

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

GOOD/MELTON  
FEBRUARY 6, 2017

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CLERK OF THE HOUSE

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REP. SIMRILL PROPOSES THE FOLLOWING AMENDMENT  
No. TO H. 3516 (COUNCIL\DG\3516C002.BBM.DG17):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY ADDING  
APPROPRIATELY NUMBERED SECTIONS TO  
READ:**

**/ SECTION \_\_\_\_.** A. SECTION **57-1-310**  
**THROUGH SECTION 57-1-330 OF THE 1976 CODE,**  
**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 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~~ GENERAL ASSEMBLY, ~~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 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 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.~~

**B. SECTION 57-1-410 OF THE 1976 CODE, AS LAST AMENDED BY ACT 275 OF 2016, IS AMENDED FURTHER TO READ:**

**“SECTION 57-1-410. THE COMMISSION SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE ~~SENATE~~ GENERAL ASSEMBLY, A SECRETARY OF TRANSPORTATION WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSION. A PERSON APPOINTED TO THIS POSITION SHALL POSSESS PRACTICAL AND SUCCESSFUL BUSINESS AND EXECUTIVE ABILITY AND BE KNOWLEDGEABLE IN THE FIELD OF TRANSPORTATION. THE SECRETARY OF TRANSPORTATION SHALL RECEIVE SUCH COMPENSATION AS MAY BE ESTABLISHED UNDER THE PROVISIONS OF SECTION 8-11-160 AND FOR WHICH FUNDS HAVE BEEN AUTHORIZED IN THE GENERAL APPROPRIATIONS ACT.”**

**C. ARTICLE 7, CHAPTER 1, TITLE 57 OF THE 1976 CODE IS REPEALED.**

**D. (A) 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, AND UNTIL THEIR SUCCESSOR IS APPOINTED AND CONFIRMED. IF A VACANCY OCCURS IN THE SEAT OF A MEMBER SERVING ON JUNE 30, 2017, BEFORE THE MEMBER’S TERM OTHERWISE EXPIRES, THE VACANCY MUST BE FILLED IN THE MANNER SPECIFIED IN CHAPTER 1, TITLE 57 OF THE 1976 CODE, AS AMENDED BY THIS ACT, AND THE MEMBER FILLING THE VACANCY SHALL SERVE UNTIL THE TERM EXPIRES. THE MEMBERS SERVING ON JUNE 30, 2017, IF OTHERWISE ELIGIBLE, MAY BE REAPPOINTED PURSUANT TO SECTION 57-1-310, AS AMENDED BY THIS ACT.**

**(B) THE PROVISIONS OF SECTION 57-1-410, AS AMENDED BY THIS ACT, ONLY APPLY TO A SECRETARY OF TRANSPORTATION APPOINTED AFTER JULY 1, 2017.**

**SECTION \_\_\_\_.** THE REPEAL OR AMENDMENT BY THIS ACT OF ANY LAW, WHETHER TEMPORARY OR PERMANENT OR CIVIL OR CRIMINAL, DOES NOT AFFECT PENDING ACTIONS, RIGHTS, DUTIES, OR LIABILITIES FOUNDED THEREON, OR ALTER, DISCHARGE, RELEASE OR EXTINGUISH ANY PENALTY, FORFEITURE, OR LIABILITY INCURRED UNDER THE REPEALED OR AMENDED LAW, UNLESS THE REPEALED OR AMENDED PROVISION SHALL SO EXPRESSLY PROVIDE. AFTER THE EFFECTIVE DATE OF THIS ACT, ALL LAWS REPEALED OR AMENDED BY THIS ACT MUST BE TAKEN AND TREATED AS REMAINING IN FULL FORCE AND EFFECT FOR THE PURPOSE OF SUSTAINING ANY PENDING OR VESTED RIGHT, CIVIL ACTION, SPECIAL PROCEEDING, CRIMINAL PROSECUTION, OR APPEAL EXISTING AS OF THE EFFECTIVE DATE OF THIS ACT, AND FOR THE ENFORCEMENT OF RIGHTS, DUTIES, PENALTIES, FORFEITURES, AND LIABILITIES AS THEY STOOD UNDER THE REPEALED OR AMENDED LAWS.

**SECTION \_\_\_\_.** THE GENERAL ASSEMBLY FINDS THAT ALL THE PROVISIONS CONTAINED IN THIS ACT RELATE TO ONE SUBJECT AS REQUIRED BY SECTION 17, ARTICLE III OF THE SOUTH CAROLINA CONSTITUTION IN THAT EACH PROVISION RELATES DIRECTLY TO OR IN CONJUNCTION WITH OTHER SECTIONS TO THE SUBJECT OF INFRASTRUCTURE FINANCING AND OVERSIGHT.

THE GENERAL ASSEMBLY FURTHER FINDS THAT A COMMON PURPOSE OR RELATIONSHIP EXISTS AMONG THE SECTIONS, REPRESENTING A POTENTIAL PLURALITY BUT NOT DISUNITY OF TOPICS, NOTWITHSTANDING THAT REASONABLE MINDS MIGHT DIFFER IN IDENTIFYING MORE THAN ONE TOPIC CONTAINED IN THE ACT. /

**RENUMBER SECTIONS TO CONFORM.**

**AMEND TITLE TO CONFORM.**