**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 49‑11‑236 SO AS TO PROVIDE THAT IF A DAM WHICH FAILED OR SUFFERED A BREACH BETWEEN OCTOBER 1, 2015, AND OCTOBER 15, 2015, HAS A PUBLIC ROAD OR HIGHWAY IN THE STATE HIGHWAY SYSTEM RUNNING ACROSS THE TOP OF IT AND HAS NOT BEEN REPAIRED OR IS NOT CURRENTLY UNDER REPAIR, THE DEPARTMENT OF TRANSPORTATION SHALL PROCEED IMMEDIATELY WITH THE PROCESS OF REPAIRING THE PUBLIC ROAD OR HIGHWAY ATOP THE DAM, IF SUITABLE RIGHTS OF WAY OR EASEMENTS AFFORD THE STATE OR THE DEPARTMENT OF TRANSPORTATION THE RIGHT TO DO SO WITHOUT THE NECESSITY OF SAVING OR REPAIRING THE DAM, AND TO PROVIDE THAT IF SUITABLE RIGHTS OF WAY OR EASEMENTS DO NOT EXIST OVER WHICH THE PUBLIC ROAD OR HIGHWAY SHALL BE CONSTRUCTED, THE DEPARTMENT OF TRANSPORTATION SHALL BEGIN THE PROCESS OF ACQUIRING THEM BY ALL AVAILABLE LAWFUL MEANS SO THAT THE PUBLIC ROAD OR HIGHWAY CAN BE PUT BACK INTO SERVICE FOR THE USE OF THE GENERAL PUBLIC AS SOON AS POSSIBLE.

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

SECTION 1. Article 3, Chapter 11, Title 49 of the 1976 Code is amended by adding:

“Section 49‑11‑236. (A) The provisions of this section are enacted for the purpose of protecting the public health and safety of the citizens of this State.

(B) If a dam which failed or suffered a breach between October 1, 2015, and October 15, 2015, has a public road or highway in the state highway system running across the top of it and has not been repaired or is not currently under repair, the Department of Transportation shall proceed immediately with the process of repairing the public road or highway atop the dam if suitable rights of way or easements afford the state or the Department of Transportation the right to do so without the necessity of saving or repairing the dam. If suitable rights of way or easements do not exist over which the public road or highway shall be constructed, the Department of Transportation shall begin the process of acquiring them by all available lawful means so that the public road or highway can be put back into service for the use of the general public as soon as possible.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑