**South Carolina General Assembly**

118th Session, 2009-2010

**A19, R45, S232**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Ryberg, Hutto, Massey, Coleman, O'Dell, Anderson, L. Martin and Nicholson

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Companion/Similar bill(s): 220

Introduced in the Senate on January 13, 2009

Introduced in the House on April 2, 2009

Last Amended on April 29, 2009

Passed by the General Assembly on May 5, 2009

Governor's Action: May 19, 2009, Signed

Summary: State energy policy

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/17/2008 Senate Prefiled

12/17/2008 Senate Referred to Committee on **Agriculture and Natural Resources**

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑190

1/13/2009 Senate Referred to Committee on **Agriculture and Natural Resources** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑190

2/25/2009 Senate Committee report: Favorable with amendment **Agriculture and Natural Resources** [SJ](file:///h:\SJ%20Archive\2009\02-25-09.docx)‑23

2/26/2009 Scrivener's error corrected

3/26/2009 Senate Special order, set for March 26, 2009 [SJ](file:///h:\SJ%20Archive\2009\03-26-09.docx)‑25

3/31/2009 Senate Committee Amendment Adopted [SJ](file:///h:\SJ%20Archive\2009\03-31-09.docx)‑37

3/31/2009 Senate Amended [SJ](file:///h:\SJ%20Archive\2009\03-31-09.docx)‑37

3/31/2009 Senate Read second time [SJ](file:///h:\SJ%20Archive\2009\03-31-09.docx)‑37

4/1/2009 Scrivener's error corrected

4/1/2009 Senate Read third time and sent to House [SJ](file:///h:\SJ%20Archive\2009\04-01-09.docx)‑168

4/2/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\04-02-09.docx)‑6

4/2/2009 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h:\HJ%20Archive\2009\04-02-09.docx)‑6

4/22/2009 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑5

4/23/2009 Scrivener's error corrected

4/28/2009 House Debate adjourned until Wednesday, April 29, 2009 [HJ](file:///h:\HJ%20Archive\2009\04-28-09.docx)‑25

4/29/2009 House Debate adjourned [HJ](file:///h:\HJ%20Archive\2009\04-29-09.docx)‑163

4/29/2009 House Amended [HJ](file:///h:\HJ%20Archive\2009\04-29-09.docx)‑187

4/29/2009 House Read second time [HJ](file:///h:\HJ%20Archive\2009\04-29-09.docx)‑188

4/30/2009 House Read third time and returned to Senate with amendments [HJ](file:///h:\HJ%20Archive\2009\04-30-09.docx)‑15

4/30/2009 Scrivener's error corrected

5/5/2009 Senate Concurred in House amendment and enrolled [SJ](file:///h:\SJ%20Archive\2009\05-05-09.docx)‑18

5/13/2009 Ratified R 45

5/19/2009 Signed By Governor

5/21/2009 Effective date 05/19/09

6/1/2009 Act No. 19

**VERSIONS OF THIS BILL**

[12/17/2008](file:///p:\pprever\2009-10\232_20081217.docx)

[2/25/2009](file:///p:\pprever\2009-10\232_20090225.docx)

[2/26/2009](file:///p:\pprever\2009-10\232_20090226.docx)

[3/31/2009](file:///p:\pprever\2009-10\232_20090331.docx)

[4/1/2009](file:///p:\pprever\2009-10\232_20090401.docx)

[4/22/2009](file:///p:\pprever\2009-10\232_20090422.docx)

[4/23/2009](file:///p:\pprever\2009-10\232_20090423.docx)

[4/29/2009](file:///p:\pprever\2009-10\232_20090429.docx)

[4/30/2009](file:///p:\pprever\2009-10\232_20090430.docx)

(A19, R45, S232)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑52‑220 SO AS TO DEFINE “RENEWABLE ENERGY RESOURCES” FOR PURPOSES OF THE SOUTH CAROLINA ENERGY EFFICIENCY ACT; BY ADDING ARTICLE 12 TO CHAPTER 52, TITLE 48 SO AS TO REQUIRE STATE AGENCIES TO CONSIDER AND IMPLEMENT COST EFFECTIVE ENERGY, WATER, AND WASTEWATER CONSERVATION MEASURES, TO PROVIDE FOR AUDITS, AND TO PROVIDE FOR REPORTS TO THE STATE ENERGY OFFICE; TO AMEND SECTIONS 48‑52‑210, 48‑52‑420, AND 48‑52‑430, RELATING TO THE POLICIES AND PURPOSES UNDERLYING THE PLAN FOR ENERGY POLICY, THE DUTIES OF THE STATE ENERGY OFFICE, AND THE ANNUAL STATE ENERGY ACTION PLAN, SO AS TO PROVIDE ADDITIONAL PURPOSES AND POLICIES APPLICABLE TO THE PLAN FOR ENERGY POLICY, PROVIDE THAT STRATEGIES OF THE STATE ENERGY OFFICE PROMOTING CLEAN ENERGY MUST INCLUDE NUCLEAR ENERGY, RENEWABLE ENERGY SOURCES, AND CONSERVATION AND EFFICIENCY MEASURES, AND PROVIDE FOR ADDITIONAL REPORTING BY THAT AGENCY; AND TO AMEND SECTION 58‑3‑530, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE, SO AS TO REQUIRE AN ANNUAL REVIEW OF THE STATE ENERGY ACTION PLAN FOR SUBMISSION TO THE GENERAL ASSEMBLY.**

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

**Definition added**

SECTION 1. Article 2, Chapter 52, Title 48 of the 1976 Code is amended by adding:

“Section 48‑52‑220. For the purposes of this chapter, ‘renewable energy resources’ means energy conservation and efficiency, solar photovoltaic energy, solar thermal energy, wind power, hydroelectric power, geothermal energy, tidal energy, wave energy, recycling, hydrogen fuel derived from renewable resources, biomass energy, energy derived from municipal and other solid waste, energy derived from waste oil, energy derived from waste tires, and landfill gas.”

**State agency conservation measures**

SECTION 2. Chapter 52, Title 48 of the 1976 Code is amended by adding:

“Article 12

State Government Energy Efficiency

and Renewable Energy Goals

Section 48‑52‑910. (A) Each agency must consider reductions of its energy, water, and wastewater use, and must implement recommended conservation measures to the degree the agency determines that the measures are cost effective. An audit must be performed by internal or external auditors, or by an energy services company in the manner provided in Section 48‑52‑670. Audit results and recommendations must be included in the report to the State Energy Office.

(B) Each agency must comply with this section by July 1, 2011.”

**Additional plan requirements**

SECTION 3. Section 48‑52‑210 of the 1976 Code is amended to read:

“Section 48‑52‑210. (A) It is the policy of this State to have a comprehensive state energy plan that maximizes to the extent practical environmental quality and energy conservation and efficiency and minimizes the cost of energy throughout the State. To implement this policy there is adopted the Plan for State Energy Policy.

(B) The purpose of the plan is to:

(1) ensure access to energy supplies at the lowest practical environmental and economic cost;

(2) ensure long‑term access to adequate, reliable energy supplies;

(3) ensure that demand‑side options are pursued wherever economically and environmentally practical;

(4) encourage the development and use of clean energy resources, including nuclear energy, energy conservation and efficiency, and indigenous, renewable energy resources;

(5) ensure that basic energy needs of all citizens, including low income citizens, are met;

(6) ensure that energy vulnerability to international events is minimized;

(7) ensure that energy‑related decisions promote the economic and environmental well‑being of the State and maximize the ability of South Carolina to attract retirees, tourists, and industrial and service‑related jobs;

(8) ensure that short‑term energy decisions do not conflict with long‑range energy needs;

(9) ensure that internal governmental energy use patterns are consistent with the state’s long‑range interests;

(10) ensure that state government is organized appropriately to handle energy matters in the best public interest;

(11) ensure that governmental energy‑related tax, expenditure, and regulatory policies are appropriate, and, wherever possible, maximize the long‑range benefits of competition; and

(12) ensure that any future energy strategy that promotes carbon‑free, nongreenhouse gas emitting sources includes nuclear energy, renewable resources, and energy conservation and efficiency.”

**Duties of State Energy Office**

SECTION 4. Section 48‑52‑420 of the 1976 Code is amended by adding at the end:

“(12) ensure that any future energy strategy that promotes carbon‑free, nongreenhouse gas emitting sources includes nuclear energy, renewable energy resources, and energy conservation and efficiency.”

**Reports required**

SECTION 5. Section 48‑52‑430 of the 1976 Code is amended to read:

“Section 48‑52‑430. The State Energy Office annually shall submit to the Governor and the Public Utility Review Committee, the House Labor, Commerce and Industry Committee, and the Senate Agriculture and Natural Resources Committee a state energy action plan that includes, but is not limited to:

(a) activities by the State Energy Office to carry out the Plan for State Energy Policy;

(b) recommendations for long‑term quantitative and qualitative energy goals for the residential, commercial, industrial, transportation, governmental, and utility sectors, and measures of progress for these goals;

(c) identification of obstacles to efficiency for which legislative, regulatory, or other governmental remedies are appropriate.”

**Annual review of state energy action plan**

SECTION 6. Section 58‑3‑530 of the 1976 Code, as last amended by Act 137 of 2005, is further amended to read:

“Section 58‑3‑530. The review committee has the following powers and duties:

(1) to nominate:

(a) no more than three candidates for each seat on the Public Service Commission to be elected by the General Assembly. In order to be nominated, a candidate must be found qualified by meeting the requirements as provided in Sections 58‑3‑20 and 58‑3‑560;

(b) no more than one qualified candidate for the Governor to consider in appointing the Executive Director of the Office of Regulatory Staff. In order to be nominated, a candidate must be found qualified by meeting the minimum requirements as provided in Section 58‑4‑30. The review committee must give due consideration to a candidate’s experience and expertise in matters related to public utilities. A person must not be appointed to serve as Executive Director of the Office of Regulatory Staff unless nominated by the review committee. If the Governor rejects a person nominated for the position of executive director by the review committee, the review committee must nominate another candidate for the Governor to consider, until the Governor makes an appointment;

(2) notwithstanding any other provision of law, to set the salary of the Executive Director of the Office of Regulatory Staff;

(3) to conduct an annual performance review of each member of the commission, which must be submitted to the General Assembly. A draft of the member’s performance review must be submitted to the member, and the member must be allowed an opportunity to be heard before the review committee before the final draft of the performance review is submitted to the General Assembly. The final performance review must be made a part of the member’s record for consideration if the member seeks reelection to the commission;

(4) to evaluate the actions of the commission, to the end that the members of the General Assembly may better judge whether these actions serve the best interests of the citizens of South Carolina, both individual and corporate;

(5) to develop and distribute to each party and its representatives appearing before the commission an anonymous and confidential survey evaluating the commissioners. At a minimum, the survey must include the following:

(a) knowledge and application of substantive utility issues; ability to perceive relevant issues;

(b) absence of influence by political considerations;

(c) absence of influence by identities of lawyers;

(d) absence of influence by identities of litigants;

(e) courtesy to all persons appearing before the commission; and

(f) temperament and demeanor in general, preparation for hearings, and attentiveness during hearings;

(6) to submit to the General Assembly, on an annual basis, the review committee’s evaluation of the performance of the commission. A proposed draft of the evaluation must be submitted to the commission prior to submission to the General Assembly, and the commission must be given an opportunity to be heard before the review committee prior to the completion of the evaluation and its submission to the General Assembly;

(7) to conduct an annual performance review of the Executive Director of the Office of Regulatory Staff, which must be submitted to the General Assembly. A draft of the executive director’s performance review must be submitted to the executive director, and the executive director must be allowed an opportunity to be heard before the review committee before the final draft of the performance review is submitted to the General Assembly;

(8) to submit to the General Assembly, on an annual basis, the review committee’s evaluation of the performance of the Office of Regulatory Staff. A proposed draft of the evaluation must be submitted to the Office of Regulatory Staff prior to submission to the General Assembly, and the Office of Regulatory Staff must be given an opportunity to be heard before the review committee prior to the completion of the evaluation and its submission to the General Assembly;

(9) to assist in developing an annual workshop of at least six contact hours concerning ethics and the Administrative Procedures Act for the commissioners and employees of the Public Service Commission and the Executive Director and employees of the Office of Regulatory Staff;

(10) to make reports and recommendations to the General Assembly on matters relating to the powers and duties set forth in this section;

(11) to submit a letter with the annual budget proposals of the Office of Regulatory Staff and the Public Service Commission, indicating the review committee has reviewed and approved the proposals;

(12) to appoint a committee from the general public at large to advise the review committee on any of its powers and duties. Members must not be members of the General Assembly, members or employees of the Public Service Commission, or the Executive Director or employees of the Office of Regulatory Staff;

(13) to undertake such additional studies or evaluations as the review committee considers necessary;

(14) to review candidates for appointment to the South Carolina Public Service Authority Board of Directors as submitted by the Governor to determine whether the candidates meet the qualifications set forth in Section 58‑31‑20; and

(15) to submit to the General Assembly, on an annual basis, a review of the state energy action plan of the State Energy Office as required by Section 48-52-430.”

**Time effective**

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2009.

Approved the 19th day of May, 2009.

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