**A** **BILL**

TO AMEND SECTIONS 57‑1‑310 THROUGH 57‑1‑340, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSIONERS MUST BE ELECTED; AND TO REPEAL ARTICLE 7, CHAPTER 1, TITLE 57 RELATING TO THE JOINT TRANSPORTATION REVIEW COMMITTEE.

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

SECTION 1. A. Section 57‑1‑310 through Section 57‑1‑340 of the 1976 Code, all as last amended by Act 275 of 2016, are further amended to read:

“Section 57‑1‑310. (A) The congressional districts of this State are constituted and created Department of Transportation Districts of the State, designated by numbers corresponding to the numbers of the respective congressional districts. The Commission of the Department of Transportation shall be composed of one member, elected at the time of the general election immediately preceding a term’s expiration, from each transportation district ~~and one member from the State at large, all appointed by the Governor, upon the advice and consent of the Senate, subject to the provisions of Section 57‑1‑325. In making appointments to the commission, the Governor shall take into account race, gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.~~

~~(B)~~ ~~The at‑large appointment made by the Governor must be transmitted to the Joint Transportation Review Committee.~~

~~(C)~~ ~~The qualifications that each commission member must possess, include, but are not limited to:~~

~~(1)~~ ~~a baccalaureate or more advanced degree from:~~

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

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

~~(c)~~ ~~an institution of higher learning chartered before 1962; or~~

~~(2)~~ ~~a background of at least five years in any combination of the following fields of expertise:~~

~~(a)~~ ~~transportation;~~

~~(b)~~ ~~construction;~~

~~(c)~~ ~~finance;~~

~~(d)~~ ~~law;~~

~~(e)~~ ~~environmental issues;~~

~~(f)~~ ~~management; or~~

~~(g)~~ ~~engineering.~~

~~(D)~~ ~~A member of the General Assembly or member of his immediate family may not be appointed to the commission while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be appointed to the commission for a period of four years after the member either:~~

~~(1)~~ ~~ceases to be a member of the General Assembly; or~~

~~(2)~~ ~~fails to file for election to the General Assembly in accordance with Section 7‑11‑15.~~

~~Section 57‑1‑320.~~ ~~A county within a Department of Transportation district may not have a resident commission member for more than eight consecutive years and in no event shall any two persons from the same county serve as a commission member simultaneously.~~

~~Section 57‑1‑325.~~ ~~(A)~~ ~~The Governor shall submit his transportation district appointees to the Senate and the House of Representatives for referral to the appropriate legislative delegation. Legislative delegation for these purposes means legislators residing in the congressional district corresponding to the transportation district of the appointee.~~

~~(B)~~ ~~Upon receipt of a referral, the legislative delegation shall meet to approve or disapprove the Governor’s appointee. The legislative delegation shall report its findings to the House of Representatives, the Senate, and the Governor. If the legislative delegation approves the Governor’s appointee, the appointment shall be referred to the Joint Transportation Review Committee. If the delegation disapproves the appointee, the Governor shall make another appointment. If the legislative delegation fails to approve of the Governor’s appointee within forty‑five days of the appointee’s referral to the delegation, the appointee is deemed to have been disapproved~~.

Section 57‑1‑330. ~~(A)~~ All commission members are ~~appointed~~ elected to a term of office of four years which expires on February fifteenth of the appropriate year. ~~However, a commission member may not serve more than two consecutive terms, and may not serve more than twelve years, regardless of when the term was served. Commissioners shall continue to serve until their successors are appointed and confirmed, provided that a commissioner only may serve in a hold‑over capacity for a period not to exceed six months.~~ Any vacancy occurring in the office of commissioner shall be filled ~~by appointment~~ in the manner provided ~~in this article~~ by law for the unexpired term only. ~~Except for the at‑large member, a person is not eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by such commission member to maintain residency in the district for which he is appointed shall result in the forfeiture of his office.~~

~~(B)~~ ~~The at‑large commission member may be appointed from any county in the State unless another commission member is serving from that county. Failure by the at‑large commission member to maintain residence in the State shall result in a forfeiture of his office.~~

~~Commission members may be removed from office at the discretion of the Governor subject to the prior approval of the appropriate legislative delegation.~~

Section 57‑1‑340. Each commission member, within thirty days after his ~~appointment~~ election, and before entering upon the discharge of the duties of his office, shall take, subscribe, and file with the Secretary of State the oath of office prescribed by the Constitution of the State.”

B. This SECTION takes effect July 1, 2017, except that the members of the Commission of the Department of Transportation serving on June 30, 2017, shall continue to serve until their current term expires. If a vacancy occurs in the seat of a member serving on June 30, 2015, before the member’s term otherwise expires, the vacancy must be filled in the same manner as the current member was elected or appointed, and the member filling the vacancy shall serve until the term expires.

SECTION 2. Article 7, Chapter 1, Title 57 of the 1976 Code is repealed.

SECTION 3. This act takes effect July 1, 2017.

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