 40-43-210 THROUGH 40-43-280, TO PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT DOES NOT CREATE A DUTY OF CARE FOR A PERSON WHO PRESCRIBES OR DISPENSES A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERS AN INJECTABLE HORMONAL CONTRACEPTIVE, TO PROVIDE THAT CERTAIN PHARMACISTS MAY DISPENSE A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTER AN INJECTABLE HORMONAL CONTRACEPTIVE PURSUANT TO A STANDING PRESCRIPTION DRUG ORDER, TO PROVIDE A JOINT PROTOCOL FOR DISPENSING A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERING AN INJECTABLE HORMONAL CONTRACEPTIVE WITHOUT A PATIENT-SPECIFIC WRITTEN ORDER, TO REQUIRE CONTINUING EDUCATION FOR A PHARMACIST DISPENSING A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR

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ADMINISTERING AN INJECTABLE HORMONAL CONTRACEPTIVE, TO IMPOSE REQUIREMENTS ON A PHARMACIST WHO DISPENSES A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERS AN INJECTABLE HORMONAL CONTRACEPTIVE, TO PROVIDE THAT A PRESCRIBER WHO ISSUES A STANDING PRESCRIPTION DRUG ORDER FOR A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR INJECTABLE HORMONAL CONTRACEPTIVE IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS RESULTING FROM THE DISPENSING OR ADMINISTERING OF THE CONTRACEPTIVE, AND TO PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT SHALL NOT BE CONSTRUED TO REQUIRE A PHARMACIST TO DISPENSE, ADMINISTER, INJECT, OR OTHERWISE PROVIDE HORMONAL CONTRACEPTIVES; AND TO AMEND ARTICLE 1, CHAPTER 6, TITLE 44 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, BY ADDING SECTION 44-6-115, TO PROVIDE FOR PHARMACIST SERVICES COVERED UNDER MEDICAID; AND TO DEFINE NECESSARY TERMS.

**HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments:

H. 3991 -- Reps. Rutherford, Wooten, Caskey, Thigpen, B. Cox, Elliott, Erickson, S. Williams and Rivers: A BILL TO AMEND SECTION 16-17-680, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS TO PURCHASE NONFERROUS METALS, TRANSPORTATION AND SALE OF NONFERROUS METALS, AND VARIOUS OFFENSES ASSOCIATED WITH NONFERROUS METALS, SO AS TO INCLUDE IN THE PURVIEW OF THE STATUTE PROCEDURES FOR THE LAWFUL PURCHASE, SALE, AND POSSESSION OF USED, DETACHED CATALYTIC CONVERTERS OR ANY NONFERROUS PART OF ONE UNLESS PURCHASED, SOLD, OR POSSESSED UNDER CERTAIN DELINEATED CIRCUMSTANCES.

**ORDERED ENROLLED FOR RATIFICATION**

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The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the titles be changed to that of Acts and enrolled for Ratification:

H. 3101 -- Reps. Allison, Felder and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 40 TO CHAPTER 5, TITLE 56 SO AS TO PROVIDE FOR THE DISPOSITION OF A MOTOR VEHICLE IN THE POSSESSION OF A SALVAGE POOL OPERATOR WHO, UPON THE REQUEST OF AN INSURANCE COMPANY OR CHARITY, TAKES POSSESSION OF A MOTOR VEHICLE THAT IS THE SUBJECT OF AN INSURANCE CLAIM OR A CHARITY DONATION AND SUBSEQUENTLY INSURANCE COVERAGE IS DENIED OR THE CHARITY DOES NOT TAKE OWNERSHIP OF THE MOTOR VEHICLE; TO AMEND SECTION 56-1-10, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONTAINED IN THE PROVISIONS THAT PERTAIN TO THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO CREATE ADDITIONAL TERMS AND DEFINITIONS RELATING TO SALVAGE, JUNK, AND OFF-ROAD-USE VEHICLES; TO AMEND SECTION 56-19-480, AS AMENDED, RELATING TO THE TRANSFER AND SURRENDER OF CERTIFICATES OF TITLE, LICENSE PLATES, REGISTRATION CARDS, AND MANUFACTURERS' SPECIAL PLATES FOR VEHICLES SOLD AS SALVAGE, ABANDONED, SCRAPPED, OR DESTROYED, SO AS TO DELETE AN OBSOLETE TERM, MAKE TECHNICAL CHANGES, TO PROVIDE THIS SECTION APPLIES ALSO TO SALVAGE FLOOD AND SALVAGE FIRE VEHICLES, AND TO DELETE THE PROVISION THAT REQUIRES CERTAIN VEHICLES TO UNDERGO AN INSPECTION; AND TO AMEND SECTION 56-19-485, RELATING TO THE TITLE BRAND DESIGNATION OF VEHICLES AS "WRECKAGE" OR "SALVAGE", SO AS TO DELETE THESE DESIGNATIONS AND TO PROVIDE THE TITLE BRAND DESIGNATION MUST BE ONE THAT IS CONTAINED IN SECTION 56-1-10.

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 596 -- Senators Senn, Campsen, McElveen and Leatherman: A BILL TO AMEND CHAPTER 1, TITLE 48 OF THE 1976 CODE,

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RELATING TO THE POLLUTION CONTROL ACT, BY ADDING SECTION 48-1-92, TO PROVIDE FOR THE REGULATION OF PRE-PRODUCTION PLASTIC BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

S. 231 -- Senators Shealy, McLeod and Matthews: A BILL TO ENACT THE "STUDENT IDENTIFICATION CARD SUICIDE PREVENTION ACT"; TO AMEND ARTICLE 5, CHAPTER 1, TITLE 59 OF THE 1976 CODE, RELATING TO MISCELLANEOUS PROVISIONS FOR EDUCATION, BY ADDING SECTION 59-1-375, TO PROVIDE THAT PUBLIC SCHOOLS AND PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER LEARNING SHALL ADD THE TELEPHONE NUMBER FOR THE NATIONAL SUICIDE PREVENTION LIFELINE TO STUDENT IDENTIFICATION CARDS AND MAY ADD TELEPHONE AND TEXT NUMBERS FOR CERTAIN OTHER HOTLINES TO STUDENT IDENTIFICATION CARDS, AND TO PROVIDE FOR THE USE OF STUDENT IDENTIFICATION CARDS IN EXISTENCE BEFORE THE IMPLEMENTATION OF THIS REQUIREMENT.

**AMENDED, OBJECTION**

S. 464 -- Senators Rankin, McElveen, Adams, Talley, Matthews, Garrett, Goldfinch, Gambrell, Hutto, Harpootlian, Williams, Young, Campsen, Hembree, Gustafson, Shealy, Stephens, Verdin, Alexander, Davis, K. Johnson, Cromer and Turner: A BILL TO AMEND SECTION 58-31-20 OF THE 1976 SOUTH CAROLINA CODE OF LAWS TO PROVIDE A MEMBER OF THE BOARD OF DIRECTORS OF THE PUBLIC SERVICE AUTHORITY SHALL NOT BE APPOINTED FOR MORE THAN TWO UNEXPIRED CONSECUTIVE TERMS AND FOR EDUCATION AND EXPERIENCE REQUIREMENTS FOR A BOARD MEMBER; TO ADD SECTION 58-31-225 TO PROVIDE THAT THE OFFICE OF REGULATORY STAFF HAS AUTHORITY TO MAKE INSPECTIONS, AUDITS AND EXAMINATIONS OF THE PUBLIC SERVICE AUTHORITY FOR ELECTRIC AND WATER RATES; TO AMEND SECTION 58-31-380 TO ESTABLISH A PROCESS TO RECEIVE PUBLIC COMMENT AND A PUBLIC HEARING IN SETTING ELECTRIC RATES, AND FOR THE OFFICE OF REGULATORY STAFF TO REVIEW THE PROPOSED RATES AND COMMENT BEFORE THE RATES GO INTO EFFECT; TO AMEND SECTION 58-33-20 TO INCLUDE THE PUBLIC SERVICE

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AUTHORITY IN THE REQUIREMENTS FOR UTILITY FACILITY SITING; TO AMEND SECTION 58-37-40 TO DELETE SUBSECTION (A)(3); AND TO ADD SECTION 58-37-45 TO REQUIRE THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO SUBMIT AN INTEGRATED RESOURCE PLAN TO THE PUBLIC SERVICE COMMISSION AND TO PROVIDE FOR PLAN REQUIREMENTS.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY proposed the following amendment (JUD0464.008), which was withdrawn:

Amend the bill, as and if amended, by striking SECTION 13 and inserting:

/ SECTION 13. To ensure that the Public Service Authority board of directors positions are appropriately staggered, the following establishes the term expiration for positions as of the effective date of this act:

(1) The terms for the directors representing the 1st, 2nd and 7th congressional districts, and the At Large seat designated as the Chair shall expire on January 1, 2022;

(2) The terms for the directors representing the 3rd, 4th and 6th congressional districts and Berkeley County shall expire on January 1, 2023; and

(3) The terms for the directors representing the 5th congressional district, Horry County, Georgetown County and the other At Large seat shall expire on January 1, 2024.

If any vacancy occurs prior to respective dates established in this SECTION, the Governor may appoint a successor pursuant to Section 58-31-20.

(B) The terms for new directors shall begin on the expiration dates for the previous terms as provided in subsection (A).

(C) Notwithstanding the term limit provisions in subsection 58-31-20(A), a director serving as of the effective date of this act is ineligible for reappointment unless that director was first appointed after January 1, 2018. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH spoke on the Bill.

The amendment was withdrawn.

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RECESS

At 12:42 P.M., on motion of Senator ALEXANDER, the Senate recessed from business until 1:30 P.M.

At 1:32 P.M., the Senate resumed.

Call of the Senate

Senator ALEXANDER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Campsen	Cash	Climer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Senator RANKIN spoke on the Bill.

Senators RANKIN, HUTTO, GROOMS, MALLOY, CAMPSSEN, MASSEY, GOLDFINCH, SETZLER, KIMBRELL and WILLIAMS proposed the following amendment (JUD0464.042), which was adopted:

Amend the bill, as and if amended, starting on page 2, line 1, and ending on page 6, line 6, by striking Section 58-31-20, as contained in SECTION 1 and inserting:

/ “Section 58-31-20 (A)(1) The Public Service Authority consists of a board of twelve directors who reside in South Carolina and who have the qualifications stated in this section, as determined by the State Regulation of Public Utilities Review Committee pursuant to Section 58-3-530(14), before being appointed by the Governor with the advice and consent of the Senate as follows: one from each congressional district of the State; one from each of the counties of Horry, Berkeley, and Georgetown who reside in authority territory and are customers of



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the authority; and two from the State at large, one of whom must be chairman. Two of the directors must have substantial work experience within the operations of electric cooperatives or substantial experience on an electric cooperative board, including one of the two who must have substantial experience within the operations or board of a transmission or generation cooperative. Except to the extent they are serving in an ex-officio capacity, a ~~A~~ director shall not serve as an employee or board member of an electric cooperative during his term as a director. Each director shall serve for a term of ~~seven~~ four years, except as provided in this section. At the expiration of the term of each director and of each succeeding director, the Governor, with the advice and consent of the Senate, must appoint a successor, who shall hold office for a term of ~~seven~~ four years or until his successor has been appointed and qualified. In the event of a director vacancy due to death, resignation, or otherwise, the Governor must appoint the director's successor, with the advice and consent of the Senate, and the successor-director shall hold office for the unexpired term. A director shall not be appointed for more than three consecutive full terms. An appointment to an unexpired partial term shall not be considered for purposes of determining term limits.

(2) A director may not receive a salary for services as director until the authority is in funds, but each director must be paid his actual expense in the performance of his duties, the actual expense to be advanced from the contingent fund of the Governor until the time the Public Service Authority is in funds, at which time the contingent fund must be reimbursed. After the Public Service Authority is in funds, the compensation and expenses of each member of the board must be paid from these funds, and the compensation and expenses must be fixed by the advisory board established in this section. The authority may provide, at its expense, health insurance benefits to members of the board, through the State insurance plan or otherwise.

(3) Members of the board of directors may be removed for cause, pursuant to Section 1-3-240(C), by the Governor of the State, the advisory board, or a majority thereof. A member of the General Assembly of the State of South Carolina is not eligible for appointment as Director of the Public Service Authority during the term of his office. No more than two members from the same county may serve as directors at any time.

(B) Candidates for appointment to the board must be screened by the State Regulation of Public Utilities Review Committee and, prior to confirmation by the Senate, must be found qualified by meeting the minimum requirements contained in subsection (C). The review

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committee must submit a written report to the Clerk of the Senate setting forth its findings as to the qualifications of each candidate. A candidate must not serve on the board, even in an interim capacity, until he is screened and found qualified by the State Regulation of Public Utilities Review Committee.

(C)(1) Each member must possess abilities and experience that are generally found among directors of energy utilities serving this State and that allow him to make valuable contributions to the conduct of the authority's business. These abilities include substantial business skills and experience, but are not limited to:

~~(1)~~(a) general knowledge of the history, purpose, and operations of the Public Service Authority and the responsibilities of being a director of the authority;

~~(2)~~(b) the ability to interpret legal and financial documents and information so as to further the activities and affairs of the Public Service Authority;

~~(3)~~(c) with the assistance of counsel, the ability to understand and apply federal and state laws, rules, and regulations including, but not limited to, Chapter 4 of Title 30 as they relate to the activities and affairs of the Public Service Authority; and

~~(4)~~(d) with the assistance of counsel, the ability to understand and apply judicial decisions as they relate to the activities and affairs of the Public Service Authority.

(2) Each member must also have:

(a) a baccalaureate or more advanced degree from:

(i) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;

(ii) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(iii) an institution of higher learning chartered before 1962;  
and

(b) a background of substantial duration and an expertise in at least one of the following:

(i) energy issues;

(ii) consumer protection and advocacy issues;

(iii) water and wastewater issues;

(iv) finance, economics, and statistics;

(v) accounting;

(vi) engineering; or

(vii) law.

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(D) For the assistance of the board of directors of the Public Service Authority, there is hereby established an advisory board to be known as the advisory board of the South Carolina Public Service Authority, to be composed of the Governor of the State, the Attorney General, the State Treasurer, the Comptroller General, and the Secretary of State, as ex officio members, who must serve without compensation other than necessary traveling expenses. The advisory board must perform any duties imposed on it pursuant to this chapter, and must consult and advise with the board of directors on any and all matters which by the board of directors may be referred to the advisory board. The board of directors must make annual reports to the advisory board, which reports must be submitted to the General Assembly by the Governor, in which full information as to all of the acts of said board of directors shall be given, together with financial statement and full information as to the work of the authority. On July first of each year, the advisory board must designate a certified public accountant or accountants, ~~resident in the State,~~ for the purpose of making a complete audit of the affairs of the authority, which must be filed with the annual report of the board of directors. The Public Service Authority must submit the audit to the General Assembly. (E)(1) The following shall be nonvoting ex officio members of the board of directors entitled to attend all meetings of the authority board, including any executive sessions, except as set forth below:

The Chairman of Central Electric Power Cooperative, or his designee, and one member of the Board of Central Electric Power Cooperative chosen by that board who is not the Chairman or his designee. The ex officio members shall have the same obligations and duties as other members of the board, except the obligation to vote, and are subject to removal in the same manner as other board members. An ex officio member that has otherwise satisfied all obligations and duties owed to the Public Service Authority shall not be liable for matters directly related to either the process of voting nor a decision determined by a vote of the board of directors.

(2) The ex officio members may be excluded from executive session where the following matters are being discussed:

(a) negotiations incident to proposed contractual arrangements with a customer, including Central Electric Cooperative, Inc., or receiving legal advice involving a customer, Central Electric Power Cooperative Inc., or one of its members; or

(b) discussions regarding generation resources that will not be shared resources under any wholesale power supply agreement between

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the authority and Central Electric Power Cooperative or receiving legal advice in relation thereto.

Upon advice of counsel that a conflict may exist for an ex officio member of the board to attend an executive session or a portion thereof to discuss matters other than (a) and (b), the board may exclude, by a majority vote, the ex officio member from those portions of an executive session for which a conflict may exist.

(3) When ex officio members are excluded from executive session, the reason for the conflict must be stated before the vote is taken and shall be recorded in official minutes or other records of the meeting. The ex officio member of the board must be given an opportunity to speak to the conflict and the underlying issue at the beginning of the executive session. After being provided the opportunity to speak as provided in this provision, the ex officio member must leave the room and may not participate in the remainder of the executive session on the issue giving rise to the conflict. The decision of the board of directors to exclude an ex officio member due to a conflict is not appealable to any court. Efforts should be taken to optimize participation of ex officio members by segmenting executive sessions.

(4) Ex officio members will begin serving immediately upon a letter indicating their appointments is delivered to the board and to the Public Utilities Review Committee but must meet the qualifications set forth in Section 58-31-20(C) as verified by the Public Utilities Review Committee within six months of beginning service as an ex officio member. Ex officio members will be appointed for two-year terms but may be removed either by the Governor pursuant to Section 1-3-240(C)(1)(m) or the board of Central Electric Power Cooperative. In the event that the board of Central Electric Power Cooperative removes the ex officio member, the Public Service Authority board of directors must receive notice at least sixty days before the ex officio member's successor begins service on the Public Service Authority board of directors. An ex officio member will not be entitled to receive compensation from the Public Service Authority for his or her service as an ex officio member and will not be counted for purposes of determining a quorum.

(F) In making appointments to the Board of Directors, the Governor, in making appointments and the Senate, in its advice and consent capacity, must give due consideration to race, gender, and other demographic factors to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State."

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Amend the bill further, as and if amended, starting on page 16, line 16, and ending on page 21, line 35, by striking Section 58-37-40, as contained in SECTION 8, and inserting:

/ “Section 58-37-40. (A) Electrical utilities, electric cooperatives, municipally owned electric utilities, and the South Carolina Public Service Authority must each prepare an integrated resource plan. An integrated resource plan must be prepared and submitted at least every three years. Nothing in this section may be construed as requiring interstate natural gas companies whose rates and services are regulated only by the federal government or gas utilities subject to the jurisdiction of the commission to prepare and submit an integrated resource plan.

(1) Each electrical utility with one hundred thousand or more customer accounts and the Public Service Authority must submit its integrated resource plan to the commission. The integrated resource plan must be posted on the electrical utility’s website and on the commission’s website.

(2) Electric cooperatives, electric utilities with less than one hundred thousand customer accounts, and municipally owned electric utilities shall each submit an integrated resource plan to the State Energy Office. Each integrated resource plan must be posted on the State Energy Office’s website. If an electric cooperative, electric utility with less than one hundred thousand customer accounts, or municipally owned utility has a website, its integrated resource plan must also be posted on its website. For distribution, electric cooperatives that are members of a cooperative that provides wholesale service, the integrated resource plan may be coordinated and consolidated into a single plan provided that nonshared resources or programs of individual distribution cooperatives are highlighted. Where plan components listed in subsection (B)(1) and (2) of this section do not apply to a distribution or wholesale cooperative or a municipally owned electric utility as a result of the cooperative or the municipally owned electric utility not owning or operating generation resources, the plan may state that fact or refer to the plan of the wholesale power generator. Where plan components listed in subsections (B)(1) and (2) of this section do not apply to an electrical utility with less than one hundred thousand customer accounts as a result of its own generation resources being comprised of more than seventy-five percent renewable energy or because it purchases wholesale load balancing generation services, then the plan may state that fact or refer to the plan of the wholesale power generator. For purposes of this section, a wholesale power generator does not include a municipally created joint agency if that joint agency receives at least seventy-five percent of its electricity

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from a generating facility owned in partnership with an electrical utility and that electrical utility:

(a) generally serves the area in which the joint agency's members are located; and

(b) is responsible for dispatching the capacity and output of the generated electricity.

(3) The South Carolina Public Service Authority shall submit its integrated resource plan to the ~~State Energy Office~~ commission. The Public Service Authority shall develop a public process allowing for input from all stakeholders prior to submitting the integrated resource plan. The integrated resource plan must be developed in consultation with the electric cooperatives and municipally owned electric utilities purchasing power and energy from the Public Service Authority and consider any feedback provided by retail customers and shall include the effect of demand-side management activities of the electric cooperatives and municipally owned electric utilities that directly purchase power and energy from the Public Service Authority or sell power and energy generated by the Public Service Authority. The integrated resource plan must be posted on the ~~State Energy Office's~~ commission's website and on the Public Service Authority's website.

(4)(a) In addition to the requirements of 58-37-40(B), the Public Service Authority's integrated resource plan shall include an analysis of long-term power supply alternatives and enumerate the cost of various resource portfolios over various study periods including a twenty-year study period and, by comparison on a net present value basis, identify the most cost effective and least ratepayer risk resource portfolio to meet the Public Service Authority's total capacity and energy requirements while maintaining safe and reliable electric service.

(b) In addition to the requirements of Section 58-37-40(B), the commission shall review and evaluate the Public Service Authority's analysis of long-term power supply alternatives and various resource portfolios over various study periods including a twenty-year study period and, by comparison on a net present value basis, identify the most cost-effective and lowest ratepayer-risk resource portfolio to meet the Public Service Authority's total capacity and energy requirements while maintaining safe and reliable electric service. The commission's evaluation shall include, but not be limited to:

(i) evaluating the cost-effectiveness and ratepayer risk of self-build generation and transmission options compared with various long-term power supply alternatives including power purchase agreements, competitive procurement of renewable energy, joint

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dispatch agreements, market purchases from an existing regional transmission organization, joining or creating a new regional transmission organization, using best available technology for energy generation, transmission, storage and distribution, or any combination thereof. In evaluating and identifying the most cost effective and least ratepayer risk resource portfolio, the commission shall strive to reduce the risk to ratepayers associated with any generation and transmission options while maintaining safe and reliable electric service; and

(ii) an analysis of any potential cost savings that might accrue to ratepayers from the retirement of remaining coal generation assets.

(c) The Authority's integrated resource plan must provide the information required in Section 58-37-40(B) and must be developed in consultation with the electric cooperatives, including Central Electric Power Cooperative, and municipally owned electric utilities purchasing power and energy from the Public Service Authority, and consider any feedback provided by retail customers; and shall include the effect of demand-side management activities of the electric cooperatives, including Central Electric Power Cooperative, and municipally owned electric utilities that directly purchase power and energy from the Public Service Authority or sell power and energy generated by the Public Service Authority. The Integrated Resource Plan of the South Carolina Public Service Authority shall include and evaluate at least one resource portfolio, which will reflect the closure of the Winyah Generating Station by 2028, designed to provide safe and reliable electricity service while meeting a net zero carbon emission goal by the year 2050.

(B)(1) An integrated resource plan shall include all of the following:

(a) a long-term forecast of the utility's sales and peak demand under various reasonable scenarios;

(b) the type of generation technology proposed for a generation facility contained in the plan and the proposed capacity of the generation facility, including fuel cost sensitivities under various reasonable scenarios;

(c) projected energy purchased or produced by the utility from a renewable energy resource;

(d) a summary of the electrical transmission investments planned by the utility;

(e) several resource portfolios developed with the purpose of fairly evaluating the range of demand-side, supply-side, storage, and other technologies and services available to meet the utility's service obligations. Such portfolios and evaluations must include an evaluation of low, medium, and high cases for the adoption of renewable energy

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and cogeneration, energy efficiency, and demand response measures, including consideration of the following:

(i) customer energy efficiency and demand response programs;

(ii) facility retirement assumptions; and

(iii) sensitivity analyses related to fuel costs, environmental regulations, and other uncertainties or risks;

(f) data regarding the utility's current generation portfolio, including the age, licensing status, and remaining estimated life of operation for each facility in the portfolio;

(g) plans for meeting current and future capacity needs with the cost estimates for all proposed resource portfolios in the plan;

(h) an analysis of the cost and reliability impacts of all reasonable options available to meet projected energy and capacity needs; and

(i) a forecast of the utility's peak demand, details regarding the amount of peak demand reduction the utility expects to achieve, and the actions the utility proposes to take in order to achieve that peak demand reduction.

(2) An integrated resource plan may include distribution resource plans or integrated system operation plans.

(C)(1) The commission shall have a proceeding to review each electrical utility's subject to (A)(1) and the Public Service Authority's integrated resource plan. As part of the integrated resource plan filing, the commission shall allow intervention by interested parties. The commission shall establish a procedural schedule to permit reasonable discovery after an integrated resource plan is filed in order to assist parties in obtaining evidence concerning the integrated resource plan, including the reasonableness and prudence of the plan and alternatives to the plan raised by intervening parties. No later than three hundred days after an electrical utility files an integrated resource plan, the commission shall issue a final order approving, modifying, or denying the plan filed by the electrical utility or the Public Service Authority.

(2) The commission shall approve an electrical utility's or the Public Service Authority's integrated resource plan if the commission determines that the proposed integrated resource plan represents the most reasonable and prudent means of meeting the electrical utility's or the Public Service Authority's energy and capacity needs as of the time the plan is reviewed. To determine whether the integrated resource plan is the most reasonable and prudent means of meeting energy and capacity



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needs, the commission, in its discretion, shall consider whether the plan appropriately balances the following factors:

- (a) resource adequacy and capacity to serve anticipated peak electrical load, and applicable planning reserve margins;
- (b) consumer affordability and least cost;
- (c) compliance with applicable state and federal environmental regulations;
- (d) power supply reliability;
- (e) commodity price risks;
- (f) diversity of generation supply; and
- (g) other foreseeable conditions that the commission determines to be for the public interest.

(3) If the commission modifies or rejects an electrical utility's or the Public Service Authority's integrated resource plan, the electrical utility or the Public Service Authority, within sixty days after the date of the final order, shall submit a revised plan addressing concerns identified by the commission and incorporating commission-mandated revisions to the integrated resource plan to the commission for approval. Within sixty days of the electrical utility's or the Public Service Authority's revised filing, the Office of Regulatory Staff shall review the electrical utility's or the Public Service Authority's revised plan and submit a report to the commission assessing the sufficiency of the revised filing. Other parties to the integrated resource plan proceeding also may submit comments. No later than sixty days after the Office of Regulatory Staff report is filed with the commission, the commission at its discretion may determine whether to accept the revised integrated resource plan or to mandate further remedies that the commission deems appropriate.

(4) The submission, review, and acceptance of an integrated resource plan by the commission, or the inclusion of any specific resource or experience in an accepted integrated resource plan, shall not be determinative of the reasonableness or prudence of the acquisition or construction of any resource or the making of any expenditure. ~~The~~ An electrical utility shall retain the burden of proof to show that all of its investments and expenditures are reasonable and prudent when seeking cost recovery in rates.

(D)(1) An electrical utility and the Public Service Authority shall each submit annual updates to its integrated resource plan to the commission. An annual update must include an update to the electric utility's or the Public Service Authority's base planning assumptions relative to its most recently accepted integrated resource plan, including, but not limited to: energy and demand forecast, commodity fuel price inputs, renewable

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energy forecast, energy efficiency and demand-side management forecasts, changes to projected retirement dates of existing units, along with other inputs the commission deems to be for the public interest. The electrical utility's or Public Service Authority's annual update must describe the impact of the updated base planning assumptions on the selected resource plan.

(2) The Office of Regulatory Staff shall review each ~~electric~~ electrical utility's or the Public Service Authority's annual update and submit a report to the commission providing a recommendation concerning the reasonableness of the annual update. After reviewing the annual update and the Office of Regulatory Staff report, the commission may accept the annual update or direct the electrical utility or the Public Service Authority to make changes to the annual update that the commission determines to be in the public interest.

(E) The commission is authorized to promulgate regulations to carry out the provisions of this section.”

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_ . Chapter 4, Title 58 of the 1976 Code is amended by adding Section 58-4-51:

“Section 58-4-51. (A) Regulatory staff shall have the following duties and responsibilities concerning the Public Service Authority to:

(1) when considered necessary by the Executive Director of the Office of Regulatory Staff, review, investigate, and make appropriate recommendations to the appropriate entity with respect to the rates charged or proposed to be charged for electric service provided by the Public Service Authority;

(2) when considered necessary by the Executive Director of the Office of Regulatory Staff, make inspections, audits, and examinations of, and to make recommendations to, the appropriate entity, regarding electric service provided by the Public Service Authority;

(3) upon request by the commission, make studies and recommendations to the commission with respect to standards, regulations, practices, or electric service provided by the Public Service Authority for matters within the commission's jurisdiction; and

(4) when considered necessary by the Executive Director of the Office of Regulatory Staff, investigate and examine the condition of generation, transmission, or distribution electric facilities owned or operated by the Public Service Authority.

(B) Regulatory staff may participate as a party of interest, as deemed necessary by the Executive Director of the Office of Regulatory Staff,

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before regulatory agencies, state courts and federal courts, in matters that could affect the Public Service Authority's rates or charges for the Authority's electric service.

(C) The regulatory staff may have additional duties and responsibilities related to the Public Service Authority as otherwise provided by law." /

Amend this bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_ . Section 58-4-55 of the 1976 Code is amended to read:

"Section 58-4-55. (A) The regulatory staff, in accomplishing its responsibilities under Section 58-4-50 and Section 58-4-51, may require the production of books, records, and other information to be produced at the regulatory staff's office, that, upon request of the regulatory staff, must be submitted under oath and without the requirement of a confidentiality agreement or protective order being first executed or sought. The regulatory staff must treat the information as confidential or proprietary unless or until the commission rules such information is not entitled to protection from public disclosure or the public utility, the Public Service Authority, or the electric cooperative agrees that such information is no longer confidential or proprietary. Unless the commission's order contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Sections 30-4-10, et seq., and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity; provided, however, that, if the commission determines that it is necessary to view such documents or information, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection unless otherwise ordered by the commission. Although the Public Service Authority is subject to the Freedom of Information Act pursuant to Sections 30-4-10, et seq., the Authority, when necessary and appropriate, may indicate that documents or information provided to regulatory staff is confidential or proprietary, or otherwise exempt from disclosure in accordance with statute, and the regulatory staff must treat this information in the same manner as public utilities and cooperatives pursuant to this section.

If the books, records, or other information provided do not appear to disclose full and accurate information and, if such apparent deficiencies are not cured after reasonable notice, the regulatory staff may require the

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attendance and testimony under oath of the officers, accountants, or other agents of the parties having knowledge thereof at such place as the regulatory staff may designate and the expense of making the necessary examination or inspection for the procuring of the information must be paid by the party examined or inspected, to be collected by the regulatory staff by suit or action, if necessary. If, however, the examination and inspection and the reports thereof disclose that full and accurate information had previously been made, the expense of making the examination and inspection must be paid out of the funds of the regulatory staff.

(B) If the regulatory staff initiates an inspection, audit, or examination of a public utility, the Public Service Authority, or an electric cooperative, the public utility, the Public Service Authority, or the electric cooperative that is the subject of the inspection, audit, or examination may petition the commission to terminate or limit the scope of such inspection, audit, or examination. The commission must grant such petition if it finds that such inspection, audit, or examination is arbitrary, capricious, unnecessary, unduly burdensome, or unrelated to the regulated operations of the public utility, the Public Service Authority, or the electric cooperative.

(1) If such an inspection, audit, or examination is not part of a contested case proceeding, the public utility, the Public Service Authority or the electric cooperative may also raise objections or seek relief available under the South Carolina Rules of Civil Procedure to a party upon whom discovery is served or to a person upon whom a subpoena is served. The commission shall provide the regulatory staff reasonable notice to respond to any such objection or request. Absent the consent of the public utility, the Public Service Authority, or the electric cooperative raising such an objection or request and the Office of Regulatory Staff, the commission must rule on such an objection or request within sixty days of the date it was filed. During the pendency of the commission's ruling, the public utility, the Public Service Authority, or the electric cooperative making such an objection or request is not required to produce or provide access to any documents or information that is the subject of the objection or request.

(2) If such an inspection, audit, or examination is part of a contested case proceeding, the commission shall address objections to information sought by the regulatory staff in the same manner in which it addresses objections to discovery issued by the parties to the contested case proceeding.

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(C) Any public utility, the Public Service Authority, or any electric cooperative that provides the regulatory staff with copies of or access to documents or information in the course of an inspection, audit, or examination that is not part of a contested case proceeding may designate any such documents or information as confidential or proprietary if it believes in good faith that such documents or information would be entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. The regulatory staff may petition the commission for an order that some or all of the documents so designated are not entitled to protection from public disclosure and it shall be incumbent on the utility to prove that such documents are entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. The commission shall rule on such petition after providing the regulatory staff and the utility an opportunity to be heard. Unless the commission's order on such a petition contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Sections 30-4-10, et seq., and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity; provided, however, that, if the commission determines that it is necessary to view such documents or information in order to rule on such a petition, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection during the pendency of the petition.

(D) Nothing in this section restricts the regulatory staff's ability to serve discovery in a contested case proceeding that seeks the type of documents or information the regulatory staff has obtained in the course of any review, investigation, inspection, audit, or examination, nor does anything in this section restrict the ability of any public utility, the Public Service Authority, or electric cooperative to object to such discovery or to seek relief regarding such discovery, including without limitation, the entry of a protective order. The regulatory staff shall not be required to execute a confidentiality agreement or seek a protective order prior to accessing the documents or information of a public utility, the Public Service Authority, or an electric cooperative, and such information or documents must be treated as confidential or proprietary unless or until the commission rules such information is not entitled to protection from public disclosure or the public utility, the Public Service Authority, or

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the electric cooperative agrees that such information is no longer confidential or proprietary. Unless the commission's order contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Section 30-4-10, et seq., and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity. However, if the commission determines that it is necessary to view such documents or information, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection unless otherwise ordered by the commission.

(E)(1) The Office of Regulatory Staff, in order to accomplish any of the responsibilities assigned to it by Chapter 4, Title 58 or any other provision of law, may apply to the circuit court for subpoenas to be issued to entities over which the Public Service Commission does not have jurisdiction. Such subpoenas will be issued by the circuit court in the same manner as subpoenas are issued to parties to proceedings before that court, and all rules applicable to the issuance of such subpoenas, including enforcement and penalties, shall apply to subpoenas issued at the request of the regulatory staff.

(2) In order to accomplish any of the responsibilities assigned to the Office of Regulatory Staff regarding the Public Service Authority in which the commission does not have jurisdiction, regulatory staff may request a hearing with the Administrative Law Court.

(F) The actual expenses of the Office of Regulatory Staff incurred in carrying out its duties under Section 58-4-50(A)(12) must be certified annually to the Public Utilities Review Committee in an itemized statement by the Office of Regulatory Staff, shown as a line item in the Office of Regulatory Staff budget, to be assessed directly to an audited electric cooperative by the Office of Regulatory Staff, and deposited with the State Treasurer to the credit of the Office of Regulatory Staff.”/

Amend the bill further, as and if amended, by adding appropriately numbered SECTIONS to read:/

SECTION \_\_. Section 58-27-190 of the 1976 Code is amended to read:

“Section 58-27-190. The Office of Regulatory Staff has the right at any and all times to inspect the property, plant, and facilities of any electrical utility and the South Carolina Public Service Authority and to inspect or audit at reasonable times the accounts, books, papers, and documents of any electrical utility and the South Carolina Public Service

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Authority. For the purposes herein mentioned an employee or agent of the Office of Regulatory Staff may during all reasonable hours enter upon any premises occupied by or under the control of any electrical utility or the South Carolina Public Service Authority. An employee or agent of the Office of Regulatory Staff authorized to administer oaths has the power to examine under oath any officer, agent, or employee of the electrical utility and the South Carolina Public Service Authority in relation to the business and affairs of the electrical utility or the South Carolina Public Service Authority, but written record of the testimony or statement so given under oath must be made.”

SECTION \_\_. Section 58-27-200 of the 1976 Code is amended to read:

“Section 58-27-200. In the performance of its duties under this chapter, an employee or agent of the Office of Regulatory Staff may inspect or make copies of all income, property, or other tax returns, reports, or other information filed by electrical utilities or the South Carolina Public Service Authority, with or otherwise obtained by any other department, commission, board, or agency of the state government. All departments, commissions, boards, or agencies of the state government must permit an employee or agent of the Office of Regulatory Staff to inspect or make copies of all information filed by electrical utilities or the South Carolina Public Service Authority with or otherwise obtained by the department, commission, board, or agency of the state government.”

SECTION \_\_. Section 58-27-210 of the 1976 Code is amended to read:

“Section 58-27-210. Whenever it shall appear that any electrical utility, electric cooperative, the South Carolina Public Service Authority regarding its provision of electric services, or consolidated political subdivision is failing or omitting, or about to fail or omit, to do anything required of it by law or by order of the commission or is doing, or about to do anything or permitting or about to permit anything to be done contrary to or in violation of law or of any order of the commission, an action or proceeding shall be prosecuted in any court of competent jurisdiction in the name of the Office of Regulatory Staff for the purpose of having such violation or threatened violation discontinued or prevented, either by mandamus, injunction, or other appropriate relief, and in such action or proceeding, it shall be permissible to join such other persons, corporations, municipalities, or consolidated political subdivisions as parties thereto as may be reasonably necessary to make

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the order of the court in all respects effective. The commission must not be a party to any action.”

SECTION \_\_. Section 58-27-220 is amended to read:

“Section 58-27-220. In addition to the foregoing expressly enumerated powers, the Office of Regulatory Staff must enforce, execute, administer, and carry out the provisions of this chapter relating to the powers, duties, limitations, and restrictions imposed upon electrical utilities and the South Carolina Public Service Authority by this chapter or any other provisions of the law of this State regulating electrical utilities and the South Carolina Public Service Authority regarding its provision of electric services.” /

Amend the bill further, as and if amended, page 25, beginning on line 41, by striking SECTION 13 in its entirety and inserting:

/ “Section 58-31-240. (A) For purposes of this section:

(1) ‘JBRC’ means the Joint Bond Review Committee.

(2) ‘Committee’ or ‘committees’ means the Senate Finance Committee and the House Ways and Means Committee.

(B) The Senate Finance Committee and the House Ways and Means Committee shall review and provide fiscal accountability of the Public Service Authority (Authority) no less frequently than every two years. The committees shall provide a report with findings to the Senate Legislative Oversight Committee and the House Legislative Oversight Committee.

(C)(1) Every two years, or as often as requested by either committee, the Authority must submit to the committees:

(a) annual audited financial statements;

(b) projected and actual annual revenue;

(c) actual annual expenditures;

(d) any debt issuances in the previous five years, whether short-term or long-term;

(e) percent of annual revenues utilized for administration. For purposes of this item, ‘administration’ includes executive level employees compensation and other operating costs;

(f) organizational flow chart displaying the position titles and name of executive-level employees;

(g) major components of any long-term capital plan, including timing and cost estimates, and financing plan for such capital investments whether paid from operations or debt;

(h) performance objectives and results;



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(i) performance measurements used to evaluate program effectiveness;

(j) any outstanding litigation issues; and

(k) planning documents and progress reports, including budgeted and actual expenditures.

(2) The Authority must post its annual audited financial report in a conspicuous place on the Authority's website and distribute the reports to members of the General Assembly.

(3) Any problems or issues of concern that arise during this oversight process may be forwarded to the State Inspector General for investigation after a vote of either committee. The Inspector General is granted the authority to complete the investigation.

(D)(1) Prior to issuing any bonds, notes, or other indebtedness, including any refinancing that does not achieve a savings in total debt service, JBRC must approve, reject, or modify the issuance by the Authority.

(2) If JBRC does not take action on the issuance within 60 days, the issuance is considered approved.

(3) For purposes of this subsection, debt capacity means the total amount of debt that can be undertaken by the Authority while maintaining compliance with its legal, contractual or rating-dependent debt service coverage requirements, incorporating reasonable assumptions and projections for future revenue, interest rates, and term of the indebtedness.

(E)(1) By September first of each year, the Authority shall provide an annual report regarding every transaction involving an interest in real property and executed during the preceding twelve months, including:

(a) a summary of the key terms of all contracts effectuating or related to such transactions; and

(b) parties involved in the transaction, including all entities or persons with any type of ownership interest or authority to control.

(2) A transfer of any interest in real property by the Authority, regardless of the value of the transaction, requires approval, rejection, or modification by JBRC.

(3) The reporting and other requirements of this item do not apply to encroachment agreements, rights-of-way, or lease agreements made by the Authority and private individuals for residential use on and near lakes in this State.

(F) JBRC, may adopt instructions which must be followed by the Authority for any submission pursuant to this section.

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(G) Any and all executive compensation and retention programs must be reviewed by the Agency Head Salary Commission. Additionally, any employment contracts or retention contracts that last longer than five years, and all contract extensions, must be reviewed by the Agency Head Salary Commission.

(H) The Authority is a public body for purposes of the Freedom of Information Act.

(I) The requirements imposed on the Authority pursuant to this section are in addition to any other requirements of law. If any provision of this section conflicts with another provision of law, the provisions of this section shall control to the extent of the conflict.” /

To amend the bill by striking SECTION 16, beginning on line 17, page 29, and inserting:

/ SECTION 16. (A) To ensure that the Public Service Authority board of directors positions are appropriately staggered, the following establishes the term expiration for positions as of the effective date of this act:

(1) The terms for the members representing the 2<sup>nd</sup> and 4<sup>th</sup> congressional districts, and the At Large seat designated as the Chair shall expire on January 1, 2022;

(2) The terms for the members representing the 1<sup>st</sup>, 7<sup>th</sup> congressional districts and Berkeley County shall expire on January 1, 2023;

(3) The terms for members representing the 3<sup>rd</sup>, and 6<sup>th</sup> congressional districts, and the other At-Large seat shall expire on January 1, 2024; and

(4) The terms for members representing the 5<sup>th</sup> congressional district, and Georgetown and Horry counties shall expire on January 1, 2025.

If any vacancy occurs prior to respective dates established in this SECTION, the Governor may appoint a successor pursuant to Section 58-31-20.

(B) Notwithstanding the term limit provisions in subsection 58-31-20(A), a director serving as of the effective date of this act is ineligible for reappointment unless that director was first appointed after January 1, 2018.

To amend the bill, as and if amended, by striking SECTION 9 in its entirety, beginning on line 37 on page 21.

To amend the bill, as and if amended, by striking SECTION 11, lines 18-23 on page 24.

To amend the bill, as and if amended, by striking SECTION 19, lines 16-17 on page 30 and inserting:

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SECTION 19. Section 58-31-30(C), SECTION 3, takes effect upon approval by the Governor. The other provisions of this act takes effect on January 1, 2022. However, the screening process for the Public Service Authority Board of Directors as provided in this act may begin prior to the effective date so that the directors may begin service on January 2, 2022.

Renumber sections to conform.  
Amend title to conform.

Senator RANKIN explained the amendment.  
Senator KIMPSON spoke on the amendment.

**Remarks to be Printed**

On motion of Senator SABB, with unanimous consent, the remarks of Senator KIMPSON, when reduced to writing and made available to the Desk, would be printed in the Journal.

The amendment was adopted.

Senator RANKIN objected to further consideration of the Bill.

**AMENDED, READ THE SECOND TIME**

H. 3539 -- Reps. Davis and Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-9-55 SO AS TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE ON A PUBLIC ROAD OR WATERWAY WITHOUT AN OFFICIAL FORM OF IDENTIFICATION, AND TO PROVIDE AN EXCEPTION AND PENALTIES; TO AMEND SECTION 50-16-25, RELATING TO THE UNLAWFUL RELEASE OF PIGS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO TRANSPORT A LIVE MEMBER OF THE FAMILY SUIDAE TAKEN FROM THE WILD; AND TO REPEAL SECTION 50-9-655 RELATING TO PIG TRANSPORT AND RELEASE PERMITS.

The Senate proceeded to a consideration of the Bill.

Senator TALLEY explained the Bill.

Senators CLIMER, VERDIN, McELVEEN, TALLEY, and GARRETT proposed the following amendment (3539R007.SP.WC), which was adopted:

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Amend the bill, as and if amended, on page 1, by striking line 31 and inserting:

/official form of identification approved by the State Veterinarian and are transported in such a way that the swine is visible. /

Amend the bill further, as and if amended, page 3, line 9, by inserting:

/ (C) The department may seize and destroy any pig obtained pursuant to this section. /

Amend the bill further, as and if amended, on page 3, by striking line 12 and inserting:

/SECTION 4. This act takes effect upon approval by the Governor and is repealed on July 1, 2024. /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

Senator McELVEEN spoke on the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 1**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpoottlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Williams	Young

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**Total--45**

**NAYS**

Verdin

**Total--1**

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**RECOMMITTED**

S. 308 -- Senator Fanning: A BILL TO AMEND SECTION 44-1-143, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HOME-BASED FOOD PRODUCTION OPERATIONS, SO AS TO ALLOW A HOME-BASED FOOD PRODUCTION OPERATION TO SELL FOOD TO AN INFORMED PERSON AND TO REQUIRE A DISCLOSURE ON CERTAIN FOOD PRODUCTS.

On motion of Senator FANNING, the Bill was recommitted to Committee on Agriculture and Natural Resources.

**OBJECTION**

H. 3056 -- Reps. Hixon, Forrest and W. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTIONS 50-19-210 THROUGH 50-19-240 ALL RELATING TO THE PRESTWOOD LAKE WILDLIFE REFUGE BOARD; BY REPEALING SECTIONS 50-19-1710 THROUGH 50-19-1730 ALL RELATING TO THE CATAWBA-WATEREE FISH AND GAME COMMISSION; BY REPEALING ARTICLE 1 OF CHAPTER 19, TITLE 50 RELATING TO THE CHEROKEE FISH AND GAME CLUB; BY REPEALING ARTICLE 3 OF CHAPTER 19, TITLE 50 RELATING TO THE DARLINGTON COUNTY ADVISORY FISH AND GAME COMMISSION; BY REPEALING ARTICLE 17 OF CHAPTER 19, TITLE 50 RELATING TO THE DUTIES OF THE LEE COUNTY LEGISLATIVE DELEGATION TO PROTECT FISH AND GAME IN LEE COUNTY; BY REPEALING ARTICLE 19 OF CHAPTER 19, TITLE 50 RELATING TO THE MARION COUNTY FISH AND GAME COMMISSION AND THE ESTABLISHMENT OF THE SHELLY LAKE FISH SANCTUARY IN MARION COUNTY; BY REPEALING ARTICLE 21 OF CHAPTER 19, TITLE 50 RELATING TO FISH AND WILDLIFE PROJECTS IN

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MARLBORO COUNTY; BY REPEALING ARTICLE 23 OF CHAPTER 13, TITLE 51 RELATING TO THE ENOREE RIVER GREENWAY COMMISSION; BY REDESIGNATING ARTICLE 5 OF CHAPTER 19, TITLE 50 AS “SLADE LAKE FISHING”; AND BY REDESIGNATING ARTICLE 29 OF CHAPTER 19, TITLE 50 AS “FISHING AND HUNTING IN LAKE WATEREE”.

Senator MALLOY objected to consideration of the Bill.

**COMMITTEE AMENDMENT WITHDRAWN  
AMENDED, READ THE SECOND TIME**

H. 3194 -- Reps. Lucas, G.M. Smith, Simrill, Rutherford, Thigpen, McCravy, McGarry, B. Newton, Long, Yow and Carter: A BILL TO AUTHORIZE THE SALE OF THE ASSETS OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND THE ASSUMPTION OR DEFEASMENT OF ITS LIABILITIES OR THE MANAGEMENT OF THE OPERATIONS OF THE PUBLIC SERVICE AUTHORITY BY A THIRD PARTY OR ENTITY; TO CREATE A SPECIAL COMMITTEE OF THE GENERAL ASSEMBLY TO FURTHER NEGOTIATE THE TERMS AND CONDITIONS OF THE PREFERRED SALE RECOMMENDATION OF THE DEPARTMENT OF ADMINISTRATION REGARDING THE PUBLIC SERVICE AUTHORITY AND THE PREFERRED MANAGEMENT RECOMMENDATION OF THE DEPARTMENT OF ADMINISTRATION REGARDING THE PUBLIC SERVICE AUTHORITY, TO PROVIDE THAT THE SPECIAL COMMITTEE SHALL REPORT ONE RECOMMENDATION TO EACH HOUSE OF THE GENERAL ASSEMBLY FOR ITS APPROVAL, AND TO PROVIDE FOR THE MANNER IN WHICH THE SELECTED PROPOSAL SHALL TAKE EFFECT; AND TO AMEND CHAPTER 31, TITLE 58, CODE LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PUBLIC SERVICE AUTHORITY, SO AS TO FURTHER PROVIDE FOR THE GOVERNANCE AND OPERATIONS OF THE AUTHORITY IN CERTAIN PARTICULARS.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3194.002), which was withdrawn:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

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/ SECTION 1. Section 58-31-20 of the 1976 Code of Laws is amended to read:

“Section 58-31-20 (A) The Public Service Authority consists of a board of twelve directors who reside in South Carolina and who have the qualifications stated in this section, as determined by the State Regulation of Public Utilities Review Committee pursuant to Section 58-3-530(14), before being appointed by the Governor with the advice and consent of the Senate as follows: one from each congressional district of the State; one from each of the counties of Horry, Berkeley, and Georgetown who reside in authority territory and are customers of the authority; and two from the State at large, one of whom must be chairman. Two of the directors must have substantial work experience within the operations of electric cooperatives or substantial experience on an electric cooperative board, including one of the two who must have substantial experience within the operations or board of a transmission or generation cooperative. Except to the extent they are serving in an ex-officio capacity, a ~~A~~ director shall not serve as an employee or board member of an electric cooperative during his term as a director. Each director shall serve for a term of ~~seven~~ six years, except as provided in this section. At the expiration of the term of each director and of each succeeding director, the Governor, with the advice and consent of the Senate, must appoint a successor, who shall hold office for a term of ~~seven~~ six years or until his successor has been appointed and qualified. In the event of a director vacancy due to death, resignation, or otherwise, the Governor must appoint the director’s successor, with the advice and consent of the Senate, and the successor-director shall hold office for the unexpired term. A director shall not be appointed for more than two consecutive full terms. An appointment to an unexpired partial term shall not be considered for purposes of determining term limits.

A director may not receive a salary for services as director until the authority is in funds, but each director must be paid his actual expense in the performance of his duties, the actual expense to be advanced from the contingent fund of the Governor until the time the Public Service Authority is in funds, at which time the contingent fund must be reimbursed. After the Public Service Authority is in funds, the compensation and expenses of each member of the board must be paid from these funds, and the compensation and expenses must be fixed by the advisory board established in this section. The authority may provide, at its expense, health insurance benefits to members of the board, through the State insurance plan or otherwise. Members of the board of directors may be removed for cause, pursuant to Section 1-3-240(C), by the

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Governor of the State, the advisory board, or a majority thereof. A member of the General Assembly of the State of South Carolina is not eligible for appointment as Director of the Public Service Authority during the term of his office. No more than two members from the same county may serve as directors at any time.

(B) Candidates for appointment to the board must be screened by the State Regulation of Public Utilities Review Committee and, prior to confirmation by the Senate, must be found qualified by meeting the minimum requirements contained in subsection (C). The review committee must submit a written report to the Clerk of the Senate setting forth its findings as to the qualifications of each candidate. A candidate must not serve on the board, even in an interim capacity, until he is screened and found qualified by the State Regulation of Public Utilities Review Committee.

(C)(1) Each member must possess abilities and experience that are generally found among directors of energy utilities serving this State and that allow him to make valuable contributions to the conduct of the authority's business. These abilities include substantial business skills and experience, but are not limited to:

~~(1)~~(a) general knowledge of the history, purpose, and operations of the Public Service Authority and the responsibilities of being a director of the authority;

~~(2)~~(b) the ability to interpret legal and financial documents and information so as to further the activities and affairs of the Public Service Authority;

~~(3)~~(c) with the assistance of counsel, the ability to understand and apply federal and state laws, rules, and regulations including, but not limited to, Chapter 4 of Title 30 as they relate to the activities and affairs of the Public Service Authority; and

~~(4)~~(d) with the assistance of counsel, the ability to understand and apply judicial decisions as they relate to the activities and affairs of the Public Service Authority.

(2) Each member must also have:

(a) a baccalaureate or more advanced degree from:

(i) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;

(ii) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(iii) an institution of higher learning chartered before 1962;

and



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(b) a background of substantial duration and an expertise in at least one of the following:

- (i) energy issues;
- (ii) consumer protection and advocacy issues;
- (iii) water and wastewater issues;
- (iv) finance, economics, and statistics;
- (v) accounting;
- (vi) engineering; or
- (vii) law.

(D) For the assistance of the board of directors of the Public Service Authority, there is hereby established an advisory board to be known as the advisory board of the South Carolina Public Service Authority, to be composed of the Governor of the State, the Attorney General, the State Treasurer, the Comptroller General, and the Secretary of State, as ex officio members, who must serve without compensation other than necessary traveling expenses. The advisory board must perform any duties imposed on it pursuant to this chapter, and must consult and advise with the board of directors on any and all matters which by the board of directors may be referred to the advisory board. The board of directors must make annual reports to the advisory board, which reports must be submitted to the General Assembly by the Governor, in which full information as to all of the acts of said board of directors shall be given, together with financial statement and full information as to the work of the authority. On July first of each year, the advisory board must designate a certified public accountant or accountants, ~~resident in the State,~~ for the purpose of making a complete audit of the affairs of the authority, ~~which must be filed with the annual report of the board of directors. The Public Service Authority must submit the audit to the General Assembly. The board of directors must submit annual reports required by Section 58-3-530(17) to the advisory board.~~

(E)(1) The following shall be nonvoting ex officio members of the board of directors entitled to attend all meetings of the authority board, including any executive sessions, except as set forth below:

The Chairman of Central Electric Power Cooperative, or his designee, and one member of the Board of Central Electric Power Cooperative chosen by that board who is not the Chairman or his designee. The ex officio members shall have the same obligations and duties as other members of the board, except the obligation to vote, and are subject to removal in the same manner as other board members. An ex officio member that has otherwise satisfied all obligations and duties owed to the Public Service Authority shall not be liable for matters

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directly related to either the process of voting nor a decision determined by a vote of the board of directors.

(2) The ex officio members may be excluded from executive session where the following matters are being discussed: (1) negotiations incident to proposed contractual arrangements with a customer, including Central Electric Cooperative, Inc., or receiving legal advice involving a customer, Central Electric Power Cooperative Inc. or one of its members; and (2) discussions regarding generation resources that will not be shared resources under any wholesale power supply agreement between the authority and Central Electric Power Cooperative or receiving legal advice in relation thereto. Upon advice of counsel that a conflict may exist for an ex officio member of the board to attend an executive session or a portion thereof to discuss matters other than (1) and (2) above, the board may exclude, by a majority vote, the ex officio member from those portions of an executive session for which a conflict may exist. The reason for the conflict must be stated before the vote is taken and shall be recorded in official minutes or other records of the meeting. The ex officio member of the board must be given an opportunity to speak to the conflict and the underlying issue at the beginning of the executive session. After being provided the opportunity to speak as provided in this provision, the ex officio member must leave the room and may not participate in the remainder of the executive session on the issue giving rise to the conflict. The decision of the Board of Directors to exclude an ex officio member due to a conflict is not appealable to any court. Efforts should be taken to optimize participation of ex officio members by segmenting executive sessions.

(3) Ex officio members will serve immediately but must meet the qualifications set forth in Section 58-31-20(C) as verified by the Public Utilities Review Committee within six months of beginning service as an ex officio member. They will not be entitled to receive compensation from the Public Service Authority for their service as an ex officio member and will not be counted for purposes of determining a quorum.

(F) In making appointments to the Board of Directors, the Governor, in making appointments and the Senate, in its advice and consent capacity, must give due consideration to race, gender, and other demographic factors to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State.

SECTION 2. Chapter 31, Title 58 of the 1976 Code is amended by adding:

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“Section 58-31-225. The Office of Regulatory Staff, under the provisions of this section, is hereby vested with the authority and jurisdiction to make inspections, audits, and examinations of the Public Service Authority pursuant to the provisions of Chapter 4, Title 58, relating to the electric and water rates established by the Public Service Authority. Upon completion of an authorized inspection, audit, or examination, the Office of Regulatory Staff must report its findings to the management and board of the Public Service Authority and attempt to resolve with the management and board any issues that are identified. The Public Service Authority must post information regarding its electric and water rates on its website.”

SECTION 3. Chapter 31, Title 58 is amended by adding:

### “Article 7 - Retail Rates Process

Section 58-31-710. The Public Service Authority, through its board of directors, shall adopt and publish pricing principles that respect and balance factors including, but not limited to, adherence to the Authority’s mission to be a low-cost provider, reliability, transparency, preservation of the Authority’s financial integrity, equity among customer classes, gradualism in adjustments to its pricing and rate schedule type, encouragement of efficiency and demand response, adequate notice to customers, and relief mechanisms for financially distressed customers. The Authority shall also maintain and continue to offer rate schedules and options that provide demand-side management flexibility, including, but not limited to, non-firm sales and interruptible power rates, and conservation opportunities to its customers.

Section 58-31-720. For purposes of this Article “customer” shall include the authority’s residential, commercial and industrial retail customers, and those wholesale customers served pursuant to contractual arrangements but excluding joint action agencies and those entities located outside the State.

Section 58-31-730. Prior to creating or revising any of its board-approved retail rate schedules, the Public Service Authority, through resolution of its board of directors or otherwise, shall adopt a process that shall include the following:

(A) The authority shall provide notice to all customers at least one hundred and eighty days before the board of directors’ vote on a proposed rate adjustment.

(1) The one hundred and eighty days’ notice required under this section is established to allow customers to provide comments to the authority as follows:

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(a) written comments to the authority for ninety days from the date of notice; and

(b) oral comments to the authority for one hundred twenty days from the date of notice.

(2) The notice required by this subsection must be given in the following forms:

(a) by first-class United States mail addressed to the customer's billing address in the authority's records at the time of the notice, or for customers who have elected paperless billing, by the same means of communication used for providing these customers paperless billing;

(b) by advertisements to be published in newspapers of general circulation within the service territory of the authority;

(c) by way of the authority's regularly maintained website, including a conspicuous portal or link accessible from the website's landing page; and

(d) by issuance of a news release to local news outlets.

(3) The notice of proposed rate adjustments required by this subsection shall contain the following information:

(a) the date, time, and location of all public meetings;

(b) the date, time, and location of the meeting at which a proposed rate adjustment is expected to be submitted to the board of directors for its consideration;

(c) the date, time, and location of the meeting at which the board of directors is expected to vote on the proposed rate adjustment;

(d) a notification to customers of their right to:

(i) review the proposed rate schedules;

(ii) appear and speak in person concerning the proposed rates at public meetings or the specified meetings of the board of directors; and

(iii) submit written comments;

(e) the means by which customers can submit written comments, including the email and physical addresses to which written comments may be submitted, and the deadline for submitting such comments; and

(f) the means by which customers can access and review the authority's written report containing the proposed rate adjustments, the non-proprietary and non-confidential portions of any rate study or other documentation developed by the authority in support of the rate adjustment which shall be available at the time the notice is issued.

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(4) Contemporaneously with notice to customers, the authority shall provide notice of proposed rate adjustments to the Office of Regulatory Staff.

(B) In addition to the requirements of notice set forth above, the authority shall provide for the following in its retail rate adjustment process:

(1) the Office of Regulatory Staff must review any rate adjustments proposed to the authority's board of directors under this article. In accomplishing its responsibilities under this article, the Office of Regulatory Staff must use the authority granted to it pursuant to Section 58-31-225. The Office of Regulatory Staff must treat as confidential or proprietary the information provided by the authority pursuant to this subsection that is identified by the authority as such unless or until the authority agrees that such information is no longer confidential or proprietary. Any disputes concerning whether such information is subject to protection must be resolved by the board of directors.

(2) a comprehensive review of the authority's rate structure and rates, consistent with the provisions of Chapter 31, Title 58, and the Public Service Authority's bond covenants concerning the Public Service Authority's revenue requirements, provided that:

(a) management may engage consultants as necessary to assist the authority in completing this review; and

(b) this review should include such subjects as the authority's revenue requirements, rate/tariff design recognizing the provisions of any wholesale power supply agreement, and a comprehensive cost of service analysis that includes an allocation of costs, between wholesale and retail customers, and among all classes of retail customers, including residential, commercial and industrial classes;

(3) a written report of management's recommendations concerning proposed rate adjustments;

(4) beginning no later than the date that notice of the proposed rate adjustment is issued by the authority, an opportunity for customers and the Office of Regulatory Staff, in advance of the board of directors' consideration and determination of rates, to review the proposed rate schedules and written findings and analyses of employees and consultants retained by the authority that support the proposed rate adjustments, provided that:

(a) the authority also shall provide customers and the Office of Regulatory Staff access to proposed rate schedules and written findings and analyses of employees and consultants retained by the authority that

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support the proposed rate adjustments, such materials to be made available at a physical location, at public meetings, and posted on the authority's website; and

(b) the authority shall not be required to provide to customers analyses which disclose the commercially sensitive information of individual customers or which is otherwise proprietary or confidential;

(5) public meetings, to be held at locations convenient for customers and within the authority's service territory, provided that:

(a) the authority shall convene at least two public meetings at a minimum of two locations within its service territory for the purpose of presenting the proposed rate adjustment and relevant information regarding the same to customers for their information and comment;

(b) customers may appear and speak in person at public meetings and direct comments and inquiries about the rate adjustment to representatives of the authority;

(c) at least one representative of the authority's staff or management and at least one member of the board of directors shall attend each public meeting;

(d) the authority shall cause a transcript of all such meetings to be prepared and maintained as a public record and for consideration by the board of directors prior to its consideration and vote on a proposed rate adjustment; and

(e) the contents of this item must not be construed in such a manner as to prevent the authority from extending the prescribed timelines, holding additional public meetings, holding additional meetings with customers as may be scheduled from time to time at the convenience of the authority and the customers, or having additional representatives of staff, management, or the board of directors in attendance at such meetings;

(6) the authority's management shall respond to reasonable questions and requests for information from customers and the Office of Regulatory Staff during the comment period regarding the rate proposal, subject to the appropriate protection of confidential information. All information provided to the Office of Regulatory Staff upon request that is not confidential or proprietary shall be made publicly available immediately following disclosure to the requesting party;

(7) submission by the Office of Regulatory Staff of written comments and supporting documentation in the same manner as customers and an opportunity for the Office of Regulatory Staff to provide comments to, and answer questions from, the board of directors;

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(8) a meeting of the board of directors, separate from its scheduled vote on proposed rate adjustments and no less than one hundred twenty days from the date of notice required pursuant to Section 58-31-730(A), at which the board of directors shall receive written comments received in accordance with Section 58-31-730(A)(1), and transcripts of the public meetings, provided that:

(a) at this meeting customers who will be affected by a rate adjustment shall be entitled to appear and speak in person for a reasonable amount of time to offer their comments directly to the board of directors;

(b) customer comments received by the authority prior to this meeting and transcripts of the public meetings shall be submitted to the board of directors for their consideration in the determination of rates;

(c) submissions from the Office of Regulatory Staff shall be provided to the board of directors for their consideration in the determination of rates; and

(d) the authority shall cause a transcript of this meeting to be prepared and maintained as a public record;

(9) a meeting of the board of directors, separate from its scheduled vote on proposed rate adjustments and no less than one hundred fifty days from the date of notice required pursuant to Section 58-31-730(A), at which it shall receive the authority management's recommendation, which shall be made publicly available, concerning proposed rate adjustments, the proposed rate schedules, and documentation supporting the same; and

(10) a meeting at which the board of directors votes on the proposed rate adjustment, following notice as set forth in subsection (A) and completion of the process implemented by the board of directors pursuant to subsection (B).

(C) Rates shall become effective no earlier than sixty days following board approval of proposed rate adjustments.

(D) Nothing contained in this section may be construed to limit or derogate from the state's covenants as provided in Sections 58-31-30 and 58-31-360, and those covenants are hereby reaffirmed.

(E) The board of directors shall utilize consultants independent from the authority's management and is authorized to hire independent outside experts and consultants as necessary to fulfill the board of directors' obligations and duties pursuant to this section.

(F) Notwithstanding the provisions of this section, the authority may place such adjusted rates and charges into effect on an interim basis under emergency circumstances such as the avoidance of default of its

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obligations and to ensure proper maintenance of its system. Said adjusted rates and charges shall be subject to prospective rate adjustment in accordance with the terms of this section, provided further, that the authority may implement experimental rates on an interim basis for the purpose of developing improved rate offerings for customers. These experimental rates will be enacted for no longer than four years and (a) for large industrial customers, no more than twelve percent of the large industrial customer class except large industrial customers with one hundred megawatts or greater load shall be excluded from any class size limit, and (b) for all other customers no more than five percent of the customers in the class. All experimental rates must be disclosed in public session of the board prior to being enacted and are subject to approval by the board only to the extent that they meet the requirements of Section 58-31-55.

(G) Judicial review of decisions by the board of directors under this article shall be by direct appeal to the South Carolina Supreme Court. The service of a notice of appeal from a decision of the board of directors pursuant to this article does not act to automatically stay the matters decided in the decision, in the same manner as provided by Rule 241(b)(11) of the South Carolina Appellate Court Rules. Rate adjustments approved by the board of directors pursuant to this article have been authorized by law.

(1) The Office of Regulatory Staff, or any customer who has submitted written or oral comments as permitted under this article is considered a “party in interest” entitled to obtain judicial review of any final decision of the board under this article by appealing in the manner provided by Rule 203(b)(6) of the South Carolina Appellate Court Rules as applicable to appeals from administrative tribunals. No right to appeal accrues unless a request for reconsideration is submitted to the board and refused as set out in S.C. Code Ann. Section 58-31-730(G)(2).

(2) Any party in interest seeking to appeal must first submit, within ten days after the decision of the board, a request for reconsideration. The board of directors shall either grant or refuse such request within twenty days of receipt. If the board grants the request for reconsideration, it must meet to consider the request within thirty days.

(3) On appeal, the South Carolina Supreme Court may not substitute its judgment for the judgment of the board of directors as to the weight of the evidence on questions of fact. The court may affirm the decision of the board of directors or remand the case to the board of directors for further proceedings. The court may reverse or modify the



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decision if substantial rights of the appellant have been prejudiced because the board's findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the authority;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(H) The procedure provided in this article is the exclusive process for challenging any rate adjustments approved by the board of directors. If a party in interest successfully challenges a rate approval decision on appeal, the exclusive remedy is a prospective adjustment of a new rate by the board of directors. The board of directors possesses authority only to adjust rates prospectively and has no authority to refund amounts collected pursuant to a rate adjustment approved pursuant to this article. The filed rate doctrine protects any such rate adjustment decisions from any collateral attack, which includes, but is not limited to, any claim that a rate adjustment decision by the board of directors violates S.C. Code Ann. Sections 58-31-55, 58-31-56, or 58-31-57.

Section 58-31-740. The authority shall submit to the Office of Regulatory Staff a pricing report each year, and its report must include an analysis of the adherence to the pricing principles required in Section 58-31-710, the current and projected electric customer pricing, a comparison of pricing to other utilities, and an analysis of the rates of return by customer class. After its review, the ORS shall issue comments on the authority's annual pricing report to the authority's board of directors and the Public Utility Review Committee."

SECTION 4. Section 58-33-20 of the 1976 Code of Laws is amended to read:

"Section 58-33-20. (1) The term 'commission' means Public Service Commission.

(2) The term 'major utility facility' means:

(a) electric generating plant and associated facilities designed for, or capable of, operation at a capacity of more than seventy-five megawatts.

(b) an electric transmission line and associated facilities of a designed operating voltage of one hundred twenty-five kilovolts or more; provided, however, that the words 'major utility facility' shall not include electric distribution lines and associated facilities, ~~nor shall the~~

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words ‘major utility facility’ include ~~electric transmission lines and associated facilities leased to and operated by (or which upon completion of construction are to be leased to and operated by) the South Carolina Public Service Authority.~~

(3) The term ‘commence to construct’ means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route of a major utility facility, but does not include surveying or changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing geological data, including necessary borings to ascertain foundation conditions.

(4) The term ‘municipality’ means any county or municipality within this State.

(5) The term ‘person’ includes any individual, group, firm, partnership, corporation, cooperative, association, government subdivision, government agency, local government, municipality, any other organization, or any combination of any of the foregoing, and ~~but~~ shall ~~not~~ include the South Carolina Public Service Authority.

(6) The term ‘public utility’ or ‘utility’ means any person engaged in the generating, distributing, sale, delivery, or furnishing of electricity for public use.

(7) The term ‘land’ means any real estate or any estate or interest therein, including water and riparian rights, regardless of the use to which it is devoted.

(8) The term ‘certificate’ means a certificate of environmental compatibility and public convenience and necessity.

(9) The term ‘regulatory staff’ means the executive director or the executive director and the employees of the Office of Regulatory Staff.”

SECTION 5. Section 58-33-110(4) of the 1976 Code of Laws is amended to read:

“(4) This chapter shall not apply to any major utility facility:

(a) The construction of which is commenced within one year after January 1, 1972; or

(b) For which, prior to January 1, 1972, an application for the approval has been made to any Federal, State, regional or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in subsection (1) of Section 58-33-160.

(c) For which, prior to January 1, 1972, a governmental agency has approved the construction of the facility and indebtedness has been incurred to finance all or part of the cost of such construction;~~or~~

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(d) Which is a hydroelectric generating facility over which the Federal Power Commission has licensing jurisdiction; or

(e) Which is a transmission line or associated electrical transmission facilities constructed by the South Carolina Public Service Authority, for which construction either is commenced within one year after January 1, 2022, or is necessary to maintain system reliability in connection with the closure of the Winyah Generating Station, provided that such transmission is not for generation subject to this chapter.”

SECTION 6. Section 58-37-40 of the 1976 Code of Laws is amended to read:

“Section 58-37-40. (A) Electrical utilities, electric cooperatives, municipally owned electric utilities, and the South Carolina Public Service Authority must each prepare an integrated resource plan. An integrated resource plan must be prepared and submitted at least every three years. Nothing in this section may be construed as requiring interstate natural gas companies whose rates and services are regulated only by the federal government or gas utilities subject to the jurisdiction of the commission to prepare and submit an integrated resource plan.

(1) Each electrical utility with one hundred thousand or more customer accounts must submit its integrated resource plan to the commission. The integrated resource plan must be posted on the electrical utility’s website and on the commission’s website.

(2) Electric cooperatives, electric utilities with less than one hundred thousand customer accounts, and municipally owned electric utilities shall each submit an integrated resource plan to the State Energy Office. Each integrated resource plan must be posted on the State Energy Office’s website. If an electric cooperative, electric utility with less than one hundred thousand customer accounts, or municipally owned utility has a website, its integrated resource plan must also be posted on its website. For distribution, electric cooperatives that are members of a cooperative that provides wholesale service, the integrated resource plan may be coordinated and consolidated into a single plan provided that nonshared resources or programs of individual distribution cooperatives are highlighted. Where plan components listed in subsection (B)(1) and (2) of this section do not apply to a distribution or wholesale cooperative or a municipally owned electric utility as a result of the cooperative or the municipally owned electric utility not owning or operating generation resources, the plan may state that fact or refer to the plan of the wholesale power generator. Where plan components listed in subsections (B)(1) and (2) of this section do not apply to an electrical utility with less than one hundred thousand customer accounts as a result of its own generation

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resources being comprised of more than seventy-five percent renewable energy or because it purchases wholesale load balancing generation services, then plan may state that fact or refer to the plan of the wholesale power generator. For purposes of this section, a wholesale power generator does not include a municipally created joint agency if that joint agency receives at least seventy-five percent of its electricity from a generating facility owned in partnership with an electrical utility and that electrical utility:

(a) generally serves the area in which the joint agency's members are located; and

(b) is responsible for dispatching the capacity and output of the generated electricity.

~~(3) The South Carolina Public Service Authority shall submit its integrated resource plan to the State Energy Office. The integrated resource plan must be developed in consultation with the electric cooperatives and municipally owned electric utilities purchasing power and energy from the Public Service Authority and consider any feedback provided by retail customers and shall include the effect of demand-side management activities of the electric cooperatives and municipally owned electric utilities that directly purchase power and energy from the Public Service Authority or sell power and energy generated by the Public Service Authority. The integrated resource plan must be posted on the State Energy Office's website and on the Public Service Authority's website.~~

(3) The South Carolina Public Service Authority shall adopt and publish resource planning principles that respect and balance factors including, but not limited to, customer focus, cost management, system reliability, risk and financial integrity to be used in development of its integrated resource plan, and shall submit an integrated resource plan to the Public Service Commission, the State Energy Office, and the Public Utilities Review Committee.

(a) The integrated resource plan must provide the information required in Section 58-37-40(B) and must be developed in consultation with the electric cooperatives, including Central Electric Power Cooperative, and municipally owned electric utilities purchasing power and energy from the Public Service Authority, and consider any feedback provided by retail customers; and shall include the effect of demand-side management activities of the electric cooperatives, including Central Electric Power Cooperative, and municipally owned electric utilities that directly purchase power and energy from the Public Service Authority or sell power and energy generated by the Public Service Authority. The

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Integrated Resource Plan of the South Carolina Public Service Authority shall include and evaluate at least one resource portfolio, which will reflect the closure of the Winyah Generating Station by 2028, designed to provide safe and reliable electricity service while meeting a net zero carbon emission goal by the year 2050.

(b) The commission shall not have the authority to approve or disapprove of the integrated resource plan but must have a public hearing for interested parties to comment on the integrated resource plan. Prior to the public hearing, the commission shall have a proceeding to review the Public Service Authority's integrated resource plan which allows intervention by interested parties. The commission shall establish a procedural schedule establishing the date for the public hearing and to permit testimony and reasonable discovery after an integrated resource plan is filed in order to assist parties in obtaining evidence concerning the integrated resource plan, including the reasonableness and prudence of the plan and alternatives to the plan raised by intervening parties. The Office of Regulatory Staff shall also provide comments regarding the integrated resource plan, including, but not limited to, any material differences between it and the integrated resource plan submitted to the Energy Office by the electric cooperatives. No later than three hundred days after the Public Service Authority files an integrated resource plan the commission shall issue a plan assessment applying the standards and factors set forth in Section 58-37-40(C)(2) as applied to electrical utilities and deliver it to the Public Service Authority's board of directors and the Public Utilities Review Commission. The parties to the proceeding will have an opportunity to file a proposed plan assessment for consideration by the commission prior to the commission issuing its final plan assessment.

(c) Within sixty days after the issuance of the commission's plan assessment, the Board of the Public Service Authority shall meet to consider the comments received from the public hearing and the Office of Regulatory Staff, and the commission's plan assessment. The integrated resource plan must be finalized within the following sixty days and submitted to the commission, the Office of Regulatory Staff and the Public Utilities Review Committee, and posted on the Public Service Authority's website.

(d) Nothing in this Chapter of Title 58 gives the Public Service Commission or the Public Service Authority the power to amend or alter in any way any wholesale power supply agreement between the Public Service Authority and Central Electric Power Cooperative.

(B)(1) An integrated resource plan shall include all of the following:

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(a) a long-term forecast of the utility's sales and peak demand under various reasonable scenarios;

(b) the type of generation technology proposed for a generation facility contained in the plan and the proposed capacity of the generation facility, including fuel cost sensitivities under various reasonable scenarios;

(c) projected energy purchased or produced by the utility from a renewable energy resource;

(d) a summary of the electrical transmission investments planned by the utility;

(e) several resource portfolios developed with the purpose of fairly evaluating the range of demand-side, supply-side, storage, and other technologies and services available to meet the utility's service obligations. Such portfolios and evaluations must include an evaluation of low, medium, and high cases for the adoption of renewable energy and cogeneration, energy efficiency, and demand response measures, including consideration of the following:

(i) customer energy efficiency and demand response programs;

(ii) facility retirement assumptions; and

(iii) sensitivity analyses related to fuel costs, environmental regulations, and other uncertainties or risks;

(f) data regarding the utility's current generation portfolio, including the age, licensing status, and remaining estimated life of operation for each facility in the portfolio;

(g) plans for meeting current and future capacity needs with the cost estimates for all proposed resource portfolios in the plan;

(h) an analysis of the cost and reliability impacts of all reasonable options available to meet projected energy and capacity needs; and

(i) a forecast of the utility's peak demand, details regarding the amount of peak demand reduction the utility expects to achieve, and the actions the utility proposes to take in order to achieve that peak demand reduction.

(2) An integrated resource plan may include distribution resource plans or integrated system operation plans.

(C)(1) For each electrical utility subject to subsection (A)(1), the~~the~~ commission shall have a proceeding to review each electrical utility's integrated resource plan. As part of the integrated resource plan filing, the commission shall allow intervention by interested parties. The commission shall establish a procedural schedule to permit reasonable discovery after an integrated resource plan is filed in order to assist

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parties in obtaining evidence concerning the integrated resource plan, including the reasonableness and prudence of the plan and alternatives to the plan raised by intervening parties. No later than three hundred days after an electrical utility files an integrated resource plan, the commission shall issue a final order approving, modifying, or denying the plan filed by the electrical utility.

(2) The commission shall approve an electrical utility's integrated resource plan if the commission determines that the proposed integrated resource plan represents the most reasonable and prudent means of meeting the electrical utility's energy and capacity needs as of the time the plan is reviewed. To determine whether the integrated resource plan is the most reasonable and prudent means of meeting energy and capacity needs, the commission, in its discretion, shall consider whether the plan appropriately balances the following factors:

- (a) resource adequacy and capacity to serve anticipated peak electrical load, and applicable planning reserve margins;
- (b) consumer affordability and least cost;
- (c) compliance with applicable state and federal environmental regulations;
- (d) power supply reliability;
- (e) commodity price risks;
- (f) diversity of generation supply; and
- (g) other foreseeable conditions that the commission determines to be for the public interest.

(3) If the commission modifies or rejects an electrical utility's integrated resource plan, the electrical utility, within sixty days after the date of the final order, shall submit a revised plan addressing concerns identified by the commission and incorporating commission-mandated revisions to the integrated resource plan to the commission for approval. Within sixty days of the electrical utility's revised filing, the Office of Regulatory Staff shall review the electrical utility's revised plan and submit a report to the commission assessing the sufficiency of the revised filing. Other parties to the integrated resource plan proceeding also may submit comments. No later than sixty days after the Office of Regulatory Staff report is filed with the commission, the commission at its discretion may determine whether to accept the revised integrated resource plan or to mandate further remedies that the commission deems appropriate.

(4) The submission, review, and acceptance of an integrated resource plan by the commission, or the inclusion of any specific resource or experience in an accepted integrated resource plan, shall not be determinative of the reasonableness or prudence of the acquisition or

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construction of any resource or the making of any expenditure. The electrical utility shall retain the burden of proof to show that all of its investments and expenditures are reasonable and prudent when seeking cost recovery in rates.

(D)(1) ~~An~~ Each electrical utility subject to subsection (A)(1) shall submit annual updates to its integrated resource plan to the commission. An annual update must include an update to the electric utility's base planning assumptions relative to its most recently accepted integrated resource plan, including, but not limited to: energy and demand forecast, commodity fuel price inputs, renewable energy forecast, energy efficiency and demand-side management forecasts, changes to projected retirement dates of existing units, along with other inputs the commission deems to be for the public interest. The electrical utility's annual update must describe the impact of the updated base planning assumptions on the selected resource plan.

(2) The Office of Regulatory Staff shall review each electric utility's annual update and submit a report to the commission providing a recommendation concerning the reasonableness of the annual update. After reviewing the annual update and the Office of Regulatory Staff report, the commission may accept the annual update or direct the electrical utility to make changes to the annual update that the commission determines to be in the public interest.

(E) The commission is authorized to promulgate regulations to carry out the provisions of this section."

SECTION 7. Section 58-3-530 of the 1976 Code of Laws is amended by adding the following numbered subsections to read:

"(16) to conduct an annual performance review of each member of the South Carolina Public Service Authority Board of Directors, which must be submitted to the General Assembly. Directors shall be entitled to submit documentation in advance of the annual review regarding actions taken and expert opinions received. A draft of each director's performance review must be submitted to the director, and the director must be allowed an opportunity to be heard before the review committee before the final draft of the performance review is submitted to the General Assembly. The final performance review must be made a part of the director's record for consideration if the member is reappointed to the Board.

As part of the performance review, the review committee will provide a mechanism by which parties, including the Office of Regulatory Staff, who have an interest in the oversight of the South Carolina Public Service Authority by its board may submit a confidential survey



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evaluating the directors. At a minimum, the survey must include the following:

- (a) knowledge and application of substantive utility issues;
- (b) ability to perceive relevant issues;
- (c) absence of influence by political considerations;
- (d) temperament and demeanor in general, preparation for and attentiveness during meetings;

(17) to evaluate the actions of the South Carolina Public Service Authority Board, to the end that the members of the General Assembly may better judge whether these actions serve the best interests of the customers of the Public Service Authority, both retail and wholesale.

The Public Service Authority shall submit an annual report in which full information as to all of the acts of the board of directors shall be given, together with financial statements and full information as to the work of the Public Service Authority. The report shall include, but is not limited to, (i) a report from an independent consulting engineer every two years, (ii) an annual report demonstrating adherence to the resource planning principles established pursuant to Section 58-37-40 and the pricing principles established pursuant to Section 58-31-710, and (iii) the annual report of its external auditor; and

(18) to submit to the General Assembly, on an annual basis, the review committee's evaluation of the performance of the South Carolina Public Service Authority Board. A proposed draft of the evaluation must be submitted to the board prior to submission to the General Assembly, and the board must be given an opportunity to be heard before the review committee prior to the completion of the evaluation and its submission to the General Assembly."

SECTION 8. Section 58-31-55 of the 1976 Code of Laws is amended to read:

"Section 58-31-55. (A) A director shall discharge his duties as a director, including his duties as a member of a committee:

- (1) in good faith;
- (2) with the care an ordinarily prudent person in a like position would exercise under similar circumstances; and
- (3) in a manner he reasonably believes to be in the best interests of the Public Service Authority. As used in this chapter, 'best interests' means a balancing of the following:

(a) preservation of the financial integrity of the Public Service Authority and its ongoing operations ~~of generating, transmitting, and distributing electricity to wholesale and retail customers on a reliable,~~

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adequate, efficient, and safe basis, at just and reasonable rates, regardless of the class of customer;

(b) the interest of the Public Service Authority's residential, commercial and industrial retail customers and those wholesale customers served pursuant to contractual arrangements but excluding joint action agencies and those entities located outside the State, in reliable, adequate, efficient, and safe service, at just and reasonable rates, regardless of customer class;

(c) maintenance, preservation and keeping of the Public Service Authority's properties and all additions and betterments thereto and extension thereof and every part and parcel in thereof, in good repair, working order and condition; ~~(b)~~(d) the support of, economic development and job attraction and retention within the Public Service Authority's present service area or areas within the State authorized to be served by an electric cooperative or municipally owned electric utility that is a direct or indirect wholesale customer of the authority, provided the remaining items of this subsection have been met; and

~~(e)~~(e) subject to the limitations of Section 58-31-30(B) and item (A)(3)(a) of this section, exercise of the powers of the authority set forth in Section 58-31-30 in accordance with good business practices and the requirements of applicable licenses, laws, and regulations.

(B) In discharging his duties, a director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(1) one or more officers or employees of the Public Service Authority whom the director reasonably believes to be reliable and competent in the matters presented;

(2) legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person's professional or expert competence; or

(3) a committee of the board of directors of which he is not a member if the director reasonably believes the committee merits confidence.

(C) A director is not acting in good faith if he has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (B) unwarranted.

(D) A director is not liable for any action taken as a director, or any failure to take any action, if he performed the duties of his office in compliance with this section.

(E) An action against a director for failure to perform the duties imposed by this section must be commenced within three years after the

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cause of action has occurred, or within two years after the time when the cause of action is discovered or should reasonably have been discovered, whichever occurs sooner. This limitations period does not apply to breaches of duty which have been concealed fraudulently.”

SECTION 9. Section 1-3-240(C)(1)(m) of the 1976 Code of Laws is amended to read:

“(m)Directors of the South Carolina Public Service Authority appointed pursuant to Section 58-31-20. A director of the South Carolina Public Service Authority also may be removed for his breach of any duty arising under Section 58-31-55 or 58-31-56. The Governor is also allowed, but not required, to remove a director upon the recommendation of the State Regulation of Public Utilities Review Committee by an affirmative vote of eight of its members upon good cause shown.

The Governor must not request a director of the South Carolina Public Service Authority to resign unless cause for removal, as established by this subsection, exists. Removal of a director of the South Carolina Public Service Authority, except as is provided by this section or by Section 58-31-20(A), must be considered to be an irreparable injury for which no adequate remedy at law exists;”

SECTION 10. Chapter 31, Title 58 of the 1976 Code is amended by adding:

“Section 58-31-227. (A) The Public Service Authority shall procure renewable energy resources subject to the following requirements:

(1) Renewable energy resources procured by the Public Service Authority shall be procured via a competitive solicitation process open to all independent market participants that meet minimum eligibility requirements.

(2) The Public Service Authority shall issue public notification of its intention to issue a competitive renewable solicitation at least ninety days prior to the release of each solicitation, including the proposed procurement volume, process, and timeline.

(3) Renewable energy facilities eligible to participate in a competitive procurement are those that have a valid interconnection request on file and that use renewable energy resources identified in Section 58-39-120(F) and may include battery storage devices charged exclusively by renewable energy.

(B) The Public Service Authority shall make publicly available at least forty-five days prior to each competitive solicitation:

(1) A pro forma contract to inform market participants of the procurement terms and conditions. The pro forma contract will (i) include standardized and commercially reasonable requirements for

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contract performance security consistent with market standards; (ii) define limits and compensation for resource dispatch and curtailments that limit uncompensated curtailment to a specified portion of estimated annual output.

(2) A bid evaluation methodology that ensures all bids are treated equitably, including price and non-price evaluation criteria. Non-price criteria will include, at minimum, consideration of diversity in resource size and geographic location.

(3) Interconnection requirements and study methodology, including how bids without existing interconnection studies will be treated for purposes of evaluation.

(C) After bids are submitted and evaluated, winning bids will be selected based upon the published evaluation methodology.

The Public Service Authority shall issue a public report summarizing the results of each competitive solicitation within sixty days of the award notifications. The report will include, at minimum, a summary of the submitted bids and an anonymized list of the project awards, including their size, location, average award price and tenor, and award price range.”

SECTION 11. Section 58-31-430 of the 1976 Codes of Laws is amended to read:

“Section 58-31-430. The Public Service Commission may not assign any portion of the present service area of the Public Service Authority to any electrical utility or electric cooperative and this service area must be exclusively served by the Public Service Authority unless otherwise agreed to by the Public Service Authority as described in this section. Santee Electric Cooperative, Inc., Berkeley Electric Cooperative, Inc., Horry Electric Cooperative, Inc. may serve those areas reserved to them as provided in Section 58-31-330. The Public Service Commission is directed to conform the present assignment under Section 58-27-620 to the mandates of this article. Nothing contained in this article may be construed as preventing the Public Service Commission from exercising its jurisdiction over electric cooperative service areas in the manner provided by law. Upon customer choice either the Public Service Authority, ~~or an electric cooperative mentioned above,~~ or Edisto Electric Cooperative, Inc. may furnish electric service to any new premises which the other supplier has the right to serve, upon agreement of the affected suppliers.

Notwithstanding the foregoing, the Public Service Authority shall have the right to enter into agreements with other electric suppliers, as defined by Section 58-27-610, concerning service areas, as contemplated

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by Section 58-27-640, and corridor rights, as defined by Section 58-27-610. In that event, the Public Service Commission shall have the authority to approve said agreements and to reassign said service area or corridor rights. This authority shall only apply in situations where all affected electric suppliers have reached an agreement concerning service areas or corridor rights. With respect to the agreements, the commission shall approve the agreements and reassign said service area or corridor rights if, after giving notice and an opportunity for hearing to interested parties, it finds the agreements to be fair and reasonable, but the commission shall not have the authority to alter or amend any such agreement unless all affected electric suppliers agree to the alteration or amendment. For purposes of this article, the term ‘all affected electric suppliers’ shall include, but not be limited to, the nearest electric cooperative or cooperatives to the proposed service area changes within a five mile radius of the affected service area or corridor. This section shall not confer service territory rights to the Public Service Authority beyond those provided in Section 58-31-330 and Section 58-31-320(2).”

SECTION 12. As part of the process of retiring its coal units, the Public Service Authority shall develop and implement a plan, with community engagement and participation, that: (a) allows employees in good standing who would be directly affected by the closure of the unit to be retained by the Public Service Authority, or provides training opportunities for related employment to affected employees in good standing who cannot be retained; and (b) provides an opportunity for economic development and job attraction in the communities where the retired coal stations are located. Annual written status reports shall be provided to the SC Public Utilities Review Committee.

SECTION 13. Section 58-31-30(A)(21) of the 1976 Code is amended to read:

“(21) to investigate, study, and consider all undeveloped power sites, ~~and~~ navigation projects, or other projects in the State and to acquire or develop the same as need may arise in the same manner as herein provided. Provided, always, nevertheless, that said investigations, studies, and considerations of said South Carolina Public Service Authority herein created shall be limited to the Congaree River and its tributaries below the confluence of the Broad and Saluda Rivers and the Wateree tributary of the Santee River at and near a point at or near Camden, South Carolina. Provided, however, that the Public Service Authority shall have no power at any time or in any manner to pledge the credit and the taxing power of the State or any of its political subdivisions, nor shall any of its obligations or securities be deemed to

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be obligations of the State or of any of its political subdivisions; nor shall the State be legally, equitably, or morally liable for the payment of principal of and interest on such obligations or securities. The State of South Carolina does hereby pledge to and agree with any person, firm, or corporation, the government of the United States and any corporation or agency created, designated, or established by the United States, subscribing to or acquiring the notes, bonds, evidences of indebtedness, or other obligations to be issued by the Public Service Authority for the construction of any project, that the State will not alter or limit the rights hereby vested in the Public Service Authority until the said notes, bonds, evidences of indebtedness, or other obligations, together with the interest thereon, are fully met and discharged; provided, that nothing herein contained shall preclude such limitation or alteration if and when and after adequate provisions shall be made by law for the protection of those subscribing to or acquiring such notes, bonds, evidences of indebtedness, or other obligations of the Public Service Authority. The State of South Carolina or any political subdivision shall in no way be responsible for any debts or obligations contracted by or for the authority, and the board of directors of the authority, the advisory board, and the officers shall make no debt whatsoever for the payment of which the State or any political subdivision shall in any way be bound. It is intended that the project to be developed hereunder and any and all projects undertaken by the provisions of this chapter shall be financed as self-liquidating projects and that the credit and taxing powers of the State, or its political subdivisions, shall never be pledged to pay said debts and obligations;”

SECTION 14. Section 58-31-30 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) Any debts or obligations contracted by or for the Public Service Authority, and the board of directors of the Public Service Authority, the advisory board, or the officers pursuant to this section, must be submitted to the Joint Bond Review Committee for review and approved by the State Fiscal Accountability Authority as provided by Chapter 47, Title 2.”

SECTION 15. (A) To ensure that the Public Service Authority board of directors positions are appropriately staggered, the following establishes the term expiration for positions as of the effective date of this act:

(1) The terms for the members representing the 1st, 2nd and 7th congressional districts, and the At Large seat designated as the Chair shall expire on January 1, 2022;

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(2) The terms for the members representing the 3rd, 4th and 6th congressional districts and Berkeley County shall expire on January 1, 2024; and

(3) The terms for members representing the 5th congressional district, Horry County, Georgetown County and the other At Large seat shall expire on January 1, 2026.

If any vacancy occurs prior to respective date established in this SECTION.

(B)The provisions in SECTION 1 regarding board member term limits shall apply to appointments made on or after the effective date of this act.

SECTION 16. Section 11 in Act 135 of 2020 is repealed on the effective date of this act.

SECTION 17. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act 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.

SECTION 18. This act takes effect upon approval by the Governor./  
Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was withdrawn.

Senators RANKIN, HUTTO, GROOMS, MALLOY, CAMPSER, MASSEY, GOLDFINCH, SETZLER, KIMBRELL and WILLIAMS proposed the following amendment (JUD3194.005), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 58-31-20 of the 1976 Code of Laws is amended to read:

“Section 58-31-20 (A)(1) The Public Service Authority consists of a board of twelve directors who reside in South Carolina and who have the qualifications stated in this section, as determined by the State

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Regulation of Public Utilities Review Committee pursuant to Section 58-3-530(14), before being appointed by the Governor with the advice and consent of the Senate as follows: one from each congressional district of the State; one from each of the counties of Horry, Berkeley, and Georgetown who reside in authority territory and are customers of the authority; and two from the State at large, one of whom must be chairman. Two of the directors must have substantial work experience within the operations of electric cooperatives or substantial experience on an electric cooperative board, including one of the two who must have substantial experience within the operations or board of a transmission or generation cooperative. Except to the extent they are serving in an ex-officio capacity, a ~~A~~ director shall not serve as an employee or board member of an electric cooperative during his term as a director. Each director shall serve for a term of ~~seven~~ four years, except as provided in this section. At the expiration of the term of each director and of each succeeding director, the Governor, with the advice and consent of the Senate, must appoint a successor, who shall hold office for a term of ~~seven~~ four years or until his successor has been appointed and qualified. In the event of a director vacancy due to death, resignation, or otherwise, the Governor must appoint the director's successor, with the advice and consent of the Senate, and the successor-director shall hold office for the unexpired term. A director shall not be appointed for more than three consecutive full terms. An appointment to an unexpired partial term shall not be considered for purposes of determining term limits.

(2) A director may not receive a salary for services as director until the authority is in funds, but each director must be paid his actual expense in the performance of his duties, the actual expense to be advanced from the contingent fund of the Governor until the time the Public Service Authority is in funds, at which time the contingent fund must be reimbursed. After the Public Service Authority is in funds, the compensation and expenses of each member of the board must be paid from these funds, and the compensation and expenses must be fixed by the advisory board established in this section. The authority may provide, at its expense, health insurance benefits to members of the board, through the State insurance plan or otherwise.

(3) Members of the board of directors may be removed for cause, pursuant to Section 1-3-240(C), by the Governor of the State, the advisory board, or a majority thereof. A member of the General Assembly of the State of South Carolina is not eligible for appointment as Director of the Public Service Authority during the term of his office.



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No more than two members from the same county may serve as directors at any time.

(B) Candidates for appointment to the board must be screened by the State Regulation of Public Utilities Review Committee and, prior to confirmation by the Senate, must be found qualified by meeting the minimum requirements contained in subsection (C). The review committee must submit a written report to the Clerk of the Senate setting forth its findings as to the qualifications of each candidate. A candidate must not serve on the board, even in an interim capacity, until he is screened and found qualified by the State Regulation of Public Utilities Review Committee.

(C)(1) Each member must possess abilities and experience that are generally found among directors of energy utilities serving this State and that allow him to make valuable contributions to the conduct of the authority's business. These abilities include substantial business skills and experience, but are not limited to:

~~(1)~~(a) general knowledge of the history, purpose, and operations of the Public Service Authority and the responsibilities of being a director of the authority;

~~(2)~~(b) the ability to interpret legal and financial documents and information so as to further the activities and affairs of the Public Service Authority;

~~(3)~~(c) with the assistance of counsel, the ability to understand and apply federal and state laws, rules, and regulations including, but not limited to, Chapter 4 of Title 30 as they relate to the activities and affairs of the Public Service Authority; and

~~(4)~~(d) with the assistance of counsel, the ability to understand and apply judicial decisions as they relate to the activities and affairs of the Public Service Authority.

(2) Each member must also have:

(a) a baccalaureate or more advanced degree from:

(i) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;

(ii) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(iii) an institution of higher learning chartered before 1962;

and

(b) a background of substantial duration and an expertise in at least one of the following:

(i) energy issues;

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- (ii) consumer protection and advocacy issues;
- (iii) water and wastewater issues;
- (iv) finance, economics, and statistics;
- (v) accounting;
- (vi) engineering; or
- (vii) law.

(D) For the assistance of the board of directors of the Public Service Authority, there is hereby established an advisory board to be known as the advisory board of the South Carolina Public Service Authority, to be composed of the Governor of the State, the Attorney General, the State Treasurer, the Comptroller General, and the Secretary of State, as ex officio members, who must serve without compensation other than necessary traveling expenses. The advisory board must perform any duties imposed on it pursuant to this chapter, and must consult and advise with the board of directors on any and all matters which by the board of directors may be referred to the advisory board. The board of directors must make annual reports to the advisory board, which reports must be submitted to the General Assembly by the Governor, in which full information as to all of the acts of said board of directors shall be given, together with financial statement and full information as to the work of the authority. On July first of each year, the advisory board must designate a certified public accountant or accountants, ~~resident in the State,~~ for the purpose of making a complete audit of the affairs of the authority, which must be filed with the annual report of the board of directors. The Public Service Authority must submit the audit to the General Assembly.

(E)(1) The following shall be nonvoting ex officio members of the board of directors entitled to attend all meetings of the authority board, including any executive sessions, except as set forth below:

The Chairman of Central Electric Power Cooperative, or his designee, and one member of the Board of Central Electric Power Cooperative chosen by that board who is not the Chairman or his designee. The ex officio members shall have the same obligations and duties as other members of the board, except the obligation to vote, and are subject to removal in the same manner as other board members. An ex officio member that has otherwise satisfied all obligations and duties owed to the Public Service Authority shall not be liable for matters directly related to either the process of voting nor a decision determined by a vote of the board of directors.

(2) The ex officio members may be excluded from executive session where the following matters are being discussed:

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(a) negotiations incident to proposed contractual arrangements with a customer, including Central Electric Cooperative, Inc., or receiving legal advice involving a customer, Central Electric Power Cooperative Inc., or one of its members; or

(b) discussions regarding generation resources that will not be shared resources under any wholesale power supply agreement between the authority and Central Electric Power Cooperative or receiving legal advice in relation thereto.

Upon advice of counsel that a conflict may exist for an ex officio member of the board to attend an executive session or a portion thereof to discuss matters other than (a) and (b), the board may exclude, by a majority vote, the ex officio member from those portions of an executive session for which a conflict may exist.

(3) When ex officio members are excluded from executive session, the reason for the conflict must be stated before the vote is taken and shall be recorded in official minutes or other records of the meeting. The ex officio member of the board must be given an opportunity to speak to the conflict and the underlying issue at the beginning of the executive session. After being provided the opportunity to speak as provided in this provision, the ex officio member must leave the room and may not participate in the remainder of the executive session on the issue giving rise to the conflict. The decision of the board of directors to exclude an ex officio member due to a conflict is not appealable to any court. Efforts should be taken to optimize participation of ex officio members by segmenting executive sessions.

(4) Ex officio members will begin serving immediately upon a letter indicating their appointments is delivered to the board and to the Public Utilities Review Committee but must meet the qualifications set forth in Section 58-31-20(C) as verified by the Public Utilities Review Committee within six months of beginning service as an ex officio member. Ex officio members will be appointed for two-year terms but may be removed either by the Governor pursuant to Section 1-3-240(C)(1)(m) or the board of Central Electric Power Cooperative. In the event that the board of Central Electric Power Cooperative removes the ex officio member, the Public Service Authority board of directors must receive notice at least sixty days before the ex officio member's successor begins service on the Public Service Authority board of directors. An ex officio member will not be entitled to receive compensation from the Public Service Authority for his or her service as an ex officio member and will not be counted for purposes of determining a quorum.

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(F) In making appointments to the Board of Directors, the Governor, in making appointments and the Senate, in its advice and consent capacity, must give due consideration to race, gender, and other demographic factors to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State.”

SECTION 2. Section 58-31-30(A)(21) of the 1976 Code is amended to read:

“(21) to investigate, study, and consider all undeveloped power sites, ~~and navigation projects, or other projects~~ in the State and to acquire or develop the same as need may arise in the same manner as herein provided. Provided, always, nevertheless, that said investigations, studies, and considerations of said South Carolina Public Service Authority herein created shall be limited to the Congaree River and its tributaries below the confluence of the Broad and Saluda Rivers and the Wateree tributary of the Santee River at and near a point at or near Camden, South Carolina. Provided, however, that the Public Service Authority shall have no power at any time or in any manner to pledge the credit and the taxing power of the State or any of its political subdivisions, nor shall any of its obligations or securities be deemed to be obligations of the State or of any of its political subdivisions; nor shall the State be legally, equitably, or morally liable for the payment of principal of and interest on such obligations or securities. The State of South Carolina does hereby pledge to and agree with any person, firm, or corporation, the government of the United States and any corporation or agency created, designated, or established by the United States, subscribing to or acquiring the notes, bonds, evidences of indebtedness, or other obligations to be issued by the Public Service Authority for the construction of any project, that the State will not alter or limit the rights hereby vested in the Public Service Authority until the said notes, bonds, evidences of indebtedness, or other obligations, together with the interest thereon, are fully met and discharged; provided, that nothing herein contained shall preclude such limitation or alteration if and when and after adequate provisions shall be made by law for the protection of those subscribing to or acquiring such notes, bonds, evidences of indebtedness, or other obligations of the Public Service Authority. The State of South Carolina or any political subdivision shall in no way be responsible for any debts or obligations contracted by or for the authority, and the board of directors of the authority, the advisory board, and the officers shall make no debt whatsoever for the payment of which the State or any political subdivision shall in any way be bound. It is intended that the

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project to be developed hereunder and any and all projects undertaken by the provisions of this chapter shall be financed as self-liquidating projects and that the credit and taxing powers of the State, or its political subdivisions, shall never be pledged to pay said debts and obligations;”

SECTION 3. Section 58-31-30 of the 1976 Code is amended by adding a new subsection (C) to read:

“(C) Any severance package, payment or other benefit of whatever nature conferred upon an executive officer or member of the board of the Public Service Authority or offered on or after May 15, 2021, must first be approved by the Agency Head Salary Commission before the Authority can enter into an agreement regarding a severance package, payment or other benefits. Any payment made in violation of this section is grounds for a claw-back of the payment or benefit in a legal action brought by the Attorney General of this State seeking a recovery of that payment. The Public Service Authority must provide a report to the Agency Head Salary Commission by July 6, 2021, with information regarding any severance package, payment or other benefit conferred upon an executive officer or member of the board of the Public Service Authority from January 1, 2020, through June 30, 2021.”

SECTION 4. Chapter 31, Title 58 of the 1976 Code is amended by adding:

“Section 58-31-225. The Office of Regulatory Staff, under the provisions of this section, is hereby vested with the authority and jurisdiction to make inspections, audits, and examinations of the Public Service Authority pursuant to the provisions of Chapter 4, Title 58, relating to the electric and water rates established by the Public Service Authority. Upon completion of an authorized inspection, audit, or examination, the Office of Regulatory Staff must report its findings to the management and board of the Public Service Authority and attempt to resolve with the management and board any issues that are identified. The Public Service Authority must post information regarding its electric and water rates on its website.”

SECTION 5. Chapter 31, Title 58 is amended by adding:

”Article 7 - NEW STATUTORY PROVISIONS

Retail Rates Process

Section 58-31-710. The Public Service Authority, through its board of directors, shall adopt and publish pricing principles that respect and balance factors including, but not limited to, adherence to the Authority’s mission to be a low-cost provider, reliability, transparency, preservation of the Authority’s financial integrity, equity among customer classes, gradualism in adjustments to its pricing and rate schedule type,

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encouragement of efficiency and demand response, adequate notice to customers, and relief mechanisms for financially distressed customers. The Authority shall also maintain and continue to offer rate schedules and options that provide demand-side management flexibility, including, but not limited to, non-firm sales and interruptible power rates, and conservation opportunities to its customers.

Section 58-31-720. For purposes of this Article “customer” shall include the authority’s residential, commercial and industrial retail customers, and those wholesale customers served pursuant to contractual arrangements but excluding joint action agencies and those entities located outside the State.

Section 58-31-730. Prior to creating or revising any of its board-approved retail rate schedules, the Public Service Authority, through resolution of its board of directors or otherwise, shall adopt a process that shall include the following:

(A) The authority shall provide notice to all customers at least one hundred and eighty days before the board of directors’ vote on a proposed rate adjustment.

(1) The one hundred and eighty days’ notice required under this section is established to allow customers to provide comments to the authority as follows:

(a) written comments to the authority for ninety days from the date of notice; and

(b) oral comments to the authority for one hundred twenty days from the date of notice.

(2) The notice required by this subsection must be given in the following forms:

(a) by first-class United States mail addressed to the customer’s billing address in the authority’s records at the time of the notice, or for customers who have elected paperless billing, by the same means of communication used for providing these customers paperless billing;

(b) by advertisements to be published in newspapers of general circulation within the service territory of the authority;

(c) by way of the authority’s regularly maintained website, including a conspicuous portal or link accessible from the website’s landing page; and

(d) by issuance of a news release to local news outlets.

(3) The notice of proposed rate adjustments required by this subsection shall contain the following information:

(a) the date, time, and location of all public meetings;

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(b) the date, time, and location of the meeting at which a proposed rate adjustment is expected to be submitted to the board of directors for its consideration;

(c) the date, time, and location of the meeting at which the board of directors is expected to vote on the proposed rate adjustment;

(d) a notification to customers of their right to:

(i) review the proposed rate schedules;

(ii) appear and speak in person concerning the proposed rates at public meetings or the specified meetings of the board of directors; and

(iii) submit written comments;

(e) the means by which customers can submit written comments, including the email and physical addresses to which written comments may be submitted, and the deadline for submitting such comments; and

(f) the means by which customers can access and review the authority's written report containing the proposed rate adjustments, the non-proprietary and non-confidential portions of any rate study or other documentation developed by the authority in support of the rate adjustment which shall be available at the time the notice is issued.

(4) Contemporaneously with notice to customers, the authority shall provide notice of proposed rate adjustments to the Office of Regulatory Staff.

(B) In addition to the requirements of notice set forth above, the authority shall provide for the following in its retail rate adjustment process:

(1) the Office of Regulatory Staff must review any rate adjustments proposed to the authority's board of directors under this article. In accomplishing its responsibilities under this article, the Office of Regulatory Staff must use the authority granted to it pursuant to Section 58-31-225. The Office of Regulatory Staff must treat as confidential or proprietary the information provided by the authority pursuant to this subsection that is identified by the authority as such unless or until the authority agrees that such information is no longer confidential or proprietary. Any disputes concerning whether such information is subject to protection must be resolved by the board of directors.

(2) a comprehensive review of the authority's rate structure and rates, consistent with the provisions of Chapter 31, Title 58, and the Public Service Authority's bond covenants concerning the Public Service Authority's revenue requirements, provided that:

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(a) management may engage consultants as necessary to assist the authority in completing this review; and

(b) this review should include such subjects as the authority's revenue requirements, rate/tariff design recognizing the provisions of any wholesale power supply agreement, and a comprehensive cost of service analysis that includes an allocation of costs, between wholesale and retail customers, and among all classes of retail customers, including residential, commercial and industrial classes;

(3) a written report of management's recommendations concerning proposed rate adjustments;

(4) beginning no later than the date that notice of the proposed rate adjustment is issued by the authority, an opportunity for customers and the Office of Regulatory Staff, in advance of the board of directors' consideration and determination of rates, to review the proposed rate schedules and written findings and analyses of employees and consultants retained by the authority that support the proposed rate adjustments, provided that:

(a) the authority also shall provide customers and the Office of Regulatory Staff access to proposed rate schedules and written findings and analyses of employees and consultants retained by the authority that support the proposed rate adjustments, such materials to be made available at a physical location, at public meetings, and posted on the authority's website; and

(b) the authority shall not be required to provide to customers analyses which disclose the commercially sensitive information of individual customers or which is otherwise proprietary or confidential;

(5) public meetings, to be held at locations convenient for customers and within the authority's service territory, provided that:

(a) the authority shall convene at least two public meetings at a minimum of two locations within its service territory for the purpose of presenting the proposed rate adjustment and relevant information regarding the same to customers for their information and comment;

(b) customers may appear and speak in person at public meetings and direct comments and inquiries about the rate adjustment to representatives of the authority;

(c) at least one representative of the authority's staff or management and a quorum of the board of directors shall attend each public meeting;

(d) the authority shall cause a transcript of all such meetings to be prepared and maintained as a public record and for consideration by



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the board of directors prior to its consideration and vote on a proposed rate adjustment; and

(e) the contents of this item must not be construed in such a manner as to prevent the authority from extending the prescribed timelines, holding additional public meetings, holding additional meetings with customers as may be scheduled from time to time at the convenience of the authority and the customers, or having additional representatives of staff, management, or the board of directors in attendance at such meetings;

(6) the authority's management shall respond to reasonable questions and requests for information from customers and the Office of Regulatory Staff during the comment period regarding the rate proposal, subject to the appropriate protection of confidential information. All information provided to the Office of Regulatory Staff upon request that is not confidential or proprietary shall be made publicly available immediately following disclosure to the requesting party;

(7) submission by the Office of Regulatory Staff of written comments and supporting documentation in the same manner as customers and an opportunity for the Office of Regulatory Staff to provide comments to, and answer questions from, the board of directors;

(8) a meeting of the board of directors, separate from its scheduled vote on proposed rate adjustments and no less than one hundred twenty days from the date of notice required pursuant to Section 58-31-730(A), at which the board of directors shall receive written comments received in accordance with Section 58-31-730(A)(1), and transcripts of the public meetings, provided that:

(a) at this meeting customers who will be affected by a rate adjustment shall be entitled to appear and speak in person for a reasonable amount of time to offer their comments directly to the board of directors;

(b) customer comments received by the authority prior to this meeting and transcripts of the public meetings shall be submitted to the board of directors for their consideration in the determination of rates;

(c) submissions from the Office of Regulatory Staff shall be provided to the board of directors for their consideration in the determination of rates; and

(d) the authority shall cause a transcript of this meeting to be prepared and maintained as a public record;

(9) a meeting of the board of directors, separate from its scheduled vote on proposed rate adjustments and no less than one hundred fifty days from the date of notice required pursuant to Section 58-31-730(A),

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at which it shall receive the authority management's recommendation, which shall be made publicly available, concerning proposed rate adjustments, the proposed rate schedules, and documentation supporting the same; and

(10) a meeting at which the board of directors votes on the proposed rate adjustment, following notice as set forth in subsection (A) and completion of the process implemented by the board of directors pursuant to subsection (B).

(C) Rates shall become effective no earlier than sixty days following board approval of proposed rate adjustments.

(D) Nothing contained in this section may be construed to limit or derogate from the state's covenants as provided in Sections 58-31-30 and 58-31-360, and those covenants are hereby reaffirmed.

(E) The board of directors shall utilize consultants independent from the authority's management and is authorized to hire independent outside experts and consultants as necessary to fulfill the board of directors' obligations and duties pursuant to this section.

(F) Notwithstanding the provisions of this section, the authority may place such adjusted rates and charges into effect on an interim basis under emergency circumstances such as the avoidance of default of its obligations and to ensure proper maintenance of its system; these interim rates must not be in effect for more than one year. Said adjusted rates and charges shall be subject to prospective rate adjustment in accordance with the terms of this section, provided further, that the authority may implement experimental rates on an interim basis for the purpose of developing improved rate offerings for customers. These experimental rates will be enacted for no longer than four years and (a) for large industrial customers, no more than twelve percent of the large industrial customer class except large industrial customers with one hundred megawatts or greater load shall be excluded from any class size limit, and (b) for all other customers no more than five percent of the customers in the class. All experimental rates must be disclosed in public session of the board prior to being enacted and are subject to approval by the board only to the extent that they meet the requirements of Section 58-31-55.

(G) Judicial review of decisions by the board of directors under this article shall be by direct appeal to the South Carolina Supreme Court. The service of a notice of appeal from a decision of the board of directors pursuant to this article does not act to automatically stay the matters decided in the decision, in the same manner as provided by Rule 241(b)(11) of the South Carolina Appellate Court Rules. Rate

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adjustments approved by the board of directors pursuant to this article have been authorized by law.

(1) The Office of Regulatory Staff, or any customer who has submitted written or oral comments as permitted under this article is considered a “party in interest” entitled to obtain judicial review of any final decision of the board under this article by appealing in the manner provided by Rule 203(b)(6) of the South Carolina Appellate Court Rules as applicable to appeals from administrative tribunals. No right to appeal accrues unless a request for reconsideration is submitted to the board and refused as set out in S.C. Code Ann. Section 58-31-730(G)(2).

(2) Any party in interest seeking to appeal must first submit, within ten days after the decision of the board, a request for reconsideration. The board of directors shall either grant or refuse such request within twenty days of receipt. If the board grants the request for reconsideration, it must meet to consider the request within thirty days.

(3) On appeal, the South Carolina Supreme Court may not substitute its judgment for the judgment of the board of directors as to the weight of the evidence on questions of fact. The court may affirm the decision of the board of directors or remand the case to the board of directors for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the board’s findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the authority;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(H) The procedure provided in this article is the exclusive process for challenging any rate adjustments approved by the board of directors. If a party in interest successfully challenges a rate approval decision on appeal, the exclusive remedy is a prospective adjustment of a new rate by the board of directors. The board of directors possesses authority only to adjust rates prospectively and has no authority to refund amounts collected pursuant to a rate adjustment approved pursuant to this article. The filed rate doctrine protects any such rate adjustment decisions from any collateral attack, which includes, but is not limited to, any claim that a rate adjustment decision by the board of directors violates S.C. Code Ann. Sections 58-31-55, 58-31-56, or 58-31-57.

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Section 58-31-740. The authority shall submit to the Office of Regulatory Staff a pricing report each year, and its report must include an analysis of the adherence to the pricing principles required in Section 58-31-710, the current and projected electric customer pricing, a comparison of pricing to other utilities, and an analysis of the rates of return by customer class. After its review, the ORS shall issue comments on the authority's annual pricing report to the authority's board of directors and the Public Utility Review Committee."

SECTION 6. Section 58-33-20 of the 1976 Code of Laws is amended to read:

"Section 58-33-20. (1) The term 'commission' means Public Service Commission.

(2) The term 'major utility facility' means:

(a) electric generating plant and associated facilities designed for, or capable of, operation at a capacity of more than seventy-five megawatts.

(b) an electric transmission line and associated facilities of a designed operating voltage of one hundred twenty-five kilovolts or more; provided, however, that the words 'major utility facility' shall not include electric distribution lines and associated facilities, ~~nor shall the words 'major utility facility' include electric transmission lines and associated facilities leased to and operated by (or which upon completion of construction are to be leased to and operated by) the South Carolina Public Service Authority.~~

(3) The term 'commence to construct' means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route of a major utility facility, but does not include surveying or changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing geological data, including necessary borings to ascertain foundation conditions.

(4) The term 'municipality' means any county or municipality within this State.

(5) The term 'person' includes any individual, group, firm, partnership, corporation, cooperative, association, government subdivision, government agency, local government, municipality, any other organization, or any combination of any of the foregoing, and ~~but~~ shall ~~not~~ include the South Carolina Public Service Authority.

(6) The term 'public utility' or 'utility' means any person engaged in the generating, distributing, sale, delivery, or furnishing of electricity for public use.

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(7) The term ‘land’ means any real estate or any estate or interest therein, including water and riparian rights, regardless of the use to which it is devoted.

(8) The term ‘certificate’ means a certificate of environmental compatibility and public convenience and necessity.

(9) The term ‘regulatory staff’ means the executive director or the executive director and the employees of the Office of Regulatory Staff.”

SECTION 7. Section 58-33-110(4) of the 1976 Code of Laws is amended to read:

“(4) This chapter shall not apply to any major utility facility:

(a) The construction of which is commenced within one year after January 1, 1972; or

(b) For which, prior to January 1, 1972, an application for the approval has been made to any Federal, State, regional or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in subsection (1) of Section 58-33-160.

(c) For which, prior to January 1, 1972, a governmental agency has approved the construction of the facility and indebtedness has been incurred to finance all or part of the cost of such construction; ~~or~~

(d) Which is a hydroelectric generating facility over which the Federal Power Commission has licensing jurisdiction; or

(e) Which is a transmission line or associated electrical transmission facilities constructed by the South Carolina Public Service Authority, for which construction either is commenced within one year after January 1, 2022, or is necessary to maintain system reliability in connection with the closure of the Winyah Generating Station, provided that such transmission is not for generation subject to this chapter.”

/ “Section 58-37-40. (A) Electrical utilities, electric cooperatives, municipally owned electric utilities, and the South Carolina Public Service Authority must each prepare an integrated resource plan. An integrated resource plan must be prepared and submitted at least every three years. Nothing in this section may be construed as requiring interstate natural gas companies whose rates and services are regulated only by the federal government or gas utilities subject to the jurisdiction of the commission to prepare and submit an integrated resource plan.

(1) Each electrical utility with one hundred thousand or more customer accounts and the Public Service Authority must submit its integrated resource plan to the commission. The integrated resource plan must be posted on the electrical utility’s website and on the commission’s website.

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(2) Electric cooperatives, electric utilities with less than one hundred thousand customer accounts, and municipally owned electric utilities shall each submit an integrated resource plan to the State Energy Office. Each integrated resource plan must be posted on the State Energy Office's website. If an electric cooperative, electric utility with less than one hundred thousand customer accounts, or municipally owned utility has a website, its integrated resource plan must also be posted on its website. For distribution, electric cooperatives that are members of a cooperative that provides wholesale service, the integrated resource plan may be coordinated and consolidated into a single plan provided that nonshared resources or programs of individual distribution cooperatives are highlighted. Where plan components listed in subsection (B)(1) and (2) of this section do not apply to a distribution or wholesale cooperative or a municipally owned electric utility as a result of the cooperative or the municipally owned electric utility not owning or operating generation resources, the plan may state that fact or refer to the plan of the wholesale power generator. Where plan components listed in subsections (B)(1) and (2) of this section do not apply to an electrical utility with less than one hundred thousand customer accounts as a result of its own generation resources being comprised of more than seventy-five percent renewable energy or because it purchases wholesale load balancing generation services, then the plan may state that fact or refer to the plan of the wholesale power generator. For purposes of this section, a wholesale power generator does not include a municipally created joint agency if that joint agency receives at least seventy-five percent of its electricity from a generating facility owned in partnership with an electrical utility and that electrical utility:

- (a) generally serves the area in which the joint agency's members are located; and
- (b) is responsible for dispatching the capacity and output of the generated electricity.

(3) The South Carolina Public Service Authority shall submit its integrated resource plan to the ~~State Energy Office commission~~. The Public Service Authority shall develop a public process allowing for input from all stakeholders prior to submitting the integrated resource plan. The integrated resource plan must be developed in consultation with the electric cooperatives and municipally owned electric utilities purchasing power and energy from the Public Service Authority and consider any feedback provided by retail customers and shall include the effect of demand-side management activities of the electric cooperatives and municipally owned electric utilities that directly purchase power and

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energy from the Public Service Authority or sell power and energy generated by the Public Service Authority. The integrated resource plan must be posted on the ~~State Energy Office's~~ commission's website and on the Public Service Authority's website.

(4)(a) In addition to the requirements of 58-37-40(B), the Public Service Authority's integrated resource plan shall include an analysis of long-term power supply alternatives and enumerate the cost of various resource portfolios over various study periods including a twenty-year study period and, by comparison on a net present value basis, identify the most cost effective and least ratepayer risk resource portfolio to meet the Public Service Authority's total capacity and energy requirements while maintaining safe and reliable electric service.

(b) In addition to the requirements of Section 58-37-40(B), the commission shall review and evaluate the Public Service Authority's analysis of long-term power supply alternatives and various resource portfolios over various study periods including a twenty-year study period and, by comparison on a net present value basis, identify the most cost-effective and lowest ratepayer-risk resource portfolio to meet the Public Service Authority's total capacity and energy requirements while maintaining safe and reliable electric service. The commission's evaluation shall include, but not be limited to:

(i) evaluating the cost-effectiveness and ratepayer risk of self-build generation and transmission options compared with various long-term power supply alternatives including power purchase agreements, competitive procurement of renewable energy, joint dispatch agreements, market purchases from an existing regional transmission organization, joining or creating a new regional transmission organization, using best available technology for energy generation, transmission, storage and distribution, or any combination thereof. In evaluating and identifying the most cost effective and least ratepayer risk resource portfolio, the commission shall strive to reduce the risk to ratepayers associated with any generation and transmission options while maintaining safe and reliable electric service; and

(ii) an analysis of any potential cost savings that might accrue to ratepayers from the retirement of remaining coal generation assets.

(c) The Authority's integrated resource plan must provide the information required in Section 58-37-40(B) and must be developed in consultation with the electric cooperatives, including Central Electric Power Cooperative, and municipally owned electric utilities purchasing power and energy from the Public Service Authority, and consider any feedback provided by retail customers; and shall include the effect of

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demand-side management activities of the electric cooperatives, including Central Electric Power Cooperative, and municipally owned electric utilities that directly purchase power and energy from the Public Service Authority or sell power and energy generated by the Public Service Authority. The Integrated Resource Plan of the South Carolina Public Service Authority shall include and evaluate at least one resource portfolio, which will reflect the closure of the Winyah Generating Station by 2028, designed to provide safe and reliable electricity service while meeting a net zero carbon emission goal by the year 2050.

(B)(1) An integrated resource plan shall include all of the following:

(a) a long-term forecast of the utility's sales and peak demand under various reasonable scenarios;

(b) the type of generation technology proposed for a generation facility contained in the plan and the proposed capacity of the generation facility, including fuel cost sensitivities under various reasonable scenarios;

(c) projected energy purchased or produced by the utility from a renewable energy resource;

(d) a summary of the electrical transmission investments planned by the utility;

(e) several resource portfolios developed with the purpose of fairly evaluating the range of demand-side, supply-side, storage, and other technologies and services available to meet the utility's service obligations. Such portfolios and evaluations must include an evaluation of low, medium, and high cases for the adoption of renewable energy and cogeneration, energy efficiency, and demand response measures, including consideration of the following:

(i) customer energy efficiency and demand response programs;

(ii) facility retirement assumptions; and

(iii) sensitivity analyses related to fuel costs, environmental regulations, and other uncertainties or risks;

(f) data regarding the utility's current generation portfolio, including the age, licensing status, and remaining estimated life of operation for each facility in the portfolio;

(g) plans for meeting current and future capacity needs with the cost estimates for all proposed resource portfolios in the plan;

(h) an analysis of the cost and reliability impacts of all reasonable options available to meet projected energy and capacity needs; and



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(i) a forecast of the utility's peak demand, details regarding the amount of peak demand reduction the utility expects to achieve, and the actions the utility proposes to take in order to achieve that peak demand reduction.

(2) An integrated resource plan may include distribution resource plans or integrated system operation plans.

(C)(1) The commission shall have a proceeding to review each electrical utility's subject to (A)(1) and the Public Service Authority's integrated resource plan. As part of the integrated resource plan filing, the commission shall allow intervention by interested parties. The commission shall establish a procedural schedule to permit reasonable discovery after an integrated resource plan is filed in order to assist parties in obtaining evidence concerning the integrated resource plan, including the reasonableness and prudence of the plan and alternatives to the plan raised by intervening parties. No later than three hundred days after an electrical utility files an integrated resource plan, the commission shall issue a final order approving, modifying, or denying the plan filed by the electrical utility or the Public Service Authority.

(2) The commission shall approve an electrical utility's or the Public Service Authority's integrated resource plan if the commission determines that the proposed integrated resource plan represents the most reasonable and prudent means of meeting the electrical utility's or the Public Service Authority's energy and capacity needs as of the time the plan is reviewed. To determine whether the integrated resource plan is the most reasonable and prudent means of meeting energy and capacity needs, the commission, in its discretion, shall consider whether the plan appropriately balances the following factors:

(a) resource adequacy and capacity to serve anticipated peak electrical load, and applicable planning reserve margins;

(b) consumer affordability and least cost;

(c) compliance with applicable state and federal environmental regulations;

(d) power supply reliability;

(e) commodity price risks;

(f) diversity of generation supply; and

(g) other foreseeable conditions that the commission determines to be for the public interest.

(3) If the commission modifies or rejects an electrical utility's or the Public Service Authority's integrated resource plan, the electrical utility or the Public Service Authority, within sixty days after the date of the final order, shall submit a revised plan addressing concerns identified

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by the commission and incorporating commission-mandated revisions to the integrated resource plan to the commission for approval. Within sixty days of the electrical utility's or the Public Service Authority's revised filing, the Office of Regulatory Staff shall review the electrical utility's or the Public Service Authority's revised plan and submit a report to the commission assessing the sufficiency of the revised filing. Other parties to the integrated resource plan proceeding also may submit comments. No later than sixty days after the Office of Regulatory Staff report is filed with the commission, the commission at its discretion may determine whether to accept the revised integrated resource plan or to mandate further remedies that the commission deems appropriate.

(4) The submission, review, and acceptance of an integrated resource plan by the commission, or the inclusion of any specific resource or experience in an accepted integrated resource plan, shall not be determinative of the reasonableness or prudence of the acquisition or construction of any resource or the making of any expenditure. ~~The~~ An electrical utility shall retain the burden of proof to show that all of its investments and expenditures are reasonable and prudent when seeking cost recovery in rates.

(D)(1) An electrical utility and the Public Service Authority shall each submit annual updates to its integrated resource plan to the commission. An annual update must include an update to the electric utility's or the Public Service Authority's base planning assumptions relative to its most recently accepted integrated resource plan, including, but not limited to: energy and demand forecast, commodity fuel price inputs, renewable energy forecast, energy efficiency and demand-side management forecasts, changes to projected retirement dates of existing units, along with other inputs the commission deems to be for the public interest. The electrical utility's or Public Service Authority's annual update must describe the impact of the updated base planning assumptions on the selected resource plan.

(2) The Office of Regulatory Staff shall review each ~~electric~~ electrical utility's or the Public Service Authority's annual update and submit a report to the commission providing a recommendation concerning the reasonableness of the annual update. After reviewing the annual update and the Office of Regulatory Staff report, the commission may accept the annual update or direct the electrical utility or the Public Service Authority to make changes to the annual update that the commission determines to be in the public interest.

(E) The commission is authorized to promulgate regulations to carry out the provisions of this section."

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SECTION 9. Section 58-31-55 of the 1976 Code of Laws is amended to read:

“Section 58-31-55. (A) A director shall discharge his duties as a director, including his duties as a member of a committee:

- (1) in good faith;
- (2) with the care an ordinarily prudent person in a like position would exercise under similar circumstances; and
- (3) in a manner he reasonably believes to be in the best interests of the Public Service Authority. As used in this chapter, ‘best interests’ means a balancing of the following:

(a) ~~preservation of the financial integrity of the Public Service Authority and its ongoing operations of generating, transmitting, and distributing electricity to wholesale and retail customers on a reliable, adequate, efficient, and safe basis, at just and reasonable rates, regardless of the class of customer;~~

(b) the interest of the Public Service Authority’s residential, commercial and industrial retail customers and those wholesale customers served pursuant to contractual arrangements but excluding joint action agencies and those entities located outside the State, in reliable, adequate, efficient, and safe service, at just and reasonable rates, regardless of customer class;

(c) maintenance, preservation and keeping of the Public Service Authority’s properties and all additions and betterments thereto and extension thereof and every part and parcel in thereof, in good repair, working order and condition;

~~(b)(d)~~ the support of, economic development and job attraction and retention within the Public Service Authority’s present service area or areas within the State authorized to be served by an electric cooperative or municipally owned electric utility that is a direct or indirect wholesale customer of the authority, provided the remaining items of this subsection have been met; and

~~(e)(e)~~ subject to the limitations of Section 58-31-30(B) and item (A)(3)(a) of this section, exercise of the powers of the authority set forth in Section 58-31-30 in accordance with good business practices and the requirements of applicable licenses, laws, and regulations.

(B) In discharging his duties, a director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

- (1) one or more officers or employees of the Public Service Authority whom the director reasonably believes to be reliable and competent in the matters presented;

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(2) legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person's professional or expert competence; or

(3) a committee of the board of directors of which he is not a member if the director reasonably believes the committee merits confidence.

(C) A director is not acting in good faith if he has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (B) unwarranted.

(D) A director is not liable for any action taken as a director, or any failure to take any action, if he performed the duties of his office in compliance with this section.

(E) An action against a director for failure to perform the duties imposed by this section must be commenced within three years after the cause of action has occurred, or within two years after the time when the cause of action is discovered or should reasonably have been discovered, whichever occurs sooner. This limitations period does not apply to breaches of duty which have been concealed fraudulently.”

SECTION 10. Chapter 31, Title 58 of the 1976 Code is amended by adding:

“Section 58-31-227. (A) The Public Service Authority shall procure renewable energy resources subject to the following requirements:

(1) Renewable energy resources procured by the Public Service Authority shall be procured via a competitive solicitation process open to all independent market participants that meet minimum eligibility requirements.

(2) The Public Service Authority shall issue public notification of its intention to issue a competitive renewable solicitation at least ninety days prior to the release of each solicitation, including the proposed procurement volume, process, and timeline.

(3) Renewable energy facilities eligible to participate in a competitive procurement are those that have a valid interconnection request on file and that use renewable energy resources identified in Section 58-39-120(F) and may include battery storage devices charged exclusively by renewable energy.

(B) The Public Service Authority shall make publicly available at least forty-five days prior to each competitive solicitation:

(1) A pro forma contract to inform market participants of the procurement terms and conditions. The pro forma contract will (i) include standardized and commercially reasonable requirements for contract performance security consistent with market standards; (ii)

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define limits and compensation for resource dispatch and curtailments that limit uncompensated curtailment to a specified portion of estimated annual output.

(2) A bid evaluation methodology that ensures all bids are treated equitably, including price and non-price evaluation criteria. Non-price criteria will include, at minimum, consideration of diversity in resource size and geographic location.

(3) Interconnection requirements and study methodology, including how bids without existing interconnection studies will be treated for purposes of evaluation.

(C) After bids are submitted and evaluated, winning bids will be selected based upon the published evaluation methodology.

The Public Service Authority shall issue a public report summarizing the results of each competitive solicitation within sixty days of the award notifications. The report will include, at minimum, a summary of the submitted bids and an anonymized list of the project awards, including their size, location, average award price and tenor, and award price range.”

SECTION 11. Article 1, Chapter 31, Title 58 of the 1976 Code is amended by adding:

“Section 58-31-240. (A) For purposes of this section:

(1) ‘JBRC’ means the Joint Bond Review Committee.

(2) ‘Committee’ or ‘committees’ means the Senate Finance Committee and the House Ways and Means Committee.

(B) The Senate Finance Committee and the House Ways and Means Committee shall review and provide fiscal accountability of the Public Service Authority (Authority) no less frequently than every two years. The committees shall provide a report with findings to the Senate Legislative Oversight Committee and the House Legislative Oversight Committee.

(C)(1) Every two years, or as often as requested by either committee, the Authority must submit to the committees:

(a) annual audited financial statements;

(b) projected and actual annual revenue;

(c) actual annual expenditures;

(d) any debt issuances in the previous five years, whether short-term or long-term;

(e) percent of annual revenues utilized for administration. For purposes of this item, ‘administration’ includes executive level employees compensation and other operating costs;

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(f) organizational flow chart displaying the position titles and name of executive-level employees;

(g) major components of any long-term capital plan, including timing and cost estimates, and financing plan for such capital investments whether paid from operations or debt;

(h) performance objectives and results;

(i) performance measurements used to evaluate program effectiveness;

(j) any outstanding litigation issues; and

(k) planning documents and progress reports, including budgeted and actual expenditures.

(2) The Authority must post its annual audited financial report in a conspicuous place on the Authority's website and distribute the reports to members of the General Assembly.

(3) Any problems or issues of concern that arise during this oversight process may be forwarded to the State Inspector General for investigation after a vote of either committee. The Inspector General is granted the authority to complete the investigation.

(D)(1) Prior to issuing any bonds, notes, or other indebtedness, including any refinancing that does not achieve a savings in total debt service, JBRC must approve, reject, or modify the issuance by the Authority.

(2) If JBRC does not take action on the issuance within 60 days, the issuance is considered approved.

(3) For purposes of this subsection, debt capacity means the total amount of debt that can be undertaken by the Authority while maintaining compliance with its legal, contractual or rating-dependent debt service coverage requirements, incorporating reasonable assumptions and projections for future revenue, interest rates, and term of the indebtedness.

(E)(1) By September first of each year, the Authority shall provide an annual report regarding every transaction involving an interest in real property and executed during the preceding twelve months, including:

(a) a summary of the key terms of all contracts effectuating or related to such transactions; and

(b) parties involved in the transaction, including all entities or persons with any type of ownership interest or authority to control.

(2) A transfer of any interest in real property by the Authority, regardless of the value of the transaction, requires approval, rejection, or modification by JBRC.

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(3) The reporting and other requirements of this item do not apply to encroachment agreements, rights-of-way, or lease agreements made by the Authority and private individuals for residential use on and near lakes in this State.

(F) JBRC, may adopt instructions which must be followed by the Authority for any submission pursuant to this section.

(G) Any and all executive compensation and retention programs must be reviewed by the Agency Head Salary Commission. Additionally, any employment contracts or retention contracts that last longer than five years, and all contract extensions, must be reviewed by the Agency Head Salary Commission.

(H) The Authority is a public body for purposes of the Freedom of Information Act.

(I) The requirements imposed on the Authority pursuant to this section are in addition to any other requirements of law. If any provision of this section conflicts with another provision of law, the provisions of this section shall control to the extent of the conflict.”

SECTION 12. Section 58-31-430 of the 1976 Codes of Laws is amended to read:

“Section 58-31-430. The Public Service Commission may not assign any portion of the present service area of the Public Service Authority to any electrical utility or electric cooperative and this service area must be exclusively served by the Public Service Authority unless otherwise agreed to by the Public Service Authority as described in this section. Santee Electric Cooperative, Inc., Berkeley Electric Cooperative, Inc., Horry Electric Cooperative, Inc. may serve those areas reserved to them as provided in Section 58-31-330. The Public Service Commission is directed to conform the present assignment under Section 58-27-620 to the mandates of this article. Nothing contained in this article may be construed as preventing the Public Service Commission from exercising its jurisdiction over electric cooperative service areas in the manner provided by law. Upon customer choice either the Public Service Authority, ~~or an electric cooperative mentioned above,~~ or Edisto Electric Cooperative, Inc. may furnish electric service to any new premises which the other supplier has the right to serve, upon agreement of the affected suppliers.

Notwithstanding the foregoing, the Public Service Authority shall have the right to enter into agreements with other electric suppliers, as defined by Section 58-27-610, concerning service areas, as contemplated by Section 58-27-640, and corridor rights, as defined by Section 58-27-610. In that event, the Public Service Commission shall have the

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authority to approve said agreements and to reassign said service area or corridor rights. This authority shall only apply in situations where all affected electric suppliers have reached an agreement concerning service areas or corridor rights. With respect to the agreements, the commission shall approve the agreements and reassign said service area or corridor rights if, after giving notice and an opportunity for hearing to interested parties, it finds the agreements to be fair and reasonable, but the commission shall not have the authority to alter or amend any such agreement unless all affected electric suppliers agree to the alteration or amendment. For purposes of this article, the term ‘all affected electric suppliers’ shall include, but not be limited to, the nearest electric cooperative or cooperatives to the proposed service area changes within a five mile radius of the affected service area or corridor. This section shall not confer service territory rights to the Public Service Authority beyond those provided in Section 58-31-330 and Section 58-31-320(2).”

SECTION 13. As part of the process of retiring its coal units, the Public Service Authority shall develop and implement a plan, with community engagement and participation, that: (a) allows employees in good standing who would be directly affected by the closure of the unit to be retained by the Public Service Authority, or provides training opportunities for related employment to affected employees in good standing who cannot be retained; and (b) provides an opportunity for economic development and job attraction in the communities where the retired coal stations are located. Annual written status reports shall be provided to the SC Public Utilities Review Committee.

SECTION 14. (A) To ensure that the Public Service Authority board of directors positions are appropriately staggered, the following establishes the term expiration for positions as of the effective date of this act:

(1) The terms for the members representing the 2nd and 4th congressional districts, and the At Large seat designated as the Chair shall expire on January 1, 2022;

(2) The terms for the members representing the 1st, 7th congressional districts and Berkeley County shall expire on January 1, 2023;

(3) The terms for members representing the 3rd, and 6th congressional districts, and the other At-Large seat shall expire on January 1, 2024; and

(4) The terms for members representing the 5th congressional district, and Georgetown and Horry counties shall expire on January 1, 2025.



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If any vacancy occurs prior to respective dates established in this SECTION, the Governor may appoint a successor pursuant to Section 58-31-20.

(B) Notwithstanding the term limit provisions in subsection 58-31-20(A), a director serving as of the effective date of this act is ineligible for reappointment unless that director was first appointed after January 1, 2018.

SECTION 15. Chapter 4, Title 58 of the 1976 Code is amended by adding Section 58-4-51:

“Section 58-4-51. (A) Regulatory staff shall have the following duties and responsibilities concerning the Public Service Authority to:

(1) when considered necessary by the Executive Director of the Office of Regulatory Staff, review, investigate, and make appropriate recommendations to the appropriate entity with respect to the rates charged or proposed to be charged for electric service provided by the Public Service Authority;

(2) when considered necessary by the Executive Director of the Office of Regulatory Staff, make inspections, audits, and examinations of, and to make recommendations to, the appropriate entity, regarding electric service provided by the Public Service Authority;

(3) upon request by the commission, make studies and recommendations to the commission with respect to standards, regulations, practices, or electric service provided by the Public Service Authority for matters within the commission’s jurisdiction; and

(4) when considered necessary by the Executive Director of the Office of Regulatory Staff, investigate and examine the condition of generation, transmission, or distribution electric facilities owned or operated by the Public Service Authority.

(B) Regulatory staff may participate as a party of interest, as deemed necessary by the Executive Director of the Office of Regulatory Staff, before regulatory agencies, state courts and federal courts, in matters that could affect the Public Service Authority’s rates or charges for the Authority’s electric service.

(C) The regulatory staff may have additional duties and responsibilities related to the Public Service Authority as otherwise provided by law.”

SECTION 16. Section 58-4-55 of the 1976 Code is amended to read:

“Section 58-4-55. (A) The regulatory staff, in accomplishing its responsibilities under Section 58-4-50 and Section 58-4-51, may require the production of books, records, and other information to be produced

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at the regulatory staff's office, that, upon request of the regulatory staff, must be submitted under oath and without the requirement of a confidentiality agreement or protective order being first executed or sought. The regulatory staff must treat the information as confidential or proprietary unless or until the commission rules such information is not entitled to protection from public disclosure or the public utility, the Public Service Authority, or the electric cooperative agrees that such information is no longer confidential or proprietary. Unless the commission's order contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Sections 30-4-10, et seq., and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity; provided, however, that, if the commission determines that it is necessary to view such documents or information, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection unless otherwise ordered by the commission. Although the Public Service Authority is subject to the Freedom of Information Act pursuant to Sections 30-4-10, et seq, the Authority, when necessary and appropriate, may indicate that documents or information provided to regulatory staff is confidential or proprietary, or otherwise exempt from disclosure in accordance with statute, and the regulatory staff must treat this information in the same manner as public utilities and cooperatives pursuant to this section.

If the books, records, or other information provided do not appear to disclose full and accurate information and, if such apparent deficiencies are not cured after reasonable notice, the regulatory staff may require the attendance and testimony under oath of the officers, accountants, or other agents of the parties having knowledge thereof at such place as the regulatory staff may designate and the expense of making the necessary examination or inspection for the procuring of the information must be paid by the party examined or inspected, to be collected by the regulatory staff by suit or action, if necessary. If, however, the examination and inspection and the reports thereof disclose that full and accurate information had previously been made, the expense of making the examination and inspection must be paid out of the funds of the regulatory staff.

(B) If the regulatory staff initiates an inspection, audit, or examination of a public utility, the Public Service Authority, or an electric cooperative, the public utility, the Public Service Authority, or

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the electric cooperative that is the subject of the inspection, audit, or examination may petition the commission to terminate or limit the scope of such inspection, audit, or examination. The commission must grant such petition if it finds that such inspection, audit, or examination is arbitrary, capricious, unnecessary, unduly burdensome, or unrelated to the regulated operations of the public utility, the Public Service Authority, or the electric cooperative.

(1) If such an inspection, audit, or examination is not part of a contested case proceeding, the public utility, the Public Service Authority or the electric cooperative may also raise objections or seek relief available under the South Carolina Rules of Civil Procedure to a party upon whom discovery is served or to a person upon whom a subpoena is served. The commission shall provide the regulatory staff reasonable notice to respond to any such objection or request. Absent the consent of the public utility, the Public Service Authority, or the electric cooperative raising such an objection or request and the Office of Regulatory Staff, the commission must rule on such an objection or request within sixty days of the date it was filed. During the pendency of the commission's ruling, the public utility, the Public Service Authority, or the electric cooperative making such an objection or request is not required to produce or provide access to any documents or information that is the subject of the objection or request.

(2) If such an inspection, audit, or examination is part of a contested case proceeding, the commission shall address objections to information sought by the regulatory staff in the same manner in which it addresses objections to discovery issued by the parties to the contested case proceeding.

(C) Any public utility, the Public Service Authority, or any electric cooperative that provides the regulatory staff with copies of or access to documents or information in the course of an inspection, audit, or examination that is not part of a contested case proceeding may designate any such documents or information as confidential or proprietary if it believes in good faith that such documents or information would be entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. The regulatory staff may petition the commission for an order that some or all of the documents so designated are not entitled to protection from public disclosure and it shall be incumbent on the utility to prove that such documents are entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. The commission shall rule on such

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petition after providing the regulatory staff and the utility an opportunity to be heard. Unless the commission's order on such a petition contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Sections 30-4-10, et seq., and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity; provided, however, that, if the commission determines that it is necessary to view such documents or information in order to rule on such a petition, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection during the pendency of the petition.

(D) Nothing in this section restricts the regulatory staff's ability to serve discovery in a contested case proceeding that seeks the type of documents or information the regulatory staff has obtained in the course of any review, investigation, inspection, audit, or examination, nor does anything in this section restrict the ability of any public utility, the Public Service Authority, or electric cooperative to object to such discovery or to seek relief regarding such discovery, including without limitation, the entry of a protective order. The regulatory staff shall not be required to execute a confidentiality agreement or seek a protective order prior to accessing the documents or information of a public utility, the Public Service Authority, or an electric cooperative, and such information or documents must be treated as confidential or proprietary unless or until the commission rules such information is not entitled to protection from public disclosure or the public utility, the Public Service Authority, or the electric cooperative agrees that such information is no longer confidential or proprietary. Unless the commission's order contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Section 30-4-10, et seq., and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity. However, if the commission determines that it is necessary to view such documents or information, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection unless otherwise ordered by the commission.

(E)(1) The Office of Regulatory Staff, in order to accomplish any of the responsibilities assigned to it by Chapter 4, Title 58 or any other

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provision of law, may apply to the circuit court for subpoenas to be issued to entities over which the Public Service Commission does not have jurisdiction. Such subpoenas will be issued by the circuit court in the same manner as subpoenas are issued to parties to proceedings before that court, and all rules applicable to the issuance of such subpoenas, including enforcement and penalties, shall apply to subpoenas issued at the request of the regulatory staff.

(2) In order to accomplish any of the responsibilities assigned to the Office of Regulatory Staff regarding the Public Service Authority in which the commission does not have jurisdiction, regulatory staff may request a hearing with the Administrative Law Court.

(F) The actual expenses of the Office of Regulatory Staff incurred in carrying out its duties under Section 58-4-50(A)(12) must be certified annually to the Public Utilities Review Committee in an itemized statement by the Office of Regulatory Staff, shown as a line item in the Office of Regulatory Staff budget, to be assessed directly to an audited electric cooperative by the Office of Regulatory Staff, and deposited with the State Treasurer to the credit of the Office of Regulatory Staff.”

SECTION 17. Section 58-27-190 of the 1976 Code is amended to read:

“Section 58-27-190. The Office of Regulatory Staff has the right at any and all times to inspect the property, plant, and facilities of any electrical utility and the South Carolina Public Service Authority and to inspect or audit at reasonable times the accounts, books, papers, and documents of any electrical utility and the South Carolina Public Service Authority. For the purposes herein mentioned an employee or agent of the Office of Regulatory Staff may during all reasonable hours enter upon any premises occupied by or under the control of any electrical utility or the South Carolina Public Service Authority. An employee or agent of the Office of Regulatory Staff authorized to administer oaths has the power to examine under oath any officer, agent, or employee of the electrical utility and the South Carolina Public Service Authority in relation to the business and affairs of the electrical utility or the South Carolina Public Service Authority, but written record of the testimony or statement so given under oath must be made.”

SECTION 18. Section 58-27-200 of the 1976 Code is amended to read:

“Section 58-27-200. In the performance of its duties under this chapter, an employee or agent of the Office of Regulatory Staff may inspect or make copies of all income, property, or other tax returns, reports, or other information filed by electrical utilities or the South

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Carolina Public Service Authority, with or otherwise obtained by any other department, commission, board, or agency of the state government. All departments, commissions, boards, or agencies of the state government must permit an employee or agent of the Office of Regulatory Staff to inspect or make copies of all information filed by electrical utilities or the South Carolina Public Service Authority with or otherwise obtained by the department, commission, board, or agency of the state government.”

SECTION 19. Section 58-27-210 of the 1976 Code is amended to read:

“Section 58-27-210. Whenever it shall appear that any electrical utility, electric cooperative, the South Carolina Public Service Authority regarding its provision of electric services, or consolidated political subdivision is failing or omitting, or about to fail or omit, to do anything required of it by law or by order of the commission or is doing, or about to do anything or permitting or about to permit anything to be done contrary to or in violation of law or of any order of the commission, an action or proceeding shall be prosecuted in any court of competent jurisdiction in the name of the Office of Regulatory Staff for the purpose of having such violation or threatened violation discontinued or prevented, either by mandamus, injunction, or other appropriate relief, and in such action or proceeding, it shall be permissible to join such other persons, corporations, municipalities, or consolidated political subdivisions as parties thereto as may be reasonably necessary to make the order of the court in all respects effective. The commission must not be a party to any action.”

SECTION 20. Section 58-27-220 is amended to read:

“Section 58-27-220. In addition to the foregoing expressly enumerated powers, the Office of Regulatory Staff must enforce, execute, administer, and carry out the provisions of this chapter relating to the powers, duties, limitations, and restrictions imposed upon electrical utilities and the South Carolina Public Service Authority by this chapter or any other provisions of the law of this State regulating electrical utilities and the South Carolina Public Service Authority regarding its provision of electric services.”

SECTION 21. Section 11 in Act 135 of 2020 is repealed on the effective date of this act.

SECTION 22. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the

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General Assembly hereby declaring that it would have passed this act 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.

SECTION 23. Section 58-31-30(C), SECTION 3, takes effect upon approval by the Governor. The other provisions of this act takes effect on January 1, 2022. However, the screening process for the Public Service Authority Board of Directors as provided in this act may begin prior to the effective date so that the directors may begin service on January 2, 2022. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 44; Nays 1**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

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**Total--44**

**NAYS**

Corbin

**Total--1**

There being no further amendments, the Bill as amended, was read the second time, passed and ordered to a third reading.

**H. 3194--Ordered to a Third Reading**

On motion of Senator MASSEY, H. 3194 was ordered to receive a third reading on Friday, April 23, 2021.

**CARRIED OVER**

H. 3545 -- Reps. W. Newton, Erickson, Bradley, Rivers and S. Williams: A BILL TO AMEND SECTION 51-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM'S AUTHORITY TO CONSTRUCT STREETS AND ROADS THROUGH HUNTING ISLAND, SO AS TO REMOVE REFERENCES TO RESIDENTIAL AREAS; TO AMEND SECTION 51-7-70, RELATING TO THE PAYMENT OF REVENUE OBLIGATIONS, SO AS TO REMOVE CERTAIN ACTIONS THE DEPARTMENT MAY UNDERTAKE TO SECURE PAYMENT OF OBLIGATIONS; AND TO REPEAL SECTION 51-7-20 RELATING TO LEASES OF RESIDENTIAL AREAS ON HUNTING ISLAND.

On motion of Senator YOUNG, the Bill was carried over.

**CARRIED OVER**

H. 3884 -- Rep. Hiott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-23-125 SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO TRANSMIT CERTAIN DOCUMENTS ELECTRONICALLY FOR A CERTIFICATE OF TITLE, TO ALLOW FOR THE COLLECTION OF AN ELECTRONIC TRANSMISSION FEE, AND TO REQUIRE THE USE OF AN ELECTRONIC LIEN SYSTEM FOR BUSINESSES AND LENDERS ENGAGED IN THE SALE OF WATERCRAFT AND OUTBOARD MOTORS OR THE FINANCING OF WATERCRAFT OR OUTBOARD MOTORS; AND TO AMEND SECTION 50-23-140, RELATING TO THE PRIORITY



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AND VALIDITY OF LIENS UPON A CERTIFICATE OF TITLE FOR A WATERCRAFT OR OUTBOARD MOTOR, SO AS TO ALLOW FOR THE RETENTION OR DISCHARGE OF A LIEN ELECTRONICALLY.

On motion of Senator YOUNG, the Bill was carried over.

**Expression of Personal Interest**

Senator MARTIN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator STEPHENS rose for an Expression of Personal Interest.

**Remarks to be Printed**

On motion of Senator GUSTAFSON, with unanimous consent, the remarks of Senator STEPHENS, when reduced to writing and made available to the Desk, would be printed in the Journal.

**THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 2:53 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CONCURRENCE**

S. 38 -- Senators Grooms, Rice, Hembree, Verdin, Kimbrell, Corbin, Loftis, Campsen, Bennett and Young: A BILL TO ENACT THE "REINFORCING COLLEGE EDUCATION ON AMERICA'S CONSTITUTIONAL HERITAGE ACT" OR THE "REACH ACT"; TO AMEND SECTION 59-29-120(A), RELATING TO THE STUDY OF THE UNITED STATES CONSTITUTION REQUISITE FOR GRADUATION, TO PROVIDE THAT EACH PUBLIC HIGH SCHOOL MUST PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE FEDERALIST PAPERS, AND THE DECLARATION OF INDEPENDENCE TO EACH STUDENT FOR AT LEAST ONE YEAR; TO AMEND SECTION 59-29-130, RELATING TO THE DURATION OF INSTRUCTION IN THE ESSENTIALS OF THE UNITED STATES CONSTITUTION, TO PROVIDE THAT EACH INSTITUTION OF HIGHER LEARNING

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MUST PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE FEDERALIST PAPERS, AND THE DECLARATION OF INDEPENDENCE TO EACH UNDERGRADUATE STUDENT FOR THREE SEMESTER CREDIT HOURS; AND TO REPEAL SECTION 59-29-140, RELATING TO THE ENFORCEMENT OF THE PROGRAM OF STUDY OF THE UNITED STATES CONSTITUTION BY THE STATE SUPERINTENDENT OF EDUCATION.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator GROOMS explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 41; Nays 0**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpoottlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Leatherman	Loftis	Malloy
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

On motion of Senator GROOMS, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered

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that the title be changed to that of an Act and the Act enrolled for Ratification.

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

**ADJOURNMENT**

At 2:58 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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