

NO. 47

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

WEDNESDAY, APRIL 2, 2025

Wednesday, April 2, 2025
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.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:

Genesis 22:9

In Genesis we read: “When they reached the place God had told him about, Abraham built an altar there, and arranged the wood on it. He bound his son Isaac and laid him on the altar, on top of the wood.”

Good friends, let us pray: Many times through the ages, O Lord God, You have tested Your people. And in all honesty, we surely reflect upon our own experiences of being tested over the years. Yet throughout all of the challenges which came to Abraham and that come to us, You have remained faithful, offering Your unflagging love and care. And all that it “costs” us to experience Your blessings is to serve You, and to do so with hearts of love. May these Senators and their staff members, dear Lord, be ever counted among those who hold fast to You. And through their steadfastness and dedication may they always honor You through their decisions and their choices. In Your name we pray, O Lord. Amen.

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

Call of the Senate

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

| | | |
|---------|-----------|----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Campsen |
| Cash | Chaplin | Climer |
| Corbin | Cromer | Davis |
| Devine | Fernandez | Gambrell |
| Garrett | Goldfinch | Graham |
| Grooms | Hembree | Jackson |
| Johnson | Kennedy | Kimbrell |
| Leber | Martin | Massey |
| Nutt | Ott | Peeler |

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| Reichenbach | Rice | Stubbs |
| Sutton | Turner | Verdin |
| Walker | Williams | Young |
| Zell | | |

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, Department of Transportation Commission, with the term to commence February 15, 2022, and to expire February 15, 2026

At-Large:

Thomas Rhodes, 5145 Lakeshore Drive, Columbia, SC 29206 *VICE*
Nancy Whitworth

Referred to the Committee on Transportation.

Reappointment, Department of Transportation Commission, with the term to commence February 15, 2026, and to expire February 15, 2030

At-Large:

Thomas Rhodes, 5145 Lakeshore Drive, Columbia, SC 29206

Referred to the Committee on Transportation.

Doctor of the Day

Senator CAMPSSEN introduced Dr. Vincent Degenhart of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator MARTIN, at 1:58 P.M., Senator MATTHEWS was granted a leave of absence until 5:30 P.M.

Leave of Absence

On motion of Senator SABB, at 11:58 P.M., Senator HUTTO was granted a leave of absence for today.

Leave of Absence

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On motion of Senator RICE, at 8:08 P.M., Senator GARRETT was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 76 Sen. Goldfinch
S. 269 Sen. Zell
S. 449 Sen. Kimbrell
S. 518 Sen. Sutton

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:

S. 288 Sen. Kimbrell

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 530 -- Senator Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-29-815 SO AS TO PROVIDE THAT IF CERTAIN COUNTY OR MUNICIPAL ZONING OFFICIALS DETERMINE THAT THE USE OF A PROPERTY IS NOT PERMITTED UNDER APPLICABLE ZONING CLASSIFICATIONS, THEN ANY RELATED PERMITS ARE NO LONGER VALID AND ANY DEVELOPMENT OR CONSTRUCTION ON THE PROPERTY MUST CEASE.

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

S. 531 -- Senators Johnson, Walker, Stubbs, Peeler and Devine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "PATIENTS' RIGHT TO TRANSPARENCY AND TIMELY ACCESS TO HEALTHCARE SERVICES ACT"; BY ADDING SECTION 44-116-10 SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 44-116-20 SO AS TO EXCLUDE CERTAIN HEALTHCARE PROVIDERS FROM PREAUTHORIZATION REQUIREMENTS WHO MEET A NINETY PERCENT THRESHOLD OF PREAUTHORIZATION REQUESTS FOR MEDICATIONS AND TREATMENTS DURING A PARTICULAR TIME PERIOD; BY ADDING SECTION 44-116-30 SO AS TO REQUIRE A FAIR AND TRANSPARENT PRIOR AUTHORIZATION PROCESS FOR MEDICATIONS AND

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TREATMENTS; BY ADDING SECTION 44-116-40 SO AS TO ESTABLISH TIMELINES FOR PREAUTHORIZATION DECISIONS; BY ADDING SECTION 44-116-50 SO AS TO PROHIBIT ONGOING PRIOR AUTHORIZATION REQUIREMENTS FOR PATIENTS LIVING WITH CHRONIC CONDITIONS AFTER PRIOR AUTHORIZATION HAS BEEN PROVIDED UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-116-60 SO AS TO PROHIBIT INSURANCE COMPANIES FROM SWITCHING PHARMACEUTICALS DURING A POLICY YEAR; BY ADDING SECTION 44-116-70 SO AS TO ALLOW FOR STEP THERAPY EXCEPTIONS; BY ADDING SECTION 44-116-80 SO AS TO PROVIDE THAT ONCE PRIOR AUTHORIZATION IS GRANTED, HEALTH CARRIERS MUST PAY FOR THE SERVICE WITH EXCEPTIONS; BY ADDING SECTION 44-116-90 SO AS TO REQUIRE CONTINUITY OF CARE WHEN A PATIENT CHANGES INSURANCE POLICIES; BY ADDING SECTION 44-116-100 SO AS TO REQUIRE CERTAIN FILINGS FOR INSURANCE COMPANIES FOR TRANSPARENCY CONCERNING APPROVAL AND DENIAL RATES; AND BY ADDING SECTION 44-116-110 SO AS TO PROVIDE FOR ENFORCEMENT OF THE CHAPTER.

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Senator JOHNSON spoke on the Bill.

Read the first time and referred to the Committee on Medical Affairs.

S. 532 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-15-550 SO AS TO PROVIDE DEFINITIONS REGARDING THE ISSUANCE OF A SPECIAL PERMIT TO CAPTURE NUISANCE ALLIGATORS; BY ADDING SECTION 50-15-555 SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO RECEIVE NUISANCE ALLIGATOR COMPLAINTS ON A PRESCRIBED FORM, TO INVESTIGATE AND VERIFY THE COMPLAINT, TO APPROVE REMOVAL OF A NUISANCE ALLIGATOR BY A NUISANCE ALLIGATOR HUNTER WITH A DEPREDATION PERMIT, AND TO REPORT NUISANCE ALLIGATORS TRAPPED, RELOCATED, AND KILLED; AND BY AMENDING SECTION 50-15-500, RELATING TO THE ALLIGATOR MANAGEMENT PROGRAM, SO AS TO MAKE CONFORMING CHANGES.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 533 -- Senators Goldfinch, Zell, Adams, Fernandez, Rice, Cromer, Climer, Hembree, Turner, Leber, Grooms, Peeler, Garrett, Kimbrell, Williams, Verdin, Johnson, Davis, Young, Tedder, Ott, Hutto, Reichenbach, Rankin, Elliott, Nutt, Corbin and Kennedy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 2-15-130 SO AS TO GRANT SUBPOENA POWERS TO THE LEGISLATIVE AUDIT COUNCIL; TO AMEND SECTION 2-15-40, RELATING TO THE QUALIFICATIONS FOR THE DIRECTOR OF THE LEGISLATIVE AUDIT COUNCIL, SO AS TO EXPAND THE PREREQUISITES FOR HOLDING THE POSITION OF DIRECTOR, AMONG OTHER CHANGES; TO AMEND SECTION 2-15-61, RELATING TO ACCESS TO AGENCY RECORDS, SO AS TO EXPAND THE LEGISLATIVE AUDIT COUNCIL'S ACCESS TO RECORDS AND FACILITIES UPON REQUEST AND TO PROVIDE PENALTIES FOR FAILING TO COMPLY; AND TO AMEND SECTION 2-15-120, RELATING TO THE CONFIDENTIALITY OF RECORDS, SO AS TO FURTHER DEFINE WHAT IS CONSIDERED CONFIDENTIAL AND TO REVISE THE DEFINITION OF "RECORDS".

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

S. 534 -- Senators Grooms and Goldfinch: A CONCURRENT RESOLUTION REGARDING THE REMOVAL OF AN EXECUTIVE OFFICER ON THE ADDRESS OF TWO THIRDS OF EACH HOUSE OF THE GENERAL ASSEMBLY PURSUANT TO ARTICLE XV, SECTION 3 OF THE SOUTH CAROLINA CONSTITUTION.

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Senator GROOMS spoke on the Resolution.

The Concurrent Resolution was introduced and referred to the Committee on Finance.

S. 535 -- Senator Devine: A SENATE RESOLUTION TO RECOGNIZE THE IMPACT OF POLYCYSTIC OVARY SYNDROME (PCOS) ON THE HEALTH AND WELL-BEING OF WOMEN AND GIRLS IN SOUTH CAROLINA AND TO DECLARE SEPTEMBER AS "PCOS AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was introduced and referred to the Committee on Medical Affairs.

S. 536 -- Senator Allen: A SENATE RESOLUTION TO HONOR AND CONGRATULATE MELVA JEAN GILLIAM BRUTON OF LYMAN ON HER RECENT ELECTION AS INTERNATIONAL VICE PRESIDENT AT LARGE OF THE INTERNATIONAL ALLIANCE OF MINISTERS' WIVES AND MINISTERS' WIDOWS INC.

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The Senate Resolution was adopted.

H. 4120 -- Rep. Gilliam: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION WHERE SOUTH CAROLINA HIGHWAY 18 MEETS SOUTH CAROLINA HIGHWAY 9 IN UNION COUNTY "US AIR FORCE STAFF SERGEANT KENNETH JASON WILBURN MEMORIAL INTERSECTION" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4121 -- Reps. Wooten, Caskey, Calhoun, Kilmartin, White and Forrest: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION PLACE APPROPRIATE MARKERS OR SIGNS FROM THE 220TH BLOCK TO THE 460TH BLOCK OF CEDARCREST DRIVE IN LEXINGTON COUNTY CONTAINING THE WORDS "DEDICATED IN THE HONOR OF THE VETERANS OF LEXINGTON COUNTY."

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4150 -- Reps. Wickensimer, Bannister, Beach, Burns, Collins, B. J. Cox, Dillard, Frank, Gilreath, Haddon, Huff, Jones, Morgan, Vaughan and Willis: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF INTERSTATE HIGHWAY 85 FROM MILE MARKER

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41 TO MILE MARKER 42 IN GREENVILLE COUNTY "SGT. W.C. JUMPER HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.
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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4158 -- Rep. Taylor: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME OLD DIBBLE ROAD IN AIKEN COUNTY FROM BANKS MILL ROAD TO WOODWARD DRIVE "DR. CHARLIE TIMMERMAN MEMORIAL ROAD" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.
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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4215 -- Reps. Collins, Bowers, Hiott, Cromer, White, Kilmartin, Gilreath and Beach: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE OVER TWELVE MILE RIVER ON SOUTH CAROLINA HIGHWAY 183 IN PICKENS COUNTY "GENERAL ANDREW PICKENS BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.
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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

REPORTS OF STANDING COMMITTEE

Senator CAMPSER from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 463 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-125, RELATING TO RESTRICTIONS ON SWIMMING NEAR PUBLIC LANDINGS ON LAKES OR RESERVOIRS OWNED OR MAINTAINED BY AN INVESTOR-OWNED UTILITY, SO AS TO PROVIDE FOR RESTRICTIONS ON SWIMMING NEAR PUBLIC BOATING LANDINGS ON LAKES OR RESERVOIRS OWNED OR MAINTAINED BY THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY.

Ordered for consideration tomorrow.

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

H. 3813 -- Rep. Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-430, RELATING TO BEAR HUNTING, SO AS TO REMOVE REFERENCES TO A REGISTERED PARTY DOG HUNT IN GAME ZONE 1.

Ordered for consideration tomorrow.

Appointment Reported

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

Statewide Appointment

Initial Appointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2022, and to expire July 1, 2026

3rd Congressional District:

Davy Hite, 130 Ninety Six Highway, Ninety Six, SC 29666 *VICE* Jake Rasor, Jr.

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 Bills were read the third time and ordered sent to the House:

S. 220 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-21-10, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS; BY AMENDING SECTION 38-21-30, RELATING TO THE AUTHORITY OF INSURERS TO INVEST IN SECURITIES OF SUBSIDIARIES, SO AS TO INCLUDE HEALTH MAINTENANCE ORGANIZATIONS; BY AMENDING SECTION 38-21-70, RELATING TO CONTENTS OF STATEMENTS, SO AS TO FURTHER EXPLAIN THE REQUIREMENTS OF REPORTING THE DESCRIPTION OF TRANSACTIONS; BY AMENDING SECTION 38-21-90, RELATING TO APPROVAL OF COMMISSIONER OF

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ACQUISITION OF CONTROL, SO AS TO REQUIRE THE PERSON ACQUIRING CONTROL OF A DOMESTIC INSURER TO MAINTAIN OR RESTORE CAPITAL; BY AMENDING SECTION 38-21-160, RELATING TO INFORMATION WHICH NEED NOT BE DISCLOSED IN REGISTRATION STATEMENTS, SO AS TO DESIGNATE THAT THE DEFINITION DOES NOT APPLY FOR OTHER PURPOSES; BY AMENDING SECTION 38-21-225, RELATING TO THE ANNUAL ENTERPRISE RISK REPORT, SO AS TO IDENTIFY EXEMPTIONS FOR FILING THE GROUP CAPITAL CALCULATION AND TO REQUIRE FILING RESULTS OF THE LIQUIDITY STRESS TEST FOR SOME INSURERS; BY AMENDING SECTION 38-21-250, RELATING TO STANDARDS FOR TRANSACTIONS WITHIN INSURANCE SYSTEMS, SO AS TO OUTLINE RESPONSIBILITIES OF THE DIRECTOR, AMONG OTHER THINGS; AND BY AMENDING SECTION 38-21-290, RELATING TO CONFIDENTIAL INFORMATION, SO AS TO REQUIRE THE DIRECTOR TO KEEP GROUP CAPITAL CALCULATIONS, GROUP CAPITAL RATIO AND LIQUIDITY STRESS TEST RESULTS, AND SUPPORTING DISCLOSURES CONFIDENTIAL; AND TO ADD REFERENCES TO THIRD-PARTY CONSULTANTS.

S. 11 -- Senators Jackson and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-11-150(A), RELATING TO PAID PARENTAL LEAVE, SO AS TO AMEND THE DEFINITION OF “ELIGIBLE STATE EMPLOYEE”.

S. 405 -- Senators Alexander and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-85, RELATING TO HOMICIDE BY CHILD ABUSE, SO AS TO INCREASE THE AGE OF A CHILD UNDER THIS SECTION FROM UNDER THE AGE OF ELEVEN TO UNDER THE AGE OF EIGHTEEN.

S. 415 -- Senators Young, Elliott, Sutton, Ott, Devine, Reichenbach and Zell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO CHILDREN’S CODE DEFINITIONS, SO AS TO ADD THE TERM “LICENSED”; BY AMENDING SECTION 63-9-1110, RELATING TO ADOPTION BY A STEPPARENT OR RELATIVE, SO AS TO APPLY TO CHILDREN PLACED WITH RELATIVES OR FICTIVE

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KIN FOR THE PURPOSE OF ADOPTION; BY AMENDING SECTION 63-7-2320, RELATING TO THE KINSHIP FOSTER CARE PROGRAM, SO AS TO LOWER THE MINIMUM AGE OF A KINSHIP FOSTER PARENT FROM TWENTY-ONE TO EIGHTEEN AND TO ALLOW THE DEPARTMENT TO USE DIFFERENT STANDARDS WHEN LICENSING RELATIVES AND FICTIVE KIN; BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE, ADOPTION, OR LEGAL GUARDIAN PLACEMENTS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63-7-2400, RELATING TO THE NUMBER OF FOSTER CHILDREN WHO MAY BE PLACED IN A FOSTER HOME, SO AS TO REMOVE THERAPEUTIC FOSTER CARE PLACEMENT LIMITATIONS FROM KINSHIP FOSTER CARE PLACEMENTS.

S. 425 -- Senators Davis, Hembree, Ott, Elliott, Jackson, Rankin and Devine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-795 SO AS TO PROVIDE EACH PUBLIC SCHOOL DISTRICT ANNUALLY SHALL IDENTIFY THE NUMBER OF ITS STUDENTS WHO LIVE IN POVERTY AND INCREASE ACCESS TO FREE SCHOOL BREAKFASTS AND LUNCHES FOR THESE STUDENTS, TO PROVIDE CRITERIA FOR DETERMINING ELIGIBILITY, TO PROVIDE RELATED REQUIREMENTS OF SCHOOL DISTRICTS, SCHOOLS, AND SCHOOL BOARDS.

HOUSE BILL RETURNED

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

H. 3430 -- Reps. B. Newton, Murphy, Caskey, Mitchell, Pope, W. Newton, Bannister, Sessions, Jordan, Robbins, Collins, Martin, Lawson, Wickensimer, Landing, Long, Hiott, Forrest, Sanders, Teeple, Oremus, Hartz, Guest, Pedalino, M.M. Smith, Schuessler, Chapman, Gatch, McGinnis, Neese, Hardee, Ligon, Taylor, Willis, Vaughan, Brittain, Erickson, Bradley, Rankin, Hager, Whitmire, Gilliam, Crawford, Hewitt, Yow, Hixon, Ballentine, Gagnon and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 11-7-70 SO AS TO PROVIDE THAT THE GOVERNOR SHALL APPOINT THE STATE AUDITOR WITH THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 1-3-240, RELATING TO REMOVAL OF OFFICERS BY THE

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GOVERNOR, SO AS TO ADD THE STATE AUDITOR; AND BY REPEALING SECTION 11-7-10 RELATING TO THE SELECTION OF THE STATE AUDITOR.

OBJECTION

S. 171 -- Senators Gambrell and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 3 TO CHAPTER 75, TITLE 39 SO AS TO PROVIDE REQUIREMENTS FOR WASTE TIRE MANIFESTS AND RELATED PROVISIONS; BY ADDING ARTICLE 5 TO CHAPTER 75, TITLE 39 SO AS TO PROHIBIT THE INSTALLATION OF UNSAFE USED TIRES, AND RELATED PROVISIONS; BY AMENDING SECTION 44-96-170(E) THROUGH (F), RELATING TO WASTE TIRES, SO AS TO PROVIDE THAT A COUNTY MAY CHARGE UP TO FOUR HUNDRED DOLLARS AS A TIPPING FEE; BY AMENDING SECTION 44-96-170(N) THROUGH (S), RELATING TO WASTE TIRES, SO AS TO AMEND THE COLLECTION OF THE FEE TO INCLUDE USED TIRES, TO PROVIDE FOR THE APPLICATION OF THE WASTE TIRE FEE AND RELATED WASTE TIRE FUNDS, TO REMOVE THE REBATE PROVISIONS, AND TO PROVIDE FOR THE DEVELOPMENT OF A STATEWIDE MARKET INFRASTRUCTURE FOR TIRE-DERIVED PRODUCTS; TO DIRECT THE CODE COMMISSIONER TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS.

Senator CORBIN objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 210 -- Senator Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-90-10, RELATING TO DEFINITIONS, SO AS TO INCLUDE REFERENCES TO FOREIGN CAPTIVE INSURANCE COMPANIES AND TO ADD TERMS; BY AMENDING SECTION 38-90-20, RELATING TO REQUIREMENTS OF CAPTIVE INSURANCE COMPANIES, SO AS TO AMEND MEETING REQUIREMENTS AND OUTLINE COMPONENTS OF A PLAN OF OPERATION; BY AMENDING SECTION 38-90-40, RELATING TO CAPITALIZATION REQUIREMENTS, SO AS TO GIVE DISCRETION TO THE DIRECTOR; BY AMENDING SECTION 38-90-60, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS, SO AS TO INCLUDE FOREIGN CAPTIVE INSURANCE COMPANIES; BY

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AMENDING SECTION 38-90-70, RELATING TO REPORTS, SO AS TO CHANGE A DEADLINE AND INCLUDE REFERENCES TO FOREIGN CAPTIVE INSURANCE COMPANIES; BY AMENDING SECTION 38-90-75, RELATING TO DISCOUNTING OF LOSS AND LOSS ADJUSTMENT EXPENSE RESERVES, SO AS TO ALLOW A SPONSORED CAPTIVE INSURANCE COMPANY TO FILE ONE ACTUARIAL OPINION; BY AMENDING SECTION 38-90-80, RELATING TO INSPECTIONS AND EXAMINATIONS, SO AS TO MAKE THE EXAMINATION OF SOME CAPTIVE INSURANCE COMPANIES OPTIONAL AND TO INCLUDE REFERENCES TO FOREIGN CAPTIVE INSURANCE COMPANIES; BY AMENDING SECTION 38-90-140, RELATING TO TAX PAYMENTS, SO AS TO AMEND REQUIRED TAX PAYMENTS FOR A SPONSORED CAPTIVE INSURANCE COMPANY; BY AMENDING SECTION 38-90-165, RELATING TO DECLARATION OF INACTIVITY, SO AS TO ALLOW FOR THE SUBMISSION OF A WRITTEN APPROVAL; BY AMENDING SECTION 38-90-175, RELATING TO THE CAPTIVE INSURANCE REGULATORY AND SUPERVISION FUND CREATED, SO AS TO INCREASE THE ALLOWED TRANSFER OF COLLECTED TAXES; AND BY AMENDING SECTION 38-90-215, RELATING TO PROTECTED CELLS, SO AS TO REMOVE LICENSING REQUIREMENTS.

The Senate proceeded to the consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (LC-210.PH0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 38-90-10(1), (6), and (21) and inserting:

(1) “Alien or foreign captive insurance company” means an insurance company or protected cell, or its equivalent, of an insurance company formed to write insurance business for its parents and affiliates and licensed pursuant to the laws of an alien or foreign jurisdiction which imposes statutory or regulatory standards in a form acceptable to the director on companies transacting the business of insurance in such jurisdiction, but may not include a corporation controlled by an alien adversary.

(6) “Branch captive insurance company” means an alien or foreign captive insurance company licensed by the director to transact the business of insurance in this State through a business unit with a principal place of business in this State.

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(21) “Participant” means an entity as defined in Section ~~38-90-240~~38-90-225, and any affiliates of that entity, that are insured by a sponsored captive insurance company, where the losses of the participant are limited through a participant contract to the assets of a protected cell.

Re-number sections to conform.

Amend title to conform.

Senator BENNETT 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 43; Nays 0

AYES

| | | |
|---------|-------------|-----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Campsen |
| Cash | Chaplin | Climer |
| Corbin | Cromer | Davis |
| Devine | Elliott | Fernandez |
| Garrett | Goldfinch | Graham |
| Grooms | Hembree | Jackson |
| Johnson | Kennedy | Kimbrell |
| Leber | Martin | Massey |
| Nutt | Ott | Peeler |
| Rankin | Reichenbach | Rice |
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Verdin |
| Walker | Williams | Young |
| Zell | | |

Total--43

NAYS

Total--0

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

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

S. 269 -- Senators Turner, Elliott and Zell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-19-275 SO AS TO PROVIDE THAT PUBLIC SCHOOL DISTRICTS WITH MORE THAN FIFTEEN THOUSAND STUDENTS MAY USE SECURITY PERSONNEL LICENSED AS A PROPRIETARY SECURITY BUSINESS; BY AMENDING SECTION 40-18-60, RELATING TO QUALIFICATIONS OF A LICENSEE, SO AS TO ADD PROVISIONS CONCERNING PUBLIC SCHOOL DISTRICTS APPLYING FOR LICENSURE; BY AMENDING SECTION 40-18-80, RELATING TO QUALIFICATIONS OF APPLICANTS, SO AS TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION SHALL IMPLEMENT CERTAIN RELATED TRAINING REQUIREMENTS; AND BY AMENDING SECTION 40-18-140, RELATING TO EXCEPTIONS FROM APPLICATIONS OF THIS CHAPTER, SO AS TO CLARIFY THAT PUBLIC SCHOOL DISTRICTS ARE EXCLUDED FROM THESE REQUIREMENTS.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-269.KG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-19-275 and inserting:

Section 59-19-275. Each public school district ~~with more than fifteen thousand students~~ may use the services of personnel who are armed or delegated arrest authority to work on the premises of the district to promote safety and security on the premises, provided the district shall obtain proprietary security business licensure as provided in Section 40-18-60 and Section 40-18-80 and otherwise comply with the applicable requirements of those sections. The provisions of this section do not affect any requirement that a school district use the services of a school resource officer as provided by law. A school district, by obtaining a proprietary security business licensure, may enhance school security and safety but shall not supplant the use of a school resource officer in a school, and security personnel hired under the authorization of this section shall not be used in the advisor and teacher roles authorized for school resource officers as provided in Section 5-7-12.

Amend the bill further, SECTION 2, by striking Section 40-18-60(A)(3) and inserting:

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(3) If the applicant is a public school district, then the district board of trustees must designate in writing that the superintendent is the applicant. If the applicant is a charter school authorized by the South Carolina Public Charter School District or an approved public or independent institution of higher learning, the authorizer must designate in writing that the superintendent of the authorizer of the charter school is the applicant.

Renumber sections to conform.

Amend title to conform.

Senator ELLIOTT explained the amendment.

The amendment was adopted.

Senator HEMBREE proposed the following amendment (SEDU-269.KG0003S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 40-18-60(A)(3) and inserting:

(3) If the applicant is a public school district, then the district board of trustees must designate in writing that the superintendent is the applicant. If the applicant is a charter school authorized by the South Carolina Public Charter School District or an approved public or independent institution of higher learning, the authorizer must designate in writing that the superintendent of the authorizer of the charter school is the applicant. SLED shall develop standards and guidelines applicable to the provisions of private security in schools. SLED shall only approve those school districts or charter schools who have demonstrated that the applicant and all employees intended to be used in this capacity have the requisite training, background, and experience to successfully and safely provide private security and exercise law enforcement authority in a school setting and can operate in a manner that ensures public safety.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

| | | |
|---------|-------------|-----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Campsen |
| Cash | Chaplin | Climer |
| Corbin | Cromer | Davis |
| Devine | Elliott | Fernandez |
| Garrett | Goldfinch | Graham |
| Grooms | Hembree | Jackson |
| Johnson | Kennedy | Kimbrell |
| Leber | Martin | Massey |
| Nutt | Ott | Peeler |
| Rankin | Reichenbach | Rice |
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Verdin |
| Walker | Williams | Young |
| Zell | | |

Total--43

NAYS

Total--0

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

OBJECTION

S. 270 -- Senators Alexander, Hembree and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-29, RELATING TO ATTEMPTED MURDER, SO AS TO DEFINE ATTEMPTED MURDER AS COMMITTING AN UNLAWFUL ACT OF A VIOLENT NATURE THAT CAUSES INJURY TO ANOTHER WITH MALICE.

Senator HUTTO objected to consideration of the Bill.

OBJECTION

H. 3654 -- Reps. Calhoon, Bernstein and Spann-Wilder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY

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AMENDING SECTIONS 63-7-1990 AND 63-11-550, BOTH RELATING TO CONFIDENTIALITY OF CHILD WELFARE RECORDS AND INFORMATION, SO AS TO AUTHORIZE DISCLOSURE OF CASE RECORDS TO COUNTY AND STATE GUARDIAN AD LITEM PROGRAM STAFF AND TO THE STATE CHILD ADVOCATE; AND BY AMENDING SECTIONS 63-11-700, 63-11-1340, AND 63-11-1360, RELATING TO CERTAIN DIVISIONS OF THE DEPARTMENT OF CHILDREN'S ADVOCACY, SO AS TO UPDATE REFERENCES TO THE DEPARTMENT AND THESE DIVISIONS.

Senator CORBIN objected to consideration of the Bill.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

Motion Adopted

Senator GROOMS moved that it be the Sense of the Senate:

(A) Pursuant to the provisions of Section 3, Article XV of the South Carolina Constitution, 1895, the Senate, by this motion, establishes the procedure by which State Treasurer Curtis Loftis is admitted to a hearing in his own defense, or by his counsel, or by both, prior to a vote on a Concurrent Resolution to remove the State Treasurer from office.

(B) On Monday, April 21, 2025, at noon, the Senate shall convene and immediately resolve itself into the Committee of the Whole to afford a hearing to Treasurer Loftis to provide a defense to the causes for removal contained in the Final Report of Findings and Recommendations on the \$1.8 Billion Discrepancy in Treasury Balances and Certain Other Matters, published to the Senate on March 26, 2025 (Report).

(C) The Chairman of the Committee of the Whole shall be the President of the Senate, who shall preside over the Committee of the Whole, recognize members, maintain decorum, and enforce the provisions of this Sense of the Senate motion.

(D) Senators Grooms and Goldfinch are designated to present the causes for removal contained in the Report and to respond to the defense provided by Treasurer Loftis. The Senate presenters shall have up to one hour and thirty minutes to present the causes for Treasurer Loftis' removal. Following the presentation of his defense by Treasurer Loftis, the Senate presenters shall have up to thirty minutes to respond. Having provided documentation to Treasurer Loftis via online publication of the

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Report on the website of the Senate Finance Committee on March 25, 2025, the Senate Sergeant at Arms shall serve upon the State Treasurer a physical copy of the Report and of this motion upon its adoption. The Senate presenters may provide any additional documentation for members of the Committee of the Whole to consider so long as those documents are provided to Treasurer Loftis at least seven days prior to the hearing. No witnesses may be called by the Senate presenters.

(E) The State Treasurer may be represented by defense counsel and shall provide the name of such designated counsel to the Clerk of the Senate within seven days of service of this motion. The privilege of the floor shall be extended to Treasurer Loftis and his counsel for the duration of the meeting of the Committee of the Whole. Treasurer Loftis shall be allowed up to three hours to present any defense he desires to the causes for removal presented. Treasurer Loftis may provide any documentation for members of the Committee of the Whole to consider so long as those documents are provided to the Clerk of the Senate at least seven days prior to the hearing. No witnesses may be called by the Treasurer.

(F) Each member of the Committee of the Whole is permitted no more than ten minutes total for questioning of the Senate presenters, Treasurer Loftis and his counsel, or both. Questions may only be asked at the conclusion of the Senate presenters' response to Treasurer Loftis' defense.

The question then was the adoption of the Sense of the Senate motion.

The motion was adopted.

MOTION ADOPTED

At 2:14 P.M., on motion of Senator GROOMS, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

AMENDED, READ THE SECOND TIME

H. 3309--Reps. G.M. Smith, Gatch, Herbkersman, Pope, B. Newton, Wooten, Robbins, Mitchell, Chapman, W. Newton, Taylor, Forrest, Hewitt, Kirby, Schuessler, Yow, Long, M.M. Smith, Hardee, Montgomery, Atkinson, Hixon, Ligon, Anderson, Weeks, Willis, Govan and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE

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OF LAWS BY ENACTING THE “SOUTH CAROLINA ENERGY SECURITY ACT”. (Abbreviated title)

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Amendment No. 12

Senator MARTIN proposed the following amendment (SR-3309.CEM0012S), which was adopted:

Amend the bill, as and if amended, SECTION 12.A., Section 58-37-120, by adding a subsection to read:

(E) No later than sixty days prior to filing any permit applications under this section, a public utility that plans to construct or has entered into agreements to construct any energy infrastructure project which may result in the use of eminent domain must provide written notice, via certified U.S mail, to any property owners whose properties may be acquired or condemned. This notice must clearly state the need for the project, its preferred and any alternative locations or routes, a phone number or email that property owners may contact at the utility, and an appropriate contact at the Office of Regulatory Staff. No later than 30 days after filing an application, the utility must also hold a public meeting to solicit feedback from interested members of the affected community and on the date an application is filed, must provide notice of said meeting in a newspaper or other publication of general circulation in each county where the project may be located and in writing to all landowners whose property may be condemned.

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

Amendment No. 13

Senator DAVIS proposed the following amendment (LC-3309.HA0081S), which was carried over:

Amend the bill, as and if amended, SECTION 25, by striking Section 58-37-10(3) and inserting:

(3) “Cost-effective” means that the net present value of benefits of a program or portfolio exceeds the net present value of the costs of the program or portfolio. A program or portfolio is cost-effective ~~program or portfolio must pass~~ if it passes any two of the following tests:

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(a) utility cost test;

(b) total resource cost test;

(c) participant cost test; or

(d) ratepayer impact measure test.

In evaluating the cost-effectiveness of a program or portfolio, a utility or program administrator must present the results of all four tests. The total resource cost test must include as part of customer benefits a reasonable estimate of all significant customer cost savings. In calculating cost-effectiveness, a utility must use a standard utility practice for determining the percentage of energy savings that would or would not have been achieved through customer adoption of an efficiency behavior or technology without any incentive allowed pursuant to this chapter to install and utilize the technology as part of the associated demand-side management program. The utility must designate the expected useful life of the measure and evaluate the costs and benefits of the measures over their useful lives in the program application based on industry accepted standards. Further, in calculating the cost-effectiveness, the commission must consider the efficiencies and scale of programs that are or may be available across a utility's balancing area, even if that balancing area extends outside of the state.

Amend the bill further, SECTION 26, by striking Section 58-37-20(B) and (C) and inserting:

(B) The commission ~~may~~ shall approve any program filed by a public utility if the program is found to be cost-effective. Furthermore, the commission may, in its discretion, approve demand-side management pilot programs and any program filed by a public utility that is not cost-effective, so long as the proposed demand-side management program is targeted to low-income customers, ~~provided that~~ and the public utility's portfolio of demand-side management programs is cost-effective as a whole.

(C) The South Carolina Public Service Commission ~~may~~ must adopt procedures that ~~encourage~~ require electrical utilities and public utilities providing gas services subject to the jurisdiction of the commission to plan for and invest in all reasonable, prudent, and available energy efficiency and demand-side resources that are cost-effective energy efficient technologies and energy conservation programs ~~in an amount to be determined by the commission~~ that achieve net energy savings of at least 0.66 percent of total retail sales as of May 15, 2027, or a higher level as determined by the commission. Energy efficiency shall be considered a component of the requirement for a utility to make every reasonable effort to minimize fuel costs as outlined in Section 58-27-

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865(F) and the commission may grant a proportional disallowance based on evidence in record. If an electrical utility fails to meet the requirements of this section as determined by the commission, the commission is authorized to appoint a third-party administrator to carry out the residential and low-income energy efficiency duties pursuant to this section on behalf of the electrical utility if the commission determines that having such a third-party administrator is in the public interest and consistent with law. Upon notice and hearings that the commission may require, the commission may issue rules, regulations, or orders pursuant to this chapter to implement applicable programs and measures under this section. If adopted, these procedures must: provide incentives and cost recovery for energy suppliers and distributors who invest in energy supply and end-use technologies that are cost-effective, environmentally acceptable, and reduce energy consumption or system or local coincident peak demand; allow energy suppliers and distributors to recover costs and obtain a reasonable rate of return on their investment in qualified demand-side management programs sufficient to make these programs at least as financially attractive as construction of new generating facilities; require the Public Service Commission to establish rates and charges that ensure that the net income of an electrical or gas utility regulated by the commission after implementation of specific cost-effective energy conservation measures is at least as high as the net income would have been if the energy conservation measures had not been implemented.—~~For purposes of this section only, the term “demand side activity” means a program conducted by an electrical utility or public utility providing gas services for the reduction or more efficient use of energy requirements of the utility or its customers including, but not limited to, utility transmission and distribution system efficiency, customer conservation and efficiency, load management, cogeneration, and renewable energy technologies.~~

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

On motion of Senator DAVIS, the amendment was carried over.

Amendment No. 14

Senator YOUNG proposed the following amendment (SR-3309.QG0005S), which was adopted:

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Amend the bill, as and if amended, SECTION 9, by striking Section 13-7-810 and inserting:

Section 13-7-810. There is hereby established a Nuclear Advisory Council in the ~~Department of Administration~~Office of Regulatory Staff, which shall be responsible to the Executive Director of the Department of Administration~~Office of Regulatory Staff~~ and report to the Governor. The Council shall be referred to as the Governor's Nuclear Advisory Council.

Amend the bill further, SECTION 9, by striking Section 13-7-820(4) and (5) and inserting:

(4) to meet at the call of the chair or at a minimum twice a year; ~~and~~
(5) to engage stakeholders and to monitor activities at the Department of Energy's Savannah River Site, electric utility company nuclear reactor facilities, and nuclear fuel manufacturing facilities in the State, and
~~(5)~~ (6) to engage stakeholders and develop a strategic plan to advance the development of nuclear generation, including advanced nuclear generation such as small modular reactors, molten salt reactors, fusion energy, and spent nuclear fuel recycling facilities and fusion energy to serve customers in this State in the most economical manner at the earliest reasonable time possible.

Amend the bill further, SECTION 9, Section 13-7-840, by striking the <<placeholder>> undesignated paragraph and inserting:

The council shall consist of ~~nineteen~~ members. One at-large member shall be appointed by the Speaker of the House of Representatives from the membership of the House of Representatives and one at-large member shall be appointed by the President of the Senate from the membership of the Senate. ~~Seven~~Eight~~Nine~~ members shall be appointed by the Governor as follows: two shall be actively involved in the area of environmental protection; one shall have experience in the generation of power by nuclear means; one shall have experience in the field of nuclear activities other than power generation; two shall be scientists or engineers from the faculties of institutions of higher learning in the State; ~~and one~~two shall be from the public at large; ~~and one shall be from the Office of Regulatory Staff. The Governor's Office of Regulatory Staff appointment of which one shall be appointed to serve as the chairman and director of the Nuclear Advisory Council.~~ The terms of the members of the council appointed by the Governor shall be coterminous with that of the appointing Governor, but they shall serve at the pleasure of the Governor.

Re-number sections to conform.

Amend title to conform.

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Senator YOUNG explained the amendment.

The amendment was adopted.

Amendment No. 15

Senator GOLDFINCH proposed the following amendment (SR-3309.KM0007S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by deleting Section 58-3-140(A)(2) from the bill.

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

Amendment No. 16

Senator GOLDFINCH proposed the following amendment (SR-3309.KM0008S.), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 58-3-140(A)(2) and inserting:

(2) ~~The commission must promulgate regulations to establish safety, maintenance, and inspection standards for the public utilities and may assess fines for public utilities that violate these standards.~~The commission must require strict adherence to the applicable edition of the National Electrical Safety Code in effect as of the date of this act, and as may be amended to promote safety, maintenance, and inspection standards for the public utilities and to establish fines for public utilities that violate these standards.

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator GOLDFINCH, with unanimous consent, the amendment was withdrawn.

Amendment No. 17

Senators MASSEY, RANKIN, CLIMER, KIMBRELL and CAMPSSEN proposed the following amendment (LC-3309.HA0073S), which was adopted:

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Amend the bill, as and if amended, SECTION 4, by striking Section 58-4-10(B)(1) and (3) and inserting:

(1) the concerns of the using and consuming public with respect to public utility services, regardless of the class of customer; and

~~—(2) economic development and job attraction and retention in South Carolina; and~~

(3)(2) preservation of the ~~of~~ continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Amendment No. 18

Senator MASSEY proposed the following amendment (LC-3309.HA0080S), which was carried over and subsequently adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 58-3-140(B), (C), (D), (E), (F), (G), (H), and (I) and inserting:

~~—(B)(1) The commission, in conducting its analysis and making a decision in matters involving public utilities, must consider the economic impact to the State when fixing just and reasonable standards, classifications, regulations, practices, and measurements of service to be furnished, imposed, or observed, and followed by every electrical utility in this State.~~

~~—(2) The General Assembly declares the rates, services, and operations of public utilities are a matter of public interest and the availability of an adequate, reliable, and economical supply of electric power and natural gas to the people and economy of South Carolina is a matter of public policy. When exercising its powers under this section, the commission must balance the public interest in determining the rates, services, and operations of public utilities. It is the policy of this State for the commission, in matters involving public utilities, to:~~

~~—(a) ensure South Carolina customers have access to an adequate, reliable, and economical supply of energy resources;~~

~~—(b) sustain growth in industrial and economic development by ensuring an electric generation, transmission, and distribution system that can grow and modernize to meet the demands that a prosperous and developing economy places on it;~~

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~~—— (c) provide fair regulation of public utilities in the interest of the public in a manner that enables the utility, through sound management, to produce a fair and reasonable return for its shareholders that is necessary for the preservation of the financial health of the utility and for the ability to finance continued investment and maintenance of utility facilities while promoting adequate, affordable, reliable, and economical utility service to all of the citizens and residents of this State;~~

~~—— (d) provide the State and the public with a well regulated public utility environment;~~

~~—— (e) for electrical utilities, assure that resources necessary to meet future growth through the provision of adequate, reliable electrical utility service include use of the entire spectrum of demand side options, including but not limited to, conservation, load management, and energy efficiency programs as additional sources of energy supply and energy demand reduction;~~

~~—— (f) provide just and reasonable rates and charges for public utility services without undue preferences or advantages, or unfair or destructive competitive practices and consistent with long term management and conservation of resources; for electrical utilities, this includes avoiding wasteful, uneconomic generation and uses of energy;~~

~~—— (g) assure that facilities necessary to meet future growth can be financed by the utilities operating in this State on terms which are reasonable and fair to both the customers and existing investors of such utilities, and to that end, to authorize fixing of rates in such a manner as to result in lower costs of new facilities and lower rates over the operating lives of such new facilities;~~

~~—— (h) recognize the important role of public utilities in economic development and industry retention and the necessity for utilities to maintain the ability to finance continued investment in, and operation and maintenance of, the electric system, rapid restoration of power after major storms and outages, rate designs, and infrastructure necessary to attract and retain businesses and jobs to South Carolina, the ability to obtain financing at attractive rates, and to ensure a viable workforce for providing utility services and to attract such utility workers at market competitive wages;~~

~~—— (i) seek to encourage and promote harmony between public utilities, their users, and the environment;~~

~~—— (j) foster the continued service of public utilities on a well planned and coordinated basis that is consistent with the level of energy needed for the protection of public health and safety and for the~~

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~~promotion of the general welfare, economic development, and industry retention;~~

~~—— (k) seek to adjust the rate of growth of regulated utility energy supply facilities serving the State to the policy requirements of statewide economic development and industry retention;~~

~~—— (l) encourage the continued study and research on new and innovative rate designs which will protect the State, the public, the ratepayers and the utilities;~~

~~—— (m) facilitate the construction of facilities in and the extension of natural gas service to unserved and underserved areas in order to promote the public welfare throughout the State;~~

~~—— (n) further the development of cleaner energy technologies on a cost-effective basis to protect the natural resources of this State, promote the health and well-being of the people of this State, and attract investments, create employment opportunities, drive economic growth, and foster innovation in this State; and~~

~~—— (o) accomplish regulatory processes and issue orders in a timely manner.~~

~~(B)~~(C) The commission must develop and publish a policy manual which must set forth guidelines for the administration of the commission. All procedures must incorporate state requirements and good management practices to ensure the efficient and economical utilization of resources.

~~(C)~~(D) The commission must facilitate access to its general rate request orders in contested matters involving more than one hundred thousand dollars by publishing an order guide which indexes and cross-references orders by subject matter and case name. The order guide must be made available for public inspection.

~~(D)~~(E) The commission must promulgate regulations to require the direct testimony of witnesses appearing on behalf of utilities and of witnesses appearing on behalf of persons having formal intervenor status, such testimony to be reduced to writing and prefiled with the commission in advance of any hearing. In contested case proceedings, the applicant seeking relief from the commission shall have the right to prefile rebuttal testimony responsive to the direct prefiled testimony of other parties. The commission may allow supplemental testimony in cases where new matters arise after the filing of direct testimony, provided that parties shall have the right to respond to such supplemental testimony. The procedural schedule for each contested case proceeding shall include dates for completion of each phase of discovery, including discovery related to the application or other initial pleading as filed.

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direct testimony of the applicant, direct testimony of the Office of Regulatory Staff and other parties and intervenors, rebuttal testimony of the applicant, and surrebuttal testimony but only if allowed by the commission upon motion that there is material new information for which surrebuttal testimony is required. The commission must act on a motion to allow surrebuttal testimony within three business days. Except upon showing of exceptional circumstances or surprise, all discovery must be completed not less than ten days prior to the hearing. The party with the burden of proof must be permitted to open and close its case, including the presentation of responsive witness testimony.

~~(F)~~(E) The commission may convene public hearings to allow public utility customers to address the commission as public witnesses without intervening in the proceedings and without subjecting themselves to discovery or pre-filing testimony. Public witnesses may address the commission on issues related to customer service, utility operations, reliability, economic hardship, affordability, environmental concerns, or other matters that affect them. The public utility and the Office of Regulatory Staff shall work to investigate and resolve individual service issues raised by public witnesses.

~~(G)~~(F) Any other provision of law notwithstanding, to the extent the commission is authorized by the General Assembly to employ an independent third-party consultant to assist the commission in its duties with respect to a matter before the commission, such consultant may only rely upon evidence introduced by a party to that proceeding into the record subject to the requirements of the South Carolina Administrative Procedures Act. Further, the commission may not give any consultant employed by the commission party status in a proceeding before the commission.

~~(E)~~(H)(G) Nothing in this section may be interpreted to repeal or modify specific exclusions from the commission's jurisdiction pursuant to Title 58 or any other title.

~~(F)~~(H) When required to be filed, tariffs must be filed with the office of the chief clerk of the commission and, on that same day, provided to the Executive Director of the Office of Regulatory Staff.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

On motion of Senator MASSEY, the amendment was carried over.

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Senator MASSEY asked unanimous consent to return to Amendment No. 18.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 21A

Senators OTT and DAVIS proposed the following amendment (SR-3309.CEM0019S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 6, by striking Section 58-38-20(3) and inserting:

(3) The EPI shall collaborate across South Carolina in coordination with energy utility providers, private industry, ~~and~~ workforce development, and the Governor's Nuclear Advisory Council to deliver advice on policy creation aligned with the state's distinctive needs and opportunities.

Amend the bill further, SECTION 9, by striking Section 13-7-810 and inserting:

Section 13-7-810. There is hereby established a Nuclear Advisory Council in the ~~Department of Administration~~Office of Regulatory Staff ~~the SC Nexus for Advanced Resilient Energy at the Department of Commerce,~~ which shall be responsible to the ~~Director~~ Secretary of the ~~Department of Administration~~Office of Regulatory Staff ~~Department of Commerce~~ and the council shall report to the Governor.

Amend the bill further, SECTION 9, by striking Section 13-7-820(4) and (5) and inserting:

(4) to meet at the call of the chair or at a minimum twice a year; ~~and~~

(5) to engage stakeholders and develop a strategic plan to advance the development of nuclear generation, including advanced nuclear generation such as small modular reactors, molten salt reactors, fusion energy, and spent nuclear fuel recycling facilities and fusion energy to serve customers in this State in the most economical manner at the earliest reasonable time possible;-

(6) to provide advice and recommendations to the Governor and the EPI regarding the various emerging nuclear technologies;

(7) to provide advice and recommendations to the Governor and the EPI regarding commercial applications for new nuclear projects;

(8) to develop a statewide strategy for implementation and advancement of nuclear energy in the state's energy profile; and

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(9) to provide advice and recommendations to the Governor and the EPI regarding the statewide nuclear energy strategy.

Amend the bill further, SECTION 9, by striking Section 13-7-860 and inserting:

Section 13-7-860. Staff support for the council shall be provided by the ~~Department of Administration Office of Regulatory Staff~~ SC Nexus for Advanced Resilient Energy at the Department of Commerce. The Director of the Nuclear Advisory Council must be a full-time employee of the EPI.

Re-number sections to conform.

Amend title to conform.

Senator OTT explained the amendment.

On motion of Senator OTT, the amendment was carried over.

Amendment No. 22

Senators CAMPSER and DAVIS proposed the following amendment (SFGF-3309.BC0002S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 58-3-140(E) and inserting:

~~(D)~~(E) The commission must promulgate regulations to require the direct testimony of witnesses appearing on behalf of utilities and of witnesses appearing on behalf of persons having formal intervenor status, such testimony to be reduced to writing and prefiled with the commission in advance of any hearing. In contested case proceedings, the applicant seeking relief from the commission shall have the right to prefile rebuttal testimony responsive to the direct prefiled testimony of other parties. The commission may allow supplemental testimony in cases where new matters arise after the filing of direct testimony, provided that parties shall have the right to respond to such supplemental testimony. The procedural schedule for each contested case proceeding shall include dates for completion of each phase of discovery, including discovery related to the application or other initial pleading as filed, direct testimony of the applicant, direct testimony of the Office of Regulatory Staff and other parties and intervenors, rebuttal testimony of the applicant, and surrebuttal testimony but only if allowed by the commission upon motion that there is material new information for which surrebuttal testimony is required. The commission must act on a motion to allow surrebuttal testimony within three business days. Except upon showing of exceptional circumstances or surprise, all discovery

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must be completed not less than ten days prior to the hearing. The party with the burden of proof must be permitted to open and close its case, including the presentation of responsive witness testimony.

Re-number sections to conform.
Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Amendment No. 23

Senator CAMPSSEN proposed the following amendment (SFGF-3309.BC0003S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 20, by deleting Section 58-37-40(E) from the bill.

Re-number sections to conform.
Amend title to conform.

Senator CAMPSSEN explained the amendment.

On motion of Senator CAMPSSEN, the amendment was carried over.

Amendment No. 24

Senator CAMPSSEN proposed the following amendment (SFGF-3309.BC0004S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 20, by striking Section 58-37-40(C)(2) and inserting:

(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: ~~In reviewing an integrated resource plan, the commission shall give due consideration as to the resources and actions necessary for the utility to fulfill compliance and reliability obligations pursuant to the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, the Southeastern Electric Reliability Council, and the Nuclear Regulatory~~

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~~Commission requirements, as well as environmental requirements applicable to resources serving customers in this state. Matters related to the scope and sufficiency of an electrical utility's demand side plans and activities shall be considered exclusively in proceedings conducted pursuant to Section 58-37-20. In reviewing an integrated resource plan, the commission shall focus its review on the decisions which the applicant must make in the near term based on the triennial integrated resource plan under consideration at the time and shall approve a plan if it finds that the plan appropriately balances the following factors:~~

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

~~(b) consumer affordability and least reasonable cost considering the resources needed to support economic development and industry retention, and other risks and benefits;~~

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

~~(d) power supply reliability;~~

~~(e) commodity price risks;~~

~~(f) diversity of generation supply;—and~~

~~(g) the efficiencies and optimum plans for any electrical utility system spanning state lines located within the electrical utility's or the Public Service Authority's balancing authority area; and~~

~~(h) other foreseeable conditions that the commission determines to be for the public's interest.~~

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

On motion of Senator CAMPSEN, the amendment was carried over.

Amendment No. 25

Senator CAMPSEN proposed the following amendment (SFGF-3309.BC0005S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 21, by deleting Section 58-3-260(B)(2) from the bill.

Amend the bill further, SECTION 21, by deleting Section 58-3-260(C) from the bill.

Renumber sections to conform.

Amend title to conform.

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Senator CAMPSEN explained the amendment.

On motion of Senator CAMPSEN, the amendment was carried over.

Amendment No. 27

Senator DAVIS proposed the following amendment (LC-3309.HA0086S), which was adopted:

Amend the bill, as and if amended, SECTION 20, by striking Section 58-37-40(E) and inserting:

(E) Intervenors shall bear their own costs of participating in proceedings before the commission except that the commission may order utilities to provide software licenses to intervenors who are participating in litigated proceedings before the commission, where doing so is in the public interest. If software licenses are provided to intervenors, the intervenors shall reimburse the utility for the cost of the software use. Nothing in this subsection permits the disclosure of any utility information deemed confidential by statute, regulation, or a determination by the commission or obviates the intervenor's obligation to enter into a non-disclosure agreement pertaining to disclosure of confidential information or trade secrets.

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator CAMPSEN, with unanimous consent, Amendment No. 23 was withdrawn.

Amendment No. 28

Senator MASSEY proposed the following amendment (LC-3309.HA0083S), which was adopted:

Amend the bill, as and if amended, SECTION 19, by striking Section 58-33-110(4)(e) and inserting:

(e) which is a transmission line or associated electrical transmission facilities constructed by the South Carolina Public Service Authority; ~~(i)~~ for which construction either is commenced within one year after January 1, 2022; ~~or (ii) which~~ is necessary to maintain system reliability in connection with the closure of the Winyah Generating Station,

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provided that such transmission is not for generation subject to this chapter; or (iii) which is necessary to serve an identified commercial or industrial customer to promote economic development or industry retention as determined by the South Carolina Public Service Authority and agreed to by the Office of Regulatory Staff ~~where such agreement is documented in a letter by the Office of Regulatory Staff to the Public Utilities Review Committee and the commission.~~ In the event such an agreement is reached, the Office of Regulatory Staff shall provide a letter to the commission and the Public Utilities Review Committee with a description of the agreement.

Amend the bill further, SECTION 19, by striking Section 58-33-110(10)(a)(iv) and inserting:

(iv) any other information the applicant may consider relevant or as the commission may by regulation or order require. A copy of the report referred to in item (8)(b) must be filed with the commission, if ordered by the commission, and shall be available for public information.

~~Amend the bill further, SECTION 19, by striking Section 58-33-110(10)(b) and (c) and inserting:~~

~~(b) The parties to a proceeding for a certificate pursuant to this section shall include:~~

~~(i) the applicant;~~

~~(ii) the Office of Regulatory Staff; and~~

~~(iii) intervenors with standing as approved by the commission.~~

~~(c)(b) If the commission denies an application made pursuant to this section and the utility continues to build such major utility facility, the utility must allocate all costs and benefits associated with the major utility facility away from the utility's South Carolina customers.~~

~~(c) If the commission approves an application made pursuant to this subsection, the commission, for all future requests related to the major utility facility, shall utilize South Carolina law in determining costs and benefits for the utility's South Carolina customers.~~

Amend the bill further, SECTION 19, by striking Section 58-33-120(1)(d) and inserting:

(d) any other information as the applicant may consider relevant or as the commission may by regulation or order require. A copy of the study referred to in item (b) above shall be filed with the commission, if ordered, and shall be available for public information.

Re-number sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

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The amendment was adopted.

Amendment No. 29

Senator MASSEY proposed the following amendment (LC-3309.HA0088S), which was adopted:

Amend the bill, as and if amended, SECTION 12.A., by striking Section 58-37-100(2) and inserting:

(2) "Application" means a written request made to an agency for grant of a permit or approval of an action ~~of~~ or matter within the agency's jurisdiction pertaining to an energy infrastructure project.

Amend the bill further, SECTION 12.A., by striking Section 58-37-120(D) and inserting:

(D) Upon receipt of an application, the agency shall promptly review it for sufficiency and shall provide the applicant with a list of all technical and administrative deficiencies within thirty days of receipt, or if a public comment period is required, fifteen days from the end of the comment period. The identification ~~of~~ by the agency of deficiencies in the application shall not toll the six-month period for agency determination.

Amend the bill further, SECTION 12.A., by striking Section 58-37-130 and inserting:

Section 58-37-130. The applicant or any person ~~whose private rights are~~ affected by an agency decision or action on an application for a permit for any energy infrastructure project may appeal that decision or action to the ~~South Carolina Supreme Court. The Supreme Court shall hear these appeals as a direct appeal in accordance with South Carolina Appellate Court. The Court shall provide for an expedited briefing and hearing of the appeal, in preference to all other nonemergency matters on its docket, and decide such appeals on an expedited basis. Any agency decision or action that is subject to a contested case review before the Administrative Law Court, pursuant to Section 1-23-600 et. seq., shall be appealable under this section upon issuance of an appealable order by the Administrative Law Court.~~ South Carolina Administrative Law Court for a contested case review pursuant to the Administrative Procedures Act. The Administrative Law Court shall issue its final order on the matter within one year, except in cases which the Administrative Law Court determines the case should be extended beyond one year for good cause. The Administrative Law Court's final order shall be immediately appealable to the South Carolina Supreme Court in accordance with South Carolina Appellate Court Rule 203.

Re-number sections to conform.

Amend title to conform.

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Senator MASSEY explained the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator DAVIS, with unanimous consent, Amendment Nos. 4A, 4B, 5B and 30 were withdrawn.

Amendment No. 7A

Senator DAVIS proposed the following amendment (LC-3309.HA0063S), which was adopted:

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

SECTION X. Chapter 27, Title 58 of the S.C. Code is amended by adding:

Article 24

Electric Rate Stabilization

Section 58-27-2700. A public utility providing retail electric service, in its discretion and at any time, may elect to have the terms of this article apply to its rates and charges for retail electric service, on a prospective basis, by filing a notice of the election with the commission and on the same day and by the same means serving a copy on the Office of Regulatory Staff. Upon receipt of notice of the election, the commission shall proceed to make the findings and establish the ongoing procedures required for adjustments in base rates to be made under this article. In carrying out the procedures established by this article with respect to such an election, the commission shall rely upon and utilize the approved rates, charges, revenues, expenses, capital structure, returns, and other matters established in the public utility's most recent general rate proceeding pursuant to Section 58-27-860; provided, however, that the most recent order must have been issued no more than five years prior to the initial election to come under the terms of this article and the utility must file an application for a general rate proceeding every five years after such election. A public utility may combine an election under this article with the filing of a rate proceeding pursuant to Section 58-27-860. The commission shall include the findings required by this article in its rate orders issued in the Section 58-27-860 proceedings, and the election shall remain in effect until the next general rate proceeding.

Section 58-27-2710. The election by a utility to have the terms of this article apply to its rates and charges for retail electric service once made shall remain in effect until the next general rate proceeding for the public

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utility under Section 58-27-860, at which time the public utility may then elect to continue the applicability of this article to its rates and charges or elect to opt out of the provisions of this article. The applicant may withdraw its request to come under the terms of this article at any time before the entry of a final order of the commission on the merits of the proceeding in which the election is made or on a petition for rehearing in the proceeding.

Section 58-27-2720. In issuing its order pursuant to Section 58-27-2710, and in addition to the other requirements of Section 58-27-2710, if a proceeding pursuant to that section is required, then:

(1) the commission shall specify a range for the utility's cost of equity that includes a band of fifty basis points (0.50 percentage points) below and fifty basis points (0.50 percentage points) above the cost of equity on which rates have been set; and

(2) the commission separately shall state the amount of the utility's net plant in service, construction work in progress, accumulated deferred income taxes, inventory, working capital, and other rate base components. It also shall state the utility's depreciation expense, operating and maintenance expense, income taxes, taxes other than income taxes, other components of income for return, revenues, capital structure, cost of debt, overall cost of capital, and earned return on common equity. The figures stated shall be those which the commission has determined to be the appropriate basis on which rates were set in the applicable orders.

Section 58-27-2730. The utility shall file with the commission monitoring reports for each twelve-month period ending on March 31, June 30, September 30, and December 31 of each year, the filings to be made no later than the fifteenth day of the third month following the close of the period. The utility shall serve a copy of such reports on the Office of Regulatory Staff on the same day and by the same means as they are provided to the commission. These quarterly monitoring reports shall include:

(1) the utility's actual net plant in service, construction work in progress, accumulated deferred income taxes, inventory, working capital, and other rate base components. The report shall also show the utility's depreciation expense, operating and maintenance expense, income taxes, taxes other than income taxes, other components of income for return, revenues, capital structure, cost of debt, overall cost of capital, and earned return on common equity;

(2) all applicable accounting and pro forma adjustments historically permitted or required by the commission for the utility in question or for

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similarly situated utilities, authorized by general principles of utility accounting, or authorized by accounting letters or orders issued by the commission. This authorization may occur either in a general rate hearing or in any other type of filing or hearing that the commission considers appropriate. However, other parties shall be given sufficient opportunity to review and provide comments on any proposed accounting letter or order issued after the initial order allowing future base rate adjustments pursuant to this article;

(3) pro forma adjustments to annualize for the twelve-month period any rate adjustments imposed pursuant to this article or other events affecting only part of the period covered by the filing so that the annualization is required to show the effects of those events on the utility's earnings going forward; and

(4) pro forma or other adjustments required to properly account for atypical, unusual, or nonrecurring events.

Section 58-27-2740. (A) In the monitoring report filed for the twelve-month period ending December thirty-first of each year, the utility shall provide additional schedules indicating the following revenue calculations:

(1) if the utility's earnings exceed the upper end of the range established in the order, then the utility shall calculate the reduction in revenue required to lower its return on equity to the midpoint of the range established in the order; or

(2) if the utility's earnings are below the lower range established in the order, then the utility shall calculate the additional revenue required to increase its return on equity to the midpoint of the range established in the order.

(B) The utility also shall provide a schedule that specifies changes in its tariff rates required to achieve any indicated change in revenue.

(C) The proposed rate changes, filed by the utility, shall conform as nearly as is practicable with the revenue allocation principles contained in the most recent rate order.

Section 58-27-2750. The Office of Regulatory Staff shall review the monitoring report filed pursuant to Section 58-27-2730 and Section 58-27-2740 to determine compliance with its terms, taking into account the findings of any audit conducted by the Office of Regulatory Staff concerning compliance with Section 58-27-2730 and Section 58-27-2740. The Office of Regulatory Staff shall propose those adjustments it determines to be required to bring the report into compliance with Section 58-27-2740. Based upon that report and the findings of any audit conducted by the Office of Regulatory Staff, the

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commission shall order the utility to make the adjustments to tariff rates necessary to achieve the revenue levels indicated in Section 58-27-2740.

Section 58-27-2760. The procedures contained in this section shall apply to monitoring reports related to the quarter ending December 31.

(1) The utility shall file the monitoring reports annually with the commission and Office of Regulatory Staff on or before March 15.

(2) In cases where the monitoring report indicates rate adjustments are required, or where it otherwise appears to the commission or the Office of Regulatory Staff that an adjustment in rates may be warranted under this article, the commission shall issue a Notice of Filing annually on or before March 31 and require interested persons to file a petition to intervene annually on or before May 15. The commission shall maintain a register of parties who have notified the commission in writing that they wish to be provided with any Notice of Filing related to specified utilities and the commission shall use reasonable efforts to provide such parties with Notices of Filing by such utilities, provided that the failure to do so shall not invalidate any subsequent proceedings. Intervenors shall have discovery rights related to the matters set forth in Section 58-27-2730.

(3) The Office of Regulatory Staff shall conduct an audit of the monitoring report to ascertain the reasonableness and prudence of all matters contained therein and specify any changes that the Office of Regulatory Staff determines to be necessary to correct errors in the report or to otherwise bring the report into compliance with this article. The Office of Regulatory Staff's audit report shall be verified and provided to the commission and to the utility and made available annually to all parties of record no later than June 1. Other parties of record shall also be allowed until June 1 of each year to file verified written comments and submit documentary evidence to the commission and the Office of Regulatory Staff in response to the utility's monitoring report.

(4) The utility shall be allowed until June 15 of each year to file verified written comments and submit documentary evidence to the commission and the Office of Regulatory Staff related to the utility's monitoring report and may request a non-evidentiary hearing before the commission concerning the utility's monitoring report.

(5) On or before July 15 of each year, the commission shall issue an initial order setting forth any changes required in the utility's request to adjust rates under this article (the "Initial Order"). In the absence of such an Initial Order, the electric rate adjustment contained in the utility's filing shall be considered granted as filed.

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(6) Any electric rate adjustments authorized under the terms of this article shall take effect for all bills rendered on or after the first billing cycle of August of that year.

Section 58-27-2770. In calculating its revenue requirement under Section 58-27-2730, and apart from the recovery of a return on construction work in progress, an electric utility may not include in plant service its investments in any new electric generating facility of more than two hundred fifty megawatts, or the costs associated with operating such a facility, except through a general electric rate proceeding under Section 58-27-860 and Section 58-27-870 or through a contested case proceeding for the limited purpose of establishing the prudence of the facility under this section.

Section 58-27-2780. Within thirty days of the issuance of an Initial Order pursuant to Section 58-27-2760, or within thirty days of the failure by the commission to issue an order as required pursuant to Section 58-27-2760, any aggrieved party may petition the commission for review of the Initial Order or failure to issue an order and all interested parties of record shall have a right to be heard at an evidentiary hearing on the matter. The party shall serve a copy of such petition on the Office of Regulatory Staff and other parties of record on the same day and by the same means as it is provided to the commission.

Section 58-27-2790. (A) After conducting the hearing required by Section 58-27-2780, the commission shall issue a final order that:

(1) sets forth any changes that are required to the rates approved in the Initial Order issued under Section 58-27-2760(5);

(2) determines the amount of any overcollection or undercollection by the utility that resulted from collection of the rates authorized in the Initial Order as compared to the rates authorized in the final order issued under this section; and

(3) establishes a credit to refund the amount of any overcollection, or a surcharge to collect the amount of any undercollection that arose during the time that the rates approved in the Initial Order were collected, and requires the utility to apply the credit or surcharge until such time as the overcollection or undercollection is exhausted.

(B) The commission shall issue any final order required under this section by December thirty-first of the year in which the monitoring report was filed. The order shall make the corrected rates and the credit or surcharge, if any, effective as of the first billing cycle of May of that year.

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(C) The provisions of Sections 58-27-2150 and 58-27-2310 concerning rehearing and appeal shall apply to the orders issued pursuant to this section.

Section 58-27-2800. The review of Initial Orders pursuant to Section 58-27-2780 and Section 58-27-2790 is limited to issues related to compliance with the terms of this article. Matters determined in orders issued pursuant to Section 58-27-2720 are not subject to review except in full rate proceedings pursuant to Section 58-27-2740. Any proceedings pursuant to this article are without prejudice to the right of the commission to issue, or any interested party to request issuance of, a rule to show cause why a full rate proceeding should not be initiated, nor does this article limit the right of a utility to file an application pursuant to Section 58-27-870 for an adjustment to its rates and charges, nor does it impose the restrictions on filings contained in Section 58-27-870(E).

Section 58-27-2810. (A) The Office of Regulatory Staff is authorized to create additional positions as the General Assembly may provide in the annual General Appropriations Act for the purpose of performing its duties under this article; however, no more than two positions for each electric utility regulated pursuant to this article may be authorized. All salaries, benefits, expenses, and charges incurred by the Office of Regulatory Staff for these positions must be borne by the electric utilities regulated pursuant to this article.

(B) On or before the first day of July in each year, the Department of Revenue must assess each electric utility regulated pursuant to this article an equal portion of these salaries, benefits, expenses, and charges on June 30 preceding that on which the assessment is made which is due and payable on or before July 15. The assessments must be charged against the electric utilities by the Department of Revenue and collected by the department in the manner provided by law for the collection of taxes from the electric utilities, including the enforcement and collection provisions of Article 1, Chapter 54 of Title 12 and paid, less the Department of Revenue actual incremental increase in the cost of administration into the state treasury as other taxes collected by the Department of Revenue for the State. These assessments are in addition to any amounts assessed pursuant to Section 58-4-60. These assessments must be deposited in a special fund with the State Treasurer's Office from which the salaries, benefits, expenses, and charges shall be paid.

(C) The Office of Regulatory Staff must annually certify to the Department of Revenue on or before May 1 the amounts to be assessed.

Renumber sections to conform.

Amend title to conform.

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Senator DAVIS explained the amendment.

The amendment was adopted.

Recorded Vote

Senators MASSEY and CLIMER desired to be recorded as voting against the adoption of the amendment.

Motion Adopted

On motion of Senator DAVIS, with unanimous consent, Amendment No. 8 was withdrawn.

Motion Adopted

On motion of Senator YOUNG, with unanimous consent, Amendment No. 10 was withdrawn.

Motion Adopted

On motion of Senator OTT, with unanimous consent, Amendment No. 11 was withdrawn.

Motion Adopted

On motion of Senator DAVIS asked unanimous consent to withdraw Amendment No. 13 and substitute it with Amendment No. 13A.

Amendment No. 13A

Senator DAVIS proposed the following amendment (LC-3309.HA0084S), which was adopted:

Amend the bill, as and if amended, SECTION 25, by striking Section 58-37-10(3) and inserting:

(3) "Cost-effective" means that the net present value of benefits of a program or portfolio exceeds the net present value of the costs of the program or portfolio. A program or portfolio is cost-effective ~~program or portfolio must pass if it passes any two of the following tests:~~

- (a) utility cost test;
- (b) total resource cost test;
- (c) participant cost test; or
- (d) ratepayer impact measure test.

In evaluating the cost-effectiveness of a program or portfolio, a utility or program administrator must present the results of all four tests. The total resource cost test must include as part of customer benefits a reasonable estimate of all significant customer cost savings. In calculating

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cost-effectiveness, a utility must use a standard utility practice for determining the percentage of energy savings that would or would not have been achieved through customer adoption of an efficiency behavior or technology without any incentive allowed pursuant to this chapter to install and utilize the technology as part of the associated demand-side management program. The utility must designate the expected useful life of the measure and evaluate the costs and benefits of the measures over their useful lives in the program application based on industry accepted standards. Further, in calculating the cost-effectiveness, the commission must consider the efficiencies and scale of programs that are or may be available across a utility's balancing area, even if that balancing area extends outside of the state.

Amend the bill further, SECTION 26, by striking Section 58-37-20(B) and (C) and inserting:

(B) The commission ~~may~~ shall approve any program filed by a public utility if the program is found to be cost-effective. Furthermore, the commission may, in its discretion, approve demand-side management pilot programs and any program filed by a public utility that is not cost-effective, so long as the proposed demand-side management program is targeted to low-income customers, ~~provided that~~ and the public utility's portfolio of demand-side management programs is cost-effective as a whole.

(C) The South Carolina Public Service Commission ~~may~~ must adopt procedures that ~~encourage~~ require electrical utilities and public utilities providing gas services subject to the jurisdiction of the commission to plan for and invest in all reasonable, prudent, and available energy efficiency and demand-side resources that are cost-effective energy efficient technologies and energy conservation programs ~~in an amount to be determined by the commission~~ that achieve net energy savings of at least 0.66 percent of total retail sales as of May 15, 2027, or a higher level as determined by the commission. Energy efficiency shall be considered a component of the requirement for a utility to make every reasonable effort to minimize fuel costs as outlined in Section 58-27-865(F) and the commission may grant a proportional disallowance based on evidence in record. If an electrical utility fails to meet the requirements of this section as determined by the commission, the commission is authorized to appoint a third-party administrator to carry out the residential and low-income energy efficiency duties pursuant to this section on behalf of the electrical utility if the commission determines that having such a third-party administrator is in the public interest and consistent with law. Such a program shall be funded through

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the existing energy efficiency rider mechanism, with those funds transferred to the third-party administrator. Upon notice and hearings that the commission may require, the commission may issue rules, regulations, or orders pursuant to this chapter to implement applicable programs and measures under this section. If adopted, these procedures must: provide incentives and cost recovery for energy suppliers and distributors who invest in energy supply and end-use technologies that are cost-effective, environmentally acceptable, and reduce energy consumption or system or local coincident peak demand; allow energy suppliers and distributors to recover costs and obtain a reasonable rate of return on their investment in qualified demand-side management programs sufficient to make these programs at least as financially attractive as construction of new generating facilities; require the Public Service Commission to establish rates and charges that ensure that the net income of an electrical or gas utility regulated by the commission after implementation of specific cost-effective energy conservation measures is at least as high as the net income would have been if the energy conservation measures had not been implemented. ~~For purposes of this section only, the term “demand side activity” means a program conducted by an electrical utility or public utility providing gas services for the reduction or more efficient use of energy requirements of the utility or its customers including, but not limited to, utility transmission and distribution system efficiency, customer conservation and efficiency, load management, cogeneration, and renewable energy technologies.~~

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator DAVIS, with unanimous consent, Amendment No. 3 was withdrawn.

Motion Adopted

On motion of Senator OTT, with unanimous consent, Amendment No. 21A was withdrawn.

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Amendment No. 21B

Senators OTT, DAVIS, and YOUNG proposed the following amendment (SR-3309.CEM0020S), which was adopted:

Amend the bill, as and if amended, SECTION 6, by striking Section 58-38-20(3) and inserting:

(3) The EPI shall collaborate across South Carolina in coordination with energy utility providers, private industry, ~~and~~ workforce development, and the Governor's Nuclear Advisory Council to deliver advice on policy creation aligned with the state's distinctive needs and opportunities.

Amend the bill further, SECTION 9, by striking Section 13-7-810 and inserting:

Section 13-7-810. There is hereby established a Nuclear Advisory Council in the ~~Department of Administration Office of Regulatory Staff~~ the SC Nexus for Advanced Resilient Energy at the Department of Commerce, which shall be responsible to the ~~Director~~ Secretary of the ~~Department of Administration Office of Regulatory Staff~~ Department of Commerce and the council shall report to the Governor.

Amend the bill further, SECTION 9, by striking Section 13-7-820(4) and (5) and inserting:

(4) to meet at the call of the chair or at a minimum twice a year; ~~and~~

(5) to engage stakeholders and develop a strategic plan to advance the development of nuclear generation, including advanced nuclear generation such as small modular reactors, molten salt reactors, fusion energy, and spent nuclear fuel recycling facilities and fusion energy to serve customers in this State in the most economical manner at the earliest reasonable time possible;-

(6) to provide advice and recommendations to the Governor and the EPI regarding the various emerging nuclear technologies;

(7) to provide advice and recommendations to the Governor and the EPI regarding commercial applications for new nuclear projects;

(8) to develop a statewide strategy for implementation and advancement of nuclear energy in the state's energy profile; and

(9) to provide advice and recommendations to the Governor and the EPI regarding the statewide nuclear energy strategy.

Amend the bill further, SECTION 9, by striking Section 13-7-840 and inserting:

Section 13-7-840. (A) The council shall consist of ~~nineteen~~ eleven members. One at-large member shall be appointed by the Speaker of the House of Representatives from the membership of the House of Representatives and one at-large member shall be appointed by the

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President of the Senate ~~from the membership of the Senate. Seven~~Eight
Nine members shall be appointed by the Governor as follows: two shall
be actively involved in the area of environmental protection; ~~two~~one
shall have experience in the generation of power by nuclear means; one
shall have experience in the field of nuclear activities other than power
generation; two shall be scientists or engineers from the faculties of
institutions of higher learning in the State; and ~~one~~two shall be from the
public at large. The Governor shall select the Chairman from the
members of the Board. The terms of the members of the council
appointed by the Governor shall be coterminous with that of the
appointing Governor, but they shall serve at the pleasure of the
Governor.

(B) Vacancies of the council shall be filled in the manner of the
original appointment.

Amend the bill further, SECTION 9, by striking Section 13-7-860 and
inserting:

Section 13-7-860. Staff support for the council shall be provided by
the ~~Department of Administration~~Office of Regulatory Staff SC Nexus
for Advanced Resilient Energy at the Department of Commerce.

Re-number sections to conform.

Amend title to conform.

Senator OTT explained the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator CAMPSEN, with unanimous consent,
Amendment Nos. 24 and 25 were withdrawn.

Amendment No. 26A

Senator OTT proposed the following amendment (SR-
3309.CEM0018S), which was carried over and subsequently withdrawn:

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

SECTION X. (A) Five years after the effective date of this act, the
Department of Administration shall engage a qualified, independent
third party to prepare a report, to be filed with the Public Utilities Review
Committee, the Office of Regulatory Staff, and the General Assembly,
to address the implementation of Article 24, Chapter 27, Title 58 as it
relates to the following areas:

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(1) assessing the functioning of the procedures established by Section with recommendation for any changes required to ensure their efficient functioning, to promote regulatory efficiency, and to make further the establishment of just, reasonable, and fair rates;

(2) assessing the effect of rates on ratepayers of all classes;

(3) assessing the reliability of the electric system and whether investments made by electric utilities increased reliability compared to any change in electric utility rates experienced by ratepayers within the same timeframe; and

(4) any other information requested by the General Assembly to be included within the report.

(B) All expenses and charges incurred by the Department of Administration in the performance of its duties within this section shall be defrayed by assessments made by the Comptroller General against the regulated electrical utilities regulated and based upon twenty five percent of the gross revenues collected by such electrical utilities from their business done wholly within this State in the manner set out in Section 58-3-100 for other corporations.

Renumber sections to conform.

Amend title to conform.

Senator OTT explained the amendment.

On motion of Senator OTT, the amendment was carried over.

RECESS

At 7:19 P.M., on motion of Senator OTT, the Senate recessed from business.

At 8:06 P.M., the Senate resumed.

Call of the Senate

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

| | | |
|-----------|-----------|----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Campsen |
| Cash | Chaplin | Climer |
| Corbin | Cromer | Davis |
| Devine | Fernandez | Gambrell |
| Goldfinch | Graham | Grooms |
| Hembree | Jackson | Johnson |

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| | | |
|----------|-------------|----------|
| Kennedy | Kimbrell | Leber |
| Martin | Massey | Matthews |
| Nutt | Ott | Peeler |
| Rankin | Reichenbach | Rice |
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Walker |
| Williams | Young | Zell |

A quorum being present, the Senate resumed.

Amendment No. 31

Senator DAVIS proposed the following amendment (SJ-3309.MF0001S), which was adopted:

Amend the bill, as and if amended, SECTION 12.A., by striking Section 58-37-120(A) and inserting:

(A)(1) Any agency presented with an application for a permit for an energy infrastructure project shall promptly provide a public comment period and shall review and issue a decision on the application no later than six months after the date the application is received by the agency. If the agency fails to take-undertake review of and take final action upon the application within the six month review period, months as defined in subsection (A)(3), of receipt of the application, the application shall be deemed approved, and the agency shall promptly issue documentation of such approval that the applicant may reasonably request establishing that the agency has granted the relief requested.

(2) Within thirty days of receipt of an application, the agency shall determine if the application is complete. If the agency determines the application is incomplete, the agency will notify the applicant, and the applicant will have fifteen days to complete the application. The applicant and the agency may mutually agree in writing to extend the time period for completion of the application. After the fifteen days, or the mutually agreed upon date for completion, if the agency determines the application is incomplete, then the agency may deny the application.

(3) The six month review period shall commence upon the date of filing unless the application is deemed incomplete pursuant to subsection (A)(2). In the event the application as submitted is determined by the agency to be incomplete, the six month review period shall commence upon the date such application is determined by the agency to be complete, provided that such completion occurs within the period provided for in subsection (A)(2).

Renumber sections to conform.

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Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Amendment No. 32

Senator DAVIS proposed the following amendment (LC-3309.HA0092S), which was adopted:

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

SECTION X. Title 58 of the S.C. Code is amended by adding:

CHAPTER 42

Competitive Procurement

Section 58-42-10. (A) The General Assembly finds that it is in the public interest for the state's electrical utilities to competitively procure targeted volumes of renewable energy and co-located energy storage resources. The General Assembly further finds that it is in the public interest for the state's electrical utilities to competitively procure certain stand-alone storage additions to be located in South Carolina. These procurements shall be consistent with the electric utilities' 2023 integrated resource plans as approved by the commission or the subsequent annual integrated resource plan updates as approved by the commission. The resources procured pursuant to this section are intended to be placed in service on or before January 1, 2035. The volumes of each procurement may be increased or decreased as provided in this section. If an electrical utility proposes an amount of solar or storage in a future integrated resource plan filing that is lower than the amount contained in the electrical utility's 2023 integrated resource plan as approved by the commission, the electrical utility shall include and analyze at least one scenario consistent with the electrical utilities' 2023 preferred resource portfolio that includes volumes of solar and storage consistent with that contained in the 2023 integrated resource plans as approved by the commission.

(B) The electrical utilities shall procure the resources referred to in subsection (A) through at least a biennial competitive procurement process consistent with the requirements of Sections 58-42-20 and 58-42-30, and in accordance with this section. The target volume in each competitive procurement shall be consistent with the volume of resources needed to be procured at that time to achieve the resource in-service dates specified in the electrical utility's 2023 integrated resource

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plan as approved by the commission or a subsequent integrated resource plan annual update as approved by the commission.

(C) The amount of renewable energy or energy storage resources required to be procured by each electrical utility pursuant to this section shall be reduced by the alternating current (“AC”) nameplate capacity of any facility of the same resource type for which such electrical utility enters into a power purchase agreement after the effective date of this section pursuant to the electrical utility's mandatory purchase obligation under Public Utility Regulatory Policies Act or pursuant to a prior competitive procurement which had not resulted in an executed power purchase agreement prior to the enactment date of this section, provided that the facility is placed in service in 2035 or earlier.

(D) The target resource volumes for each competitive procurement shall reflect any increases or decreases included in the electrical utility's most recently approved integrated resource plan or integrated resource plan update. The electric utility may, at its option, include the procurement of non-renewable generation resources as part of its procurement of renewable and storage resources pursuant to this section.

(E) The target resource volumes for competitive procurement shall take into account any changes in siting opportunities that may be affected by local permitting, zoning, or other regulatory or legal challenges.

(F) The target resource volumes for competitive procurement by the electrical utility shall be increased to account for replacing megawatts associated with:

(1) any inability by the electrical utility to reach target procurement volumes in prior procurement cycles;

(2) the inability of renewable energy or energy storage resources procured in any prior procurement cycles to be placed in service; and

(3) the expiration of any existing contracts for qualifying facilities pursuant to the Public Utility Regulatory Practices Act.

All target resource volumes referenced in this subsection shall be consistent with the needs identified in the most recently commission approved integrated resource plan or integrated resource plan update.

(G) Prior to making final awards in a competitive procurement, the electrical utility shall confirm that the resources selected are cost effective using methodologies and current inputs reflected in the applicable integrated resource plan or integrated resource plan update approved by the commission for that electrical utility.

(H) Notwithstanding the other subsections of this section, the results of competitive procurements within an electrical utility's balancing area outside of South Carolina that serve customers in the electrical utility's

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balancing area within South Carolina shall be approved or accepted by the commission as specified in 58-42-20(G).

(I) Notwithstanding Section 58-41-20(F)(2), electrical utilities shall continue to offer to qualifying small power production facilities power purchase agreements for the purchase of energy and capacity at avoided cost, with commercially reasonable terms and a duration of up to ten years, until the competitive procurement requirements of this section have been satisfied.

Section 58-42-20. (A) For purposes of this chapter:

(1) "Electrical utility" shall be defined as in Section 58-27-10, provided, however, that electrical utilities serving less than 100,000 customers shall be exempt from the provisions of this chapter unless otherwise provided.

(2) "Energy storage facility" means commercially available technology that can absorb energy and store it for later use, including, but not limited to, electrochemical, thermal, and electromechanical technologies but not including pumped hydroelectric facilities.

(3) "Renewable energy facility" has the same meaning as defined in Section 58-39-120(E).

(4) "Renewable energy resource" has the same meaning as "renewable generation resource" as defined in Section 58-39-120(F).

(B) Unless an electrical utility makes an application pursuant to subsection (G), electrical utilities shall file for commission approval a program for the competitive procurement of renewable energy resources and such amount of associated co-located energy storage facilities as determined by the commission to meet needs for new generation and energy storage resources identified by the electrical utility's integrated resource plan or other planning process. A competitive procurement program may be used to procure any subset of energy, capacity, ancillary services, and environmental and renewable attributes. The commission may not grant approval of the program unless it finds that the electrical utility has satisfied all the requirements of this section and that the proposed program is in the best interests of the customers of the electrical utility. Co-located energy storage facilities, if included in the solicitation, must be associated equipment located at the same site as the renewable energy facility.

(C) Electrical utilities shall procure renewable energy resources and co-located energy storage facilities, or the output of such facilities, subject to the following requirements:

(1) Renewable energy and co-located energy storage resources, or their output, procured by electrical utilities shall be procured via a

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competitive solicitation process open to all market participants that meet minimum eligibility requirements.

(2) The electrical utility shall issue public notice of its intention to issue a competitive renewable energy and co-located energy storage solicitation, or both, at least ninety days prior to the commencement of each solicitation. This notice must include the proposed procurement volume, process, and timeline.

(3) The electrical utility shall provide a reasonable period of time for interested parties to review and comment on proposed requests for proposals, bid instructions, and bid evaluation criteria, and for commission approval, prior to finalization and issuance.

(4) Renewable energy facilities eligible to participate in a competitive procurement are those that use renewable energy resources.

(5) Energy storage facilities eligible to participate in a competitive procurement are those identified in Section 58-42-20(A)(2) installed and operated in conjunction with a renewable energy facility.

(6) The electrical utility shall be required to use an independent evaluator or independent administrator to oversee or manage the competitive procurement, as determined appropriate by the commission.

(7) The procurement of renewable energy facilities and co-located energy storage facilities and the output of such facilities shall result in a reasonable balance of electrical utility and independent third-party ownership of eligible facilities, as determined by the commission. The electrical utility and its affiliates may offer proposals into the competitive procurement provided that appropriate safeguards are in place to ensure that such proposals do not receive any advantage in the bid evaluation process.

(D) An electrical utility shall make publicly available at least forty-five days prior to each competitive solicitation:

(1) A commission-approved pro forma contract to inform prospective market participants of the procurement terms and conditions. The pro forma contract must: (i) include standardized and commercially reasonable requirements for contract performance security consistent with market standards; and (ii) define limits and compensation for resource dispatch and curtailment.

(2) A bid and portfolio evaluation methodology that: (i) ensures all bids are treated equitably, including price and nonprice evaluation criteria; and (ii) ensures electrical utility and independent third-party owned facilities are treated equitably with regards to resource dispatch and curtailments.

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(3) Interconnection requirements including specification of how bids without existing interconnection studies must be treated for purposes of evaluation.

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

(F) An electrical utility shall issue a public report summarizing the results of each competitive solicitation within sixty days of the award notifications. The report shall 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. Electrical utilities are permitted to recover costs incurred through such competitive procurement through rates established pursuant to Section 58-27-865 or Section 58-27-870.

(G) Notwithstanding the requirements of Section 58-42-10 and this section, the commission shall approve an electrical utility's competitive procurement of energy storage facilities or renewable energy resources and the output of energy storage facilities or renewable energy resources within an electrical utility's balancing area outside of South Carolina that serve customers within South Carolina if eligible energy storage facilities or renewable energy resources located within South Carolina were allowed to participate in the competitive procurement and if the commission determines that the results of such procurement are in the public interest and enable the economic, reliable, and safe operation of the electric grid. Electrical utilities shall be permitted to recover costs incurred through such competitive procurements through rates established pursuant to Section 58-27-865 or Section 58-27-870. However, if the commission determines that the results of the procurement are not in the public interest for South Carolina, then the costs and benefits associated with such procurement shall be allocated away from South Carolina customers.

(H) The commission is authorized to adopt rules or procedures for conducting a procurement authorized by this section.

Section 58-42-30. (A) Within six months from the date of the enactment of this chapter, the commission shall open a docket to establish a competitive procurement program for each electrical utility for energy storage facilities to be located in South Carolina. Solicitations shall be subject to the following limitations:

(1) For transmission-connected energy storage (excluding pumped hydro) the electrical utilities shall conduct a competitive procurement for such resources, including utility-self developed projects. Each electrical utility shall file the proposed details of its competitive procurement

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process no later than twelve months after the date of the enactment of this chapter.

(2) The target procurement volume for stand-alone storage acquisition may not exceed the portion of stand-alone storage in the most recent commission approved integrated resource plan or integrated resource plan annual update that is equal to the portion of the respective electrical utility's peak load attributable to South Carolina customers.

(3) Stand-alone energy storage facilities with a design capacity less than or equal to twenty megawatts and intended primarily to address local reliability improvements or local capacity constraints are not subject to the competitive procurement requirements of this section.

(4)(a) The procurement of stand-alone energy storage facilities shall result in a reasonable balance of the electrical utility and independent third-party ownership of eligible facilities, as determined by the commission.

(b) An electrical utility and its affiliates may offer proposals into the competitive procurement provided that appropriate safeguards are in place to ensure that such proposals do not receive any advantage in the bid evaluation process. Electrical utility costs associated with facilities owned by an independent third-party power producer shall be capitalized and included within the electrical utility's rate base for ratemaking purposes.

(B) Competitively procured stand-alone storage shall be subject to operational protocols, equipment specifications and inspections established by the electric utility and which are necessary to ensure the reliability of the electrical utility system. Information regarding competitively procured stand-alone storage must be provided to the Office of Regulatory Staff.

(C) Electrical utilities may recover costs incurred through such competitive procurement through rates established pursuant to Section 58-27-870.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

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Amendment No. 33

Senators CAMPSSEN, CHAPLIN, LEBER and STUBBS proposed the following amendment (SJ-3309.MB0011S), which was carried over and subsequently adopted:

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

SECTION X.A. Chapter 29, Title 6 of the S.C. Code is amended by adding:

Section 6-29-1220. (A) For any county that has not adopted rural zoning or has not adopted ordinances establishing design and development standards for solar energy systems, and until such time as rural zoning or an ordinance for solar energy systems has been adopted, then the development and operation of solar energy systems that require a footprint of more than thirteen acres of land shall comply with the following design and development standards:

(1) Site plans shall be prepared by a licensed land surveyor, landscape architect, or engineer in the State of South Carolina. Plans must be sealed.

(2) Solar energy systems shall be set back fifty feet from adjoining property lines and road right of ways and two hundred feet from the nearest residence, church, or school. Setback distances are to the fence and are inclusive of the vegetation buffer.

(3) Solar structures shall not exceed fifteen feet in height. This provision shall not include the interconnection poles, substation equipment, or other devices necessary for the electricity to be delivered to the public utility station.

(4) Solar energy facilities shall be screened from adjacent public road rights-of-way, residences, churches, or schools with a vegetative buffer and fence or wall with the following specifications:

(a) a vegetative buffer shall be installed adjacent to the solar energy system farm;

(b) the vegetation shall be planted in two staggered rows at a spacing interval between eight feet and ten feet on center and reach at least six feet in height over a three-year growing season and not less than fifteen feet in height at maturity or two feet higher than the highest panel, whichever is greater; and

(c) the vegetation shall include low lying vegetation to fill gaps between taller vegetation.

(5) All lighting shall be shielded or directed in a downward position to prevent noxious glare. A light fixture is required at the ends of all turnarounds.

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(6) Fencing shall be at least six feet in height to secure the perimeter. The fence shall be secure at all times.

(7) A warning sign concerning voltage must be placed at the main gate to include the address and name of the solar energy system operator and a twenty-four-hour phone number for the solar energy system in case of an emergency.

(8) Solar collectors shall be designed with anti-reflective coating to minimize glare. Textured glass is optional. Mirrors are prohibited.

(9) Submit and maintain an updated facility decommission plan consistent with the then current decommissioning requirements as required by the South Carolina Department of Environmental Services.

(B) Upon receipt of a completed solar energy system plan by a county subject to the provisions in (A), the county shall set a date for a public hearing and send, by first class mail, a notice of the application to all property owners within two thousand six hundred and forty feet of the proposed solar energy system. The notification shall include projected date of the public hearing to be held by the county. Public notification includes posting in the local newspaper and mail notice to residents postmarked at least thirty days prior to the public hearing.

(C) The Department of Environmental Services is charged with the enforcement of the provisions of this section. Upon the failure of the owner or operator that is given notice of violation of this section to remedy the violation within thirty days, the Department of Environmental Services may impose civil penalties and require remediation for violations of the provisions of this section. Penalties may be not less than one hundred dollars nor more than five thousand dollars for each day of noncompliance. Penalties may be waived by the Department for good cause for noncompliance shown by the owner or operator.

B. This SECTION takes effect for projects approved by a county on or after January 1, 2026.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

On motion of Senator CAMPSEN, the amendment was carried over.

Amendment No. 6A

Senator DAVIS proposed the following amendment (LC-3309.HA0062S), which was withdrawn:

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Amend the bill, as and if amended, SECTION 24, by striking Section 58-4-160 and inserting:

~~Section 58-4-160. (A)(1) The Office of Regulatory Staff must conduct a study to evaluate the potential costs and benefits of the various administrator models for energy efficiency programs and other demand-side management programs funded by, or potentially funded by, electrical utilities in this State. This study must be conducted on each electrical utility in this State. For purposes of this section, administrator models for energy efficiency programs shall include the following models: utility administrator, state or government agency administrator, an independent third-party administrator, and a hybrid administrator.~~

~~—(2) For purposes of this section only, “electrical utility” means an investor-owned electrical utility that serves more than 100,000 customers in this State.~~

~~—(B) This study must consider which administrator model would most meaningfully improve programs offered by the electrical utility.~~

~~—(C) The study must also evaluate which administrator model offers the best opportunities to increase cost and energy savings, improve the quality of services rendered, reduce ratepayer costs, or more effectively serve low-income customers, within a program portfolio that is cost effective overall, as compared to similar program administration by individual electrical utilities, or to increase the cost effectiveness of energy efficiency program portfolios. This study must consider, but is not limited to, the following:~~

~~—(1) whether third party administration subject to a pay for performance contract and independent third party evaluation, measurement, and verification could reduce administrative costs, as compared to separate administration of energy efficiency programs by individual electrical utilities;~~

~~—(2) whether a system benefit charge or other funding or financing mechanism would more efficiently, effectively, and fairly fund energy efficiency and other demand-side management programs through an administrator;~~

~~—(3) which administrator model provides the best mechanism to increase ratepayer energy savings in the case of electrical utilities that have experienced lower historical performance in terms of annual and cumulative energy savings as a percentage of retail sales;~~

~~—(4) which administrator model provides the best mechanism to increase ratepayer energy savings in the case of electrical utilities that have experienced high historical performance in terms of annual and cumulative energy savings as a percentage of retail sales;~~

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~~—(5) the legal and practical implications of implementing the various administrator models for an electrical utility with a multistate balancing authority area;~~

~~—(6) which administrator model could most enhance an electrical utility's delivery of nonenergy benefits, such as resiliency, reliability, health, economic development, industry retention, energy security, and pollution reduction; and~~

~~—(7) which administrator model could most effectively pursue nonratepayer funding including, but not limited to, federal, state, or local governmental support, as a means of either reducing reliance of ratepayer funds or increasing the scope, reach, or effectiveness of energy efficiency and demand side management programs.~~

~~—(D) This study must be conducted with public input from stakeholders through written comments and at least one public forum.~~

~~—(E) The Office of Regulatory Staff is authorized to retain the services of an expert or consultant with expertise and experience in the successful implementation of energy efficiency administrator programs. The Office of Regulatory Staff is exempt from the procurement code for the purposes of retaining services for this study.~~

~~—(F) The provisions of this section are subject to funding. However, the Office of Regulatory Staff must initiate the study within one year from receipt of necessary funding and complete its report within six months. Upon completion of this study, the Office of Regulatory Staff must provide its report to the General Assembly and the commission. This report may include a recommendation as to which administrator model should be established for each electrical utility, draft legislation, and requirements that should be established.~~

(A) For investor-owned utilities subject to the energy efficiency performance targets in Section 58-37-20(C):

(1) As part of the review conducted under Section 58-37-20(G), the commission shall review each electrical utility's energy efficiency performance relative to the performance targets and requirements established in in Section 58-37-20(C) and 58-37-20(E). The commission is authorized to appoint a third party to serve as a third-party administrator to develop and implement the energy efficiency portfolio of behalf of investor-owned electrical utilities in South Carolina whose energy efficiency efforts fail to meet the performance target in Section 58-37-20(C) or the requirement to pursue all cost-effective energy efficiency under 58-37-20(E).

(2) Where the commission has authorized a third party to administer the energy efficiency programs for a public utility pursuant to Section

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58-37-20(C) or 58-37-20(E), the commission shall open a proceeding to review and approve a transition plan and funding mechanism. Such proceeding shall include an opportunity for intervention, discovery, filed comments or testimony, and an evidentiary hearing. The commission must establish and the public utility shall collect a system benefit charge or similar funding mechanism to be imposed against end-use customers of each electrical utility. Such charge or mechanism shall replace any existing cost recovery mechanism used by a public utility to recover costs and incentives for energy efficiency programs, and it must be sufficient to cover the administrative and program costs necessary to design and implement the energy efficiency portfolio such that the portfolio meets the requirements of Sections 58-37-20(C) and Section 58-37-20(E). The utility and the third-party administrator must cooperatively develop a plan to transition implementation of a comprehensive program portfolio within one year while also ensuring customers have continuous access to energy efficiency program offerings during the transition period. The transition plan shall address how to coordinate energy efficiency program offerings with the design and implementation of an electrical utility's demand response programs.

(3) Any investor-owned utility with energy efficiency programs administered by a third party shall not be eligible for recovery of lost revenues or financial incentives under Section 58-37-20.

(B) For electrical cooperatives and the South Carolina Public Service Authority subject to the energy efficiency performance target in Section 58-37-20(I):

(1) No later than July 1, 2028, and every three years thereafter, the commission shall open a proceeding to review the annual evaluation, measurement, and verification reports filed by electrical cooperatives and the South Carolina Public Service Authority for the purpose of evaluating those utilities' energy efficiency performance relative to the performance targets and requirements established in Section 58-37-20(I). The commission shall also determine whether to increase the energy efficiency savings target for the following three-year period.

(2) The commission is authorized to utilize a competitive process to solicit bids and appoint a third-party administrator to develop and implement a standardized energy efficiency portfolio on behalf of those utilities whose energy efficiency efforts have failed to meet the energy efficiency performance target in two of the prior three years. Electrical cooperatives with fewer than 5,000 members may voluntarily opt-in to participate in any such statewide program, once established.

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(3) No later than six months after appointing a third-party administrator, the commission must conduct a proceeding to establish and approve:

(a) A system benefit charge or other funding or financing mechanism that participating utilities will be required to collect and impose against end-use customers. Any such charge or mechanism must be sufficient to cover the administrative and program costs necessary for the third-party administrator to design and implement an energy efficiency portfolio that meets the requirements of Section 58-4-160(B)(5). Except for shared administrative costs, the third-party administrator must ensure that funding recovered from a particular utility is used to deliver demand-side management programs to customers in that utility service territory.

(b) A plan to transition implementation of energy efficiency programs within one year while also ensuring customers have continuous access to energy efficiency program offerings during the transition period. Participating utilities and the third-party administrator must cooperatively develop and present this plan to the commission for approval.

(4) The commission shall hold a proceeding every three years, following the triennial proceeding in Section 58-4-160(B)(1), to evaluate the performance of the third-party administrator relative to any applicable energy efficiency performance targets, determine whether changes to the funding mechanism or amount are required, and establish a process to integrate participation by any utility failing to meet the applicable energy efficiency performance targets in the prior three-year period.

(5) The third-party administrator shall design and implement a demand-side management portfolio in order to cost-effectively meet or exceed applicable energy efficiency performance targets and in furtherance of the following goals:

(a) promoting and increasing the availability of energy efficiency programs for customers of all participating utilities;

(b) providing a standard portfolio of cost-effective energy efficiency programs that will ensure consistency in program availability for customers of participating utilities across the State;

(c) prioritizing programs that deliver persistent energy savings and meaningful long-term reductions in customer bills, particularly for low income households;

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(d) providing training, education, and certification to promote a robust workforce of qualified energy efficiency contractors across the State.

The third-party administrator may seek out federal, state, or other funding sources available to improve or expand the availability of demand-side management programs or to reduce barriers to customer participation, to the extent allowed by law.

(6) The third-party administrator shall be fully independent from participating utilities and the design and implementation of programs under this section shall not be subject to utility oversight or direction. The third-party administrator must ensure that no employee or agent involved with the design or implementation of the portfolio has a conflict of interest due to a current or prior affiliation with any utility subject to the requirements of this subsection.

(C) Upon notice and hearings as the commission may require, the commission may issue rules, regulations, and orders pursuant to this chapter to implement applicable programs and measures under this section.

(D) The provisions of this section are subject to available funding.

Amend the bill further, SECTION 25, Section 58-37-10, by striking the <<placeholder>> undesignated paragraph and inserting:

In evaluating the cost-effectiveness of a program or portfolio, a utility or program administrator must present the results of all four tests. The total resource costs test must include, as part of customer benefits, a reasonable estimate of all significant customer cost savings that will likely result from the implementation of the program. In calculating cost-effectiveness, a utility must use a standard utility practice for determining the percentage of energy savings that would or would not have been achieved through customer adoption of an efficiency behavior or technology without any incentive allowed pursuant to this chapter to install and utilize the technology as part of the associated demand-side management program. The utility must designate the expected useful life of the measure and evaluate the costs and benefits of the measures over their useful lives in the program application based on industry accepted standards. Further, in calculating the cost-effectiveness, the commission must consider the efficiencies and scale of programs that are or may be available across a utility's balancing area, even if that balancing area extends outside of the state.

Amend the bill further, SECTION 25, by striking Section 58-37-10(4) and inserting:

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~~—(4) “Demand-side management pilot program” means a demand-side management program that is of limited scope, cost, and duration and that is intended to determine whether a new or substantially revised program or technology would be cost-effective.~~

(4) "Percent of retail sales" or "percentage of retail sales," where used to describe energy savings levels in this chapter, means the proportion of annual net energy savings compared to total annual retail electric sales expressed as a percentage and consistent with data reported by the utility to the Energy Information Administration through Form 861.

Amend the bill further, SECTION 26, by striking Section 58-37-20(A), (B), (C), (D), (E), and (F) and inserting:

(A) The General Assembly declares that expanding utility investment in and customer access to cost-effective demand-side management programs will result in more efficient use of existing resources, promote lower energy costs, mitigate the increasing need for new generation and associated resources, and assist customers in managing their electricity usage to better control their electric bill, and is therefore in the public interest. Within its function of reviewing and regulating utility service, the Office of Regulatory Staff shall use its expertise to promote demand-side management program improvement, comprehensiveness, and customer access.

(B) The commission may approve any program filed by a public utility if the program is found to be cost-effective. Furthermore, the commission may, in its discretion, approve any program filed by a public utility that is not cost-effective, so long as the proposed demand-side management program is targeted to low-income customers, provided that the public utility's portfolio of demand-side management programs is cost-effective as a whole. The commission shall approve any program filed by a public utility if the evidence in the record supports a finding that the program is or is expected to be cost-effective, and may approve demand-side pilot programs that are of limited scope, cost, and duration to determine whether a new or substantially revised program or technology would be cost-effective. The commission may, in its discretion, approve any program filed by a public utility that is not cost-effective, so long as the proposed demand-side management program is targeted to low-income customers, provided that the public utility's portfolio of demand-side management programs is cost-effective as a whole. The commission may require the coordination of electric and gas utility programs to promote administrative efficiency, facilitate energy savings, and reduce complexity for home heating and air contractors, energy auditors, and other service providers, with a reasonable sharing

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of program costs among utilities. The commission shall prioritize energy savings measures that have a persistence greater than one year in order to count towards the performance targets. Demand-side management programs may be coordinated with distributed generation and other customer distributed energy resource programs, policies or tariffs.

~~(C)The South Carolina Public Service Commission may adopt procedures that encourage electrical utilities and public utilities providing gas services subject to the jurisdiction of the commission to invest in cost effective energy efficient technologies and energy conservation programs. If adopted, these procedures must: provide incentives and cost recovery for energy suppliers and distributors who invest in energy supply and end-use technologies that are cost effective, environmentally acceptable, and reduce energy consumption or demand; allow energy suppliers and distributors to recover costs and obtain a reasonable rate of return on their investment in qualified demand-side management programs sufficient to make these programs at least as financially attractive as construction of new generating facilities; require the Public Service Commission to establish rates and charges that ensure that the net income of an electrical or gas utility regulated by the commission after implementation of specific cost-effective energy conservation measures is at least as high as the net income would have been if the energy conservation measures had not been implemented. For purposes of this section only, the term “demand side activity” means a program conducted by an electrical utility or public utility providing gas services for the reduction or more efficient use of energy requirements of the utility or its customers including, but not limited to, utility transmission and distribution system efficiency, customer conservation and efficiency, load management, cogeneration, and renewable energy technologies.~~

(1) By Dec. 31, 2027, each investor-owned electrical utility shall be required to achieve an energy efficiency performance target of 0.66 percent of retail sales. This performance target is a minimum and does not limit the obligation to pursue all cost-effective energy efficiency and demand-side resources in accordance with the requirements of Section 58-37-20(E). After a period of three years, the commission shall hold a proceeding to determine whether it is appropriate to increase or maintain this energy efficiency performance target.

(2) By July 1, 2026, the commission shall open a proceeding to determine whether it is also appropriate to establish a demand response performance target for each of the state’s investor-owned electrical utilities.

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(D) Failure to meet the energy efficiency performance targets as outlined in Section 58-37-20(C) qualifies as a failure of the utility to make every reasonable effort to minimize fuel costs as outlined in Section 58-27-865(F) and the commission shall grant a proportional disallowance based on evidence in record.

(E) The commission must adopt procedures that require electrical utilities and public utilities providing gas services subject to the jurisdiction of the commission to plan for and invest in all cost-effective, reasonable, prudent, and available energy efficiency and demand-side resources. If an electrical utility fails to meet the requirements of this section as determined by the commission, the commission is authorized to appoint a third-party administrator pursuant to the provisions of Section 58-4-160 to carry out the electrical utility's energy efficiency duties pursuant to this section on behalf of the electrical utility. Upon such notice and hearings that the commission may require, the commission may issue rules, regulations, or orders pursuant to this chapter to implement applicable programs and measures under this section. If adopted, these procedures must: provide incentives and cost recovery for energy suppliers and distributors who invest in energy supply and end-use technologies that are cost-effective, environmentally acceptable, and reduce energy consumption or system or local coincident peak demand; allow energy suppliers and distributors to recover costs and obtain a reasonable rate of return on their investment in qualified demand-side management programs sufficient to make these programs at least as financially attractive as construction of new generating facilities; require the commission to establish rates and charges that ensure that the net income of an electrical or gas utility regulated by the commission after implementation of specific cost-effective energy conservation measures is at least as high as the net income would have been if the energy conservation measures had not been implemented, except as provided in Section 58-4-160(C).

~~(D)~~(F) Each investor-owned electrical utility must submit an annual report to the commission describing the demand-side management programs implemented by the electrical utility in the previous year, provided the program has been operational for a reasonable period of time, as well as the results of such programs. ~~The commission may require certain information including, but not limited to~~ This annual report must include:

(1) net achieved savings levels from the utility's portfolio of programs in the prior year, reported as a percentage of the utility's annual sales;

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(2) program expenditures, including incentive payments;

(3) peak demand and energy savings impacts and the techniques used to estimate those impacts;

(4) avoided costs and the techniques used to estimate those costs;

(5) estimated cost-effectiveness of the demand-side management programs;

(6) a description of economic benefits of the demand-side management programs;

(7) the number of customers eligible to opt-out of the electrical utility's demand-side management programs, the percentage of those customers that opted-out in the previous year, and the annual sales associated with those opt-out customers; and

(8) any other information required by the commission.

~~(E)~~(G) To ensure prudent investments by an electrical utility in energy efficiency and demand response, as compared to potential investments in generation, transmission, distribution, and other supply related utility equipment and resources, the commission must review each investor-owned electrical utility's portfolio of demand-side management programs on at least a triennial basis to align the review of that utility's integrated resource plan pursuant to Section 58-37-40. The commission is authorized to order modifications to an electrical utility's demand-side management portfolio, including program budgets, if the commission determines that doing so in the public interest.

~~(F)~~(H) The provisions of subsections ~~(C)~~, ~~(D)~~, and ~~(E)~~ ~~(E)~~, ~~(F)~~, and ~~(G)~~ do not apply to an electrical utility that serves less than 100,000 customers in this State.

(I) Beginning July 1, 2026, electrical cooperatives with more than 5,000 members and the South Carolina Public Service Authority shall be required to achieve an annual energy efficiency performance target of 0.50 percent of retail sales. Beginning July 1, 2027, these utilities must file with the commission on an annual basis an evaluation, measurement, and verification report from an independent third-party evaluator demonstrating compliance with this energy efficiency performance target or any subsequent target approved by the commission.

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator DAVIS, with unanimous consent, the amendment was withdrawn.

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Motion Adopted

Senator MASSEY asked unanimous consent to withdraw Amendment No. 19A and substitute it with Amendment No. 19B.

Amendment No. 19B

Senators MASSEY, CAMPSER, PEELER, CORBIN and BLACKMON proposed the following amendment (LC-3309.HA0093S), which was adopted:

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

SECTION X. Chapter 27, Title 58 of the S.C. Code is amended by adding:

Section 58-27-835. (A) For purposes of this section only:

(1) "Commercial data center" means a facility, campus of facilities, or array of interconnected facilities in this State used by an entity or other business enterprise to operate, manage, or maintain a computer, group of computers, or other organized assembly of hardware and software for the primary purpose of storing, retrieving, or transmitting data and that has a peak demand of one hundred megawatts or greater.

(2) "Electric service provider" means an electrical utility, consolidated political subdivisions, electric cooperatives, and the Public Service Authority.

(B) Notwithstanding any other provision of law, an electric service provider shall require additional terms and conditions of electric service, including, without limitation, rates, charges, minimum billing requirements, and longer terms of contract, designed to ensure all costs associated with serving or preparing to serve commercial data centers are recovered solely, or at least substantially, from commercial data centers. These terms and conditions shall include, at a minimum:

(1) a contract term of at least fifteen years;

(2) minimum billing requirements;

(3) a requirement that the commercial data center, upon termination of its contract for electric service, pay any unrecovered costs incurred in serving or preparing to serve the commercial data center, including, but not limited to, distribution, transmission, and generation costs associated with the provision of electric service to the commercial data center;

(4) collateral from the commercial data center to be paid to the electric service provider in the event the commercial data center terminates its contract prior to the contract expiration date. The electric service provider must maintain this collateral in a separate account. In the event the account earns any interest, that interest amount must be

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applied towards the commercial data center's outstanding costs, less any administrative fees the electric service provider may have incurred due to the account; and

(5) a requirement that the commercial data center, upon termination of its contract for electric service, pay any unrecovered costs incurred in serving or preparing to serve the commercial data center to the electric service provider. This must include, but not be limited to, distribution, transmission, and generation costs associated with the provision of electric service to the commercial data center.

(C) Any contract pursuant to this section must be approved by the Public Service Commission. Before the commission may approve a contract, it must determine that the contract meets the requirements of this section and that costs associated with increased fuel requirements, generation costs, and transmission costs that: (i) are substantially related to the provision of electric services to the commercial data center; and (ii) would not have been incurred but for the electric demand of such commercial data center, shall be recovered solely by the electric service provider from the commercial data center.

(D) The provisions of this section shall not apply to a commercial data center that is a customer of an electric service provider in this State as of May 15, 2025.

SECTION X.A. Section 12-36-2120(65) of the S.C. Code is amended to read:

(65)(a) computer equipment, as defined in subitem (c) of this item, used in connection with a technology intensive facility as defined in Section 12-6-3360(M)(14)(b), where:

(i) the taxpayer invests at least three hundred million dollars in real or personal property or both comprising or located at the facility over a five-year period;

(ii) the taxpayer creates at least one hundred new full-time jobs at the facility during that five-year period, and the average cash compensation of at least one hundred of the new full-time jobs is one hundred fifty percent of the per capita income of the State according to the most recently published data available at the time the facility's construction starts; ~~and~~

(iii) at least sixty percent of the three hundred million dollars minimum investment consists of computer equipment; and

(iv) the taxpayer enters into a fee in lieu agreement on or before May 15, 2025, and any subsequent renewal of that agreement.

(b) computer equipment, as defined in subitem (c) of this item, used in connection with a manufacturing facility, where:

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(i) the taxpayer invests at least seven hundred fifty million dollars in real or personal property or both comprising or located at the facility over a seven-year period; and

(ii) the taxpayer creates at least three thousand eight hundred full-time new jobs at the facility during that seven-year period.

As used in this subitem, “taxpayer” includes a person who bears a relationship to the taxpayer as described in Section 267(b) of the Internal Revenue Code.

(c) For the purposes of this item, “computer equipment” means original or replacement servers, routers, switches, power units, network devices, hard drives, processors, memory modules, motherboards, racks, other computer hardware and components, cabling, cooling apparatus, and related or ancillary equipment, machinery, and components, the primary purpose of which is to store, retrieve, aggregate, search, organize, process, analyze, or transfer data or any combination of these, or to support related computer engineering or computer science research.

(d) These exemptions apply from the start of the investment in or construction of the technology intensive facility or the manufacturing facility. The taxpayer shall notify the Department of Revenue of its use of the exemption provided in this item on or before the first sales tax return filed with the department after the first such use. Upon receipt of the notification, the department shall issue an appropriate exemption certificate to the taxpayer to be used for qualifying purposes under this item. Within six months after the fifth anniversary of the taxpayer's first use of this exemption, the taxpayer shall notify the department in writing that it has or has not met the investment and job requirements of this item by the end of that five-year period. Once the department certifies that the taxpayer has met the investment and job requirements, all subsequent purchases of or investments in computer equipment, including to replace originally deployed computer equipment or to implement future expansions, likewise shall qualify for the exemption described above, regardless of when the taxpayer makes the investments.

(e) The department may assess any tax due on property purchased tax free pursuant to this item but due the State if the taxpayer subsequently fails timely to meet the investment and job requirements of this item after being granted the exemption; for purposes of determining whether the taxpayer has timely satisfied the investment requirement, replacement computer equipment counts toward the investment requirement to the extent that the value of the replacement computer equipment exceeds the cost of the computer equipment so replaced, but, provided the taxpayer otherwise qualifies for the exemption, the full

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value of the replacement computer equipment is exempt from sales and use tax. The running of the periods of limitation within which the department may assess taxes provided pursuant to Section 12-54-85 is suspended during the time period beginning with the taxpayer's first use of this exemption and ending with the later of the fifth anniversary of first use or notice to the department that the taxpayer either has met or has not met the investment and job requirements of this item;

B. Section 12-36-2120(66) of the S.C. Code is amended to read:

(66) electricity used by a technology intensive facility as defined in Section 12-6-3360(M)(14)(b) and qualifying, on or before May 15, 2025, for the sales tax exemption provided pursuant to item (65) of this section, and the equipment and raw materials including, without limitation, fuel used by such qualifying facility to generate, transform, transmit, distribute, or manage electricity for use in such a facility. The running of the periods of limitation within which the department may assess taxes pursuant to Section 12-54-85 is suspended during the same time period it is suspended in item (65)(d) of this section;

C. Section 12-36-2120(79) of the S.C. Code is amended to read:

(79)(A)(1) original or replacement computers, computer equipment, and computer hardware and software purchases used within a datacenter; and

(2) electricity used by a datacenter and eligible business property to be located and used at the datacenter. This subsubitem does not apply to sales of electricity for any other purpose, and such sales are subject to the tax, including, but not limited to, electricity used in administrative offices, supervisory offices, parking lots, storage warehouses, maintenance shops, safety control, comfort air conditioning, elevators used in carrying personnel, cafeterias, canteens, first aid rooms, supply rooms, water coolers, drink boxes, unit heaters and waste house lights.

(B) As used in this section:

(1) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(2) "Computer equipment" means original or replacement servers, routers, switches, power units, network devices, hard drives, processors, memory modules, motherboards, racks, other computer hardware and components, cabling, cooling apparatus, and related or ancillary equipment, machinery, and components, the primary purpose of which is to store, retrieve, aggregate, search, organize, process, analyze, or transfer data or any combination of these, or to support related computer engineering or computer science research. This also

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includes equipment cooling systems for managing the performance of the datacenter property, including mechanical and electrical equipment, hardware for distributed and mainframe computers and servers, data storage devices, network connectivity equipment, and peripheral components and systems.

(3) “Computer software” means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(4) “Concurrently maintainable” means capable of having any capacity component or distribution element serviced or repaired on a planned basis without interrupting or impeding the performance of the computer equipment.

(5) “Datacenter” means a new or existing facility at a single location in South Carolina:

(i) that provides infrastructure for hosting or data processing services and that has power and cooling systems that are created and maintained to be concurrently maintainable and to include redundant capacity components and multiple distribution paths serving the computer equipment at the facility. Although the facility must have multiple distribution paths serving the computer equipment, a single distribution path may serve the computer equipment at any one time;

(ii)(a) where a taxpayer invests at least fifty million dollars in real or personal property or both over a five year period; or

(b) where one or more taxpayers invests a minimum aggregate capital investment of at least seventy-five million dollars in real or personal property or both over a five year period;

(iii) where a taxpayer creates and maintains at least twenty-five full-time jobs at the facility with an average cash compensation level of one hundred fifty percent of the per capita income of the State or of the county in which the facility is located, whichever is lower, according to the most recently published data available at the time the facility is certified by the Department of Commerce;

(iv) where the jobs created pursuant to subitem (B)(5)(iii) are maintained for three consecutive years after a facility with the minimum capital investment and number of jobs has been certified by the Department of Commerce; and

(v) which is certified by the Department of Commerce pursuant to subitem (D)(1) under such policies and procedures as promulgated by the Department of Commerce.

(6) “Eligible business property” means property used for the generation, transformation, transmission, distribution, or management of

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electricity, including exterior substations and other business personal property used for these purposes.

(7) “Multiple distribution paths” means a series of distribution paths configured to ensure that failure on one distribution path does not interrupt or impede other distribution paths.

(8) “Redundant capacity components” means components beyond those required to support the computer equipment.

(C)(1) To qualify for the exemption allowed by this item, a taxpayer, and the facility in the case of a seventy-five million dollar investment made by more than one taxpayer, shall, on or before May 15, 2025, notify the Department of Revenue and Department of Commerce, in writing, of its intention to claim the exemption. For purposes of meeting the requirements of subitems (B)(5)(ii) and (B)(5)(iii), capital investment and job creation begin accruing once the taxpayer notifies each department. Also, the five-year period begins upon notification.

(2) Once the taxpayer meets the requirements of subitem (B)(5), or at the end of the five-year period, the taxpayer shall notify the Department of Revenue, in writing, whether it has or has not met the requirements of subitem (B)(5). The taxpayer shall provide the proof the department determines necessary to determine that the requirements have been met.

(D)(1) Upon notifying each department of its intention to claim the exemption pursuant to subitem (C)(1), and upon certification by the Department of Commerce, the taxpayer may claim the exemption on eligible purchases at any time during the period provided in Section 12-54-85(F), including the time period prior to subitem (B)(5)(iv) being satisfied.

(2) For purposes of this section, the running of the periods of limitations for assessment of taxes provided in Section 12-54-85 is suspended for:

(i) the time period beginning with notice to each department pursuant to subitem (C)(1) and ending with notice to the Department of Revenue pursuant to subitem (C)(2); and

(ii) during the three year job maintenance requirement pursuant to subitem (B)(5)(iv).

(E) Any subsequent purchase of or investment in computer equipment, computer hardware and software, and computers, including to replace originally deployed computer equipment or to implement future expansions, likewise shall qualify for the exemption provided in this subitem, regardless of when the taxpayer makes the investments.

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(F)(1) If a taxpayer receives the exemption for purchases but fails to meet the requirements of subitem (B)(5) at the end of the five-year period, the department may assess any state or local sales or use tax due on items purchased.

(2) If a taxpayer meets the requirements of subitem (B)(5), but subsequently fails to maintain the number of full-time jobs with the required compensation level at the facility, as previously required pursuant to subitem (B)(5)(iii), the taxpayer is:

(i) not allowed the exemption for items described in subitem (A)(1) until the taxpayer meets the previous qualifying jobs requirements pursuant to subitem (B)(5)(iii); and

(ii) allowed the exemption for electricity pursuant to subitem (A)(2), but the exemption only applies to a percentage of the sale price, calculated by dividing the number of qualifying jobs by twenty-five.

(G) This subitem only applies to a datacenter that is certified by the Department of Commerce pursuant to subitem (D)(1) prior to ~~January 1, 2032~~ May 15, 2030. However, this item shall continue to apply to a taxpayer that is certified by ~~December 31, 2031~~ May 14, 2030, for an additional ten year period. Upon the end of the ten year period, this subitem is repealed;

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Recorded Vote

Senator CHAPLIN desired to be recorded as voting against the adoption of the amendment.

Motion Adopted

Senator MASSEY asked unanimous consent to withdraw Amendment No. 20 and substitute it with Amendment No. 20B.

Amendment No. 20B

Senator MASSEY proposed the following amendment (LC-3309.HA0099S), which was tabled:

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

SECTION X. Title 58 of the S.C. Code is amended by adding:

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CHAPTER 32

Retail Electric Customer Choice

Section 58-32-10. For purposes of this chapter:

(1) "Commission" means the Public Service Commission.

(2) "Customer-sited generation" means an electric generation facility, or combination of electric generation facilities, located on an eligible customer's premises and on the eligible customer's side of the delivery point with a nameplate capacity that does not exceed the eligible customer's estimated maximum demand for electric service and that is solely for the use of the eligible customer. For purposes of this chapter, an owner of customer-sited generation shall not be considered an electrical utility as defined in Section 58-27-10(7) or Section 58-31-310.

(3) "Customer-supplied power" means electric power and energy produced by customer-sited generation or delivered to an eligible customer's delivery point from a third-party electric supplier, or both.

(4) "Delivery point" means the point where the facilities of the incumbent electric supplier make physical contact with the facilities of the eligible customer.

(5) "Distribution services" means electric distributions services, along with any other services required to safely and reliability deliver electric energy.

(6) "Distribution tariff" means the tariff filed with the commission or the rules otherwise governing electric distribution services provided by an incumbent electric supplier.

(7) "Electric generation facility" means a facility for generating electric power, including renewable electric generation facilities and generation facilities qualifying under the Public Utility Regulatory Policies Act of 1978 ("PURPA"), Public Law 95-617, as amended.

(8) "Electric power" means electric energy, electric capacity or generation-related ancillary services or any combination thereof.

(9) "Electric supplier" shall have the same meaning as in Section 58-27-10(7) and shall include the South Carolina Public Service Authority.

(10) "Eligible customer" means a new or existing individual nonresidential retail electric customer that has an estimated maximum demand for electric service of at least one hundred kilowatts at a single delivery point.

(11) "Incumbent electric supplier" means an electric supplier or other person or corporation that, pursuant to Title 58, Chapter 27, Article 5, generates or has the right to generate and furnish electric service to the eligible customer's premises. Incumbent electric supplier shall also include the South Carolina Public Service Authority.

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(12) “Premises” means the building, structure or facility to which electricity is being or is to be furnished; provided that two or more buildings, structures, or facilities which are located on one tract or contiguous tracts of land and are utilized by one electric consumer for farming, business, commercial, industrial, institutional or governmental purposes, shall together constitute one “premises,” except that any such building, structure or facility shall not, together with any other building, structure or facility, constitute one “premises” if the electric service to it is separately metered and the charges for such service are calculated independently of charges for service to any other building, structure, or facility.

(13) “Renewable electric generation facility” means a facility generating electric power from solar photovoltaic resources, wind resources, hydroelectric resources, geothermal resources, tidal and wave energy resources, hydrogen fuel derived from renewable resources, combined heat and power derived from renewable resources, or biomass resources, or any combination thereof. Renewable electric generation facility also includes an electrical energy storage system, if the energy so stored is generated from one of the resources enumerated above.

(14) “Standby electric service rate” means a rate offered by the incumbent electric supplier to provide replacement energy to an eligible customer when the power supply to such customer purchased under a customer choice option is not available.

(15) “Third-party electric supplier” means: (a) an electric supplier that is not the incumbent electric supplier; or (b) a person or corporation that is not an electric supplier but provides electricity generated by an electric generation facility. A third-party electric supplier may be located within or outside this State. For purposes of this chapter, a third-party electric supplier shall not be considered an electrical utility as defined in Section 58-27-10(7) or Section 58-31-310.

(16) “Transmission services” means electric transmission services, along with any other services required to safely and reliably deliver electric energy.

(17) “Transmission services provider” means any person or corporation owning or operating electric transmission facilities in the State for transmitting, delivering, or furnishing electricity.

(18) “Transmission tariff” means an open access transmission tariff, reciprocity tariff, or other tariff to provide transmission services unbundled from other services.

Section 58-32-20. (A) An eligible customer shall be permitted to purchase all or part of its electricity demand from a third-party electric

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supplier in accordance with the terms of this chapter and federal laws and regulations. An eligible customer shall also be permitted to obtain all or part of its electricity demand from customer-sited generation.

(B) In the event an eligible customer either chooses to obtain: (1) all or part of its electric demand from a third-party electric supplier; or (2) at least half of its electric demand as customer-sited generation, the eligible customer and the incumbent electric supplier must enter into a contract. This contract must provide, at a minimum:

(1) the amount of electricity the eligible customer will receive from the third-party electric supplier and detailed arrangements for its energy needs to be provided by the third-party electric supplier;

(2) if the eligible customer chooses to receive part of its electricity from the incumbent electric supplier, a firm electricity demand that the eligible customer will receive from the incumbent electric supplier and the term of the eligible customer's commitment to purchase that amount from the incumbent electric supplier;

(3) conditions for which the incumbent electric supplier may curtail or suspend service to the eligible customer;

(4) rates and terms for transmission service provided by the incumbent electric supplier, including, but not limited to, necessary transmission and ancillary services; and

(5) terms requiring the eligible customer to relieve the incumbent electric supplier from its obligation to provide electricity for the amount to be provided by a third-party electric supplier, including the incumbent electric supplier's obligation to maintain reserves for the customer.

(C) In the event an eligible customer chooses to meet at least half of its peak electric demand through customer-supplied power, the eligible customer and the incumbent electric supplier must enter into a contract. This contract must provide, at a minimum:

(1) details regarding the electricity to be provided by the customer-supplied power, including the amount of electricity to be generated by the eligible customer;

(2) if the eligible customer chooses to receive part of its electricity from the incumbent electric supplier, a firm electricity demand that the eligible customer will receive from the incumbent electric supplier and the term of the eligible customer's commitment to purchase that amount from the incumbent electric supplier;

(3) conditions for which the incumbent electric supplier may curtail or suspend service to the eligible customer;

(4) rates, terms, and conditions for services provided by the incumbent electric supplier; and

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(5) terms requiring the eligible customer to relieve the incumbent electric supplier from its obligation to provide electricity for the amount to be provided by the customer-supplied power, including the incumbent electric supplier's obligation to maintain reserves for the customer.

(D) In the event an eligible customer chooses to obtain all or part of its electric demand from a third-party electric supplier or customer-supplied power, the eligible customer shall be responsible for ensuring that portion of its energy needs are met. The incumbent electric supplier shall be relieved of its obligation to provide energy to the eligible customer in accordance with the terms of the contract described in subsection (B) or (C). However, the eligible customer and the incumbent electric supplier may agree to contractual terms in which the incumbent electric supplier may supply energy to the eligible customer if the third-party electric supplier or customer-supplied power is unable to meet the eligible customer's electricity demands.

Section 58-32-30. An eligible customer that utilizes a third-party electric supplier must provide arrangements for firm transmission from the third-party electric supplier in order to have its electricity delivered from the third-party electric supplier's sources to the incumbent electric supplier's transmission system. The incumbent electric supplier shall cooperate with the third-party electric supplier to provide reasonable terms of transmission service, consistent with industry standards, the Open Access Transmission Tariff, and applicable business practices.

Section 58-32-40. The incumbent electric supplier shall not be liable for any costs associated with the eligible customer's service of electricity from a third-party electric supplier, including transmission service from the third-party electric supplier. The incumbent electric supplier shall be responsible for transmission to the eligible customer for electricity on the incumbent electric supplier's transmission system.

Section 58-32-50. The incumbent electric supplier must place an eligible customer who chooses to obtain electricity from a third-party electric supplier on a separate circuit so that the incumbent electric supplier can curtail or shut down its electric supply to the eligible customer in accordance with the terms of the agreement. The eligible customer shall pay all costs associated with its circuit.

Section 58-32-60. In the event an eligible customer requires transmission upgrades, that eligible customer must pay the initial costs for the upgrade. A determination must be made, in accordance with federal laws and regulations, as to whether the transmission upgrade solely benefits the eligible customer or if the upgrade benefits others who the incumbent electric supplier serves. If the transmission upgrade

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benefits more customers than solely the eligible customer, in terms of electric service, the incumbent electric supplier and the eligible customer may agree for the incumbent electric supplier to reimburse the eligible customer for a period of not more than twenty years.

Section 58-32-70. In the event the incumbent electric supplier factored an eligible customer's energy demand into its planning for electric generation or transmission and that eligible customer leaves the incumbent electric supplier's territory, the eligible customer must continue to pay for capital construction costs until the amount the eligible customer would have been responsible for is paid in full or another customer assumes the amount. The commission must determine the eligible customer's financial obligation to the incumbent electric supplier in a manner ensures that there is no adverse effect or increase in residential or other commercial or industrial electric rates.

Section 58-32-80. The commission must review any proposed contract pursuant to this chapter to ensure it meets the requirements of state and federal laws, rules and regulations.

Renumber sections to conform.

Amend title to conform.

Point of Order

Senator GROOMS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MASSEY spoke on the Point of Order.

Senator SABB spoke on the Point of Order.

Senator GROOMS spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator MASSEY explained the amendment.

Senator KIMBRELL spoke on the amendment.

Senator RANKIN spoke on the amendment.

Senator CLIMER spoke on the amendment.

Senator RANKIN moved to lay the amendment on the table.

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

Ayes 32; Nays 11

AYES

| | | |
|-----------|---------|-------------|
| Alexander | Allen | Blackmon |
| Cash | Chaplin | Corbin |
| Cromer | Devine | Gambrell |
| Goldfinch | Graham | Grooms |
| Hembree | Jackson | Kennedy |
| Kimbrell | Leber | Martin |
| Matthews | Nutt | Ott |
| Peeler | Rankin | Reichenbach |
| Rice | Sabb | Sutton |
| Tedder | Verdin | Walker |
| Williams | Young | |

Total--32

NAYS

| | | |
|-----------|---------|---------|
| Adams | Bennett | Campsen |
| Climer | Davis | Elliott |
| Fernandez | Johnson | Massey |
| Stubbs | Turner | |

Total--11

The amendment was laid on the table.

Motion Adopted

Senator OTT asked unanimous consent to withdraw Amendment No. 26A and substitute it with Amendment No. 26B.

Amendment No. 26B

Senators OTT, DAVIS and DEVINE proposed the following amendment (SR-3309.CEM0021S), which was adopted:

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

SECTION X. (A) Five years after the effective date of this act, the Office of the Regulatory Staff shall prepare a report, to be filed with the Public Utilities Review Committee and the General Assembly, to

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address the implementation of Article 24, Chapter 27, Title 58 as it relates to the following areas:

(1) assessing the functioning of the procedures established by section with recommendation for any changes required to ensure their efficient functioning, to promote regulatory efficiency, and to make further the establishment of just, reasonable, and fair rates;

(2) assessing the effect of rates on ratepayers of all classes;

(3) assessing the reliability of the electric system and whether investments made by electric utilities increased reliability compared to any change in electric utility rates experienced by ratepayers within the same timeframe; and

(4) any other information requested by the General Assembly to be included within the report.

(B) The Office of Regulatory Staff may engage a qualified, independent third party to assist in preparation of the report.

(C) All expenses and charges incurred by the Office of Regulatory Staff in the performance of its duties within this section may be defrayed by assessments made by the Comptroller General against the regulated electrical utilities regulated and based upon twenty five percent of the gross revenues collected by such electrical utilities from their business done wholly within this State in the manner set out in Section 58-3-100 for other corporations.

Re-number sections to conform.

Amend title to conform.

Senator OTT explained the amendment.

The amendment was adopted.

Amendment No. 33

Senators CAMPSSEN, CHAPLIN, LEBER and STUBBS proposed the following amendment (SJ-3309.MB0011S), which was adopted:

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

SECTION X.A. Chapter 29, Title 6 of the S.C. Code is amended by adding:

Section 6-29-1220. (A) For any county that has not adopted rural zoning or has not adopted ordinances establishing design and development standards for solar energy systems, and until such time as rural zoning or an ordinance for solar energy systems has been adopted, then the development and operation of solar energy systems that require

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a footprint of more than thirteen acres of land shall comply with the following design and development standards:

(1) Site plans shall be prepared by a licensed land surveyor, landscape architect, or engineer in the State of South Carolina. Plans must be sealed.

(2) Solar energy systems shall be set back fifty feet from adjoining property lines and road right of ways and two hundred feet from the nearest residence, church, or school. Setback distances are to the fence and are inclusive of the vegetation buffer.

(3) Solar structures shall not exceed fifteen feet in height. This provision shall not include the interconnection poles, substation equipment, or other devices necessary for the electricity to be delivered to the public utility station.

(4) Solar energy facilities shall be screened from adjacent public road rights-of-way, residences, churches, or schools with a vegetative buffer and fence or wall with the following specifications:

(a) a vegetative buffer shall be installed adjacent to the solar energy system farm;

(b) the vegetation shall be planted in two staggered rows at a spacing interval between eight feet and ten feet on center and reach at least six feet in height over a three-year growing season and not less than fifteen feet in height at maturity or two feet higher than the highest panel, whichever is greater; and

(c) the vegetation shall include low lying vegetation to fill gaps between taller vegetation.

(5) All lighting shall be shielded or directed in a downward position to prevent noxious glare. A light fixture is required at the ends of all turnarounds.

(6) Fencing shall be at least six feet in height to secure the perimeter. The fence shall be secure at all times.

(7) A warning sign concerning voltage must be placed at the main gate to include the address and name of the solar energy system operator and a twenty-four-hour phone number for the solar energy system in case of an emergency.

(8) Solar collectors shall be designed with anti-reflective coating to minimize glare. Textured glass is optional. Mirrors are prohibited.

(9) Submit and maintain an updated facility decommission plan consistent with the then current decommissioning requirements as required by the South Carolina Department of Environmental Services.

(B) Upon receipt of a completed solar energy system plan by a county subject to the provisions in (A), the county shall set a date for a public

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hearing and send, by first class mail, a notice of the application to all property owners within two thousand six hundred and forty feet of the proposed solar energy system. The notification shall include projected date of the public hearing to be held by the county. Public notification includes posting in the local newspaper and mail notice to residents postmarked at least thirty days prior to the public hearing.

(C) The Department of Environmental Services is charged with the enforcement of the provisions of this section. Upon the failure of the owner or operator that is given notice of violation of this section to remedy the violation within thirty days, the Department of Environmental Services may impose civil penalties and require remediation for violations of the provisions of this section. Penalties may be not less than one hundred dollars nor more than five thousand dollars for each day of noncompliance. Penalties may be waived by the Department for good cause for noncompliance shown by the owner or operator.

B. This SECTION takes effect for projects approved by a county on or after January 1, 2026.

Re-number sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Amendment No. 34

Senator CAMPSSEN proposed the following amendment (SFGF-3309.BC0009S), which was adopted:

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

SECTION X. Chapter 27, Title 58 of the S.C. Code is amended by adding:

Section 58-27-836. A commercial data center, as defined in Section 58-27-835, must report to the Department of Environmental Services annually by January 31 the amount of surface water and ground water the commercial data center utilized within the prior twelve months and the anticipated amount of surface water and ground water to be utilized during the next twelve months. The Department of Environmental Services may assess a civil penalty against the owner of a commercial data center of not more than ten thousand dollars for each day after January 31 the information is not received.

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Renumber sections to conform.
Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Amendment No. 35A

Senator CLIMER proposed the following amendment (SR-3309.CEM0022S), which was adopted:

Amend the bill, as and if amended, SECTION 6, Section 58-38-30, by adding a subsection to read:

(C) No former or current member of the General Assembly or their family members, or former or current employee of the South Carolina House of Representatives or the South Carolina Senate, can be an employee or a contractor of the EPI.

Renumber sections to conform.
Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

Amendment No. 36

Senators CAMPSSEN, YOUNG, CORBIN, LEBER, KENNEDY, GRAHAM and STUBBS proposed the following amendment (SJ-3309.MF0002S), which was adopted:

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

SECTION X. Upon passage of this act, Dominion Energy shall evaluate the process for converting the Wateree Generating Station from coal-fired generation to biomass-fired generation. Biomass-fired generation includes, but is not limited to, generation from the firing of wood pellets and wood chips. Dominion Energy must make a report concerning the conversion process to the Public Service Commission and General Assembly by no later than January 13, 2026.

Renumber sections to conform.
Amend title to conform.

Senator CAMPSSEN explained the amendment.

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The amendment was adopted.

The question then was second reading of the Bill.

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

Ayes 41; Nays 3

AYES

| | | |
|-----------|-----------|-------------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Campsen |
| Cash | Chaplin | Climer |
| Cromer | Davis | Devine |
| Elliott | Fernandez | Gambrell |
| Goldfinch | Graham | Grooms |
| Hembree | Jackson | Johnson |
| Kennedy | Kimbrell | Leber |
| Matthews | Nutt | Ott |
| Peeler | Rankin | Reichenbach |
| Rice | Sabb | Stubbs |
| Sutton | Tedder | Turner |
| Verdin | Walker | Williams |
| Young | Zell | |

Total--41

NAYS

| | | |
|--------|--------|--------|
| Corbin | Martin | Massey |
|--------|--------|--------|

Total--3

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

Motion Adopted

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

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MOTION ADOPTED

On motion of Senators ALEXANDER, ADAMS, ALLEN, BENNETT, BLACKMON, CAMPSER, CASH, CHAPLIN, CLIMER, CORBIN, CROMER, DAVIS, DEVINE, ELLIOTT, FERNANDEZ, GAMBRELL, GARRETT, GOLDFINCH, GRAHAM, GROOMS, HEMBREE, HUTTO, JACKSON, JOHNSON, KENNEDY, KIMBRELL, LEBER, MARTIN, MASSEY, MATTHEWS, NUTT, OTT, PEELER, RANKIN, REICHENBACH, RICE, SABB, STUBB, SUTTON, TEDDER, TURNER, VERDIN, WALKER, WILLIAMS, YOUNG and ZELL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Mary Elizabeth Mullikin of Camden, S.C. Mary Elizabeth was a beloved lobbyist and the general counsel for Blue Cross Blue Shield of South Carolina. Mary Elizabeth was a graduate of Camden High School where she excelled in tennis. She earned a black belt in American freestyle karate and was an avid scuba diver to mention a few of her talents and hobbies. Mary Elizabeth received a Bachelor of Science degree in business administration with a concentration in accounting from the Darla Moore School of Business at the University of South Carolina and graduated in 2011 from the Charleston School of Law. She later worked in the White House as a member of the Presidential Advance Team under former President George W. Bush. Mary Elizabeth had a deep love for her family and cherished the friendships she developed over the years. Mary Elizabeth was a loving daughter and devoted sister who will be deeply missed and forever remembered.

ADJOURNMENT

At 11:50 P.M., on motion of Senator MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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