

Session 119 - (2011-2012)

S 0103 General Bill, By Grooms, Verdin and Rankin

Summary: Department of Transportation

A BILL TO AMEND CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF TRANSPORTATION, BY ADDING ARTICLE 3, PUBLIC-PRIVATE INITIATIVES, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY SOLICIT PROPOSALS FOR PUBLIC-PRIVATE INITIATIVES FROM PRIVATE ENTITIES, TO PROVIDE FOR THE PROPOSAL REQUEST AND SUBMISSION PROCESS, TO PROVIDE FOR THE PROCESS OF SELECTING A PRIVATE ENTITY TO PARTICIPATE IN A PUBLIC-PRIVATE INITIATIVE, TO PROVIDE FOR INTERIM AND COMPREHENSIVE AGREEMENTS TO CARRY OUT THE TERMS OF THE PUBLIC-PRIVATE INITIATIVE, TO PROVIDE REQUIREMENTS FOR INTERIM AND COMPREHENSIVE AGREEMENTS, TO PROVIDE FOR PERMISSIBLE FINANCING OF THE PUBLIC-PRIVATE INITIATIVE, AND TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY EXERCISE THE POWER OF EMINENT DOMAIN IN CONJUNCTION WITH A PUBLIC-PRIVATE INITIATIVE; TO AMEND CHAPTER 3, TITLE 57, BY ADDING ARTICLE 9, TO PROVIDE THAT TOLLS MAY NOT BE IMPOSED ON FEDERAL INTERSTATE HIGHWAYS UNLESS APPROVED BY THE GENERAL ASSEMBLY, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY IMPOSE A TOLL ON INTERSTATE 73, TO PROVIDE THAT TOLLS IMPOSED AND COLLECTED ON A PROJECT MUST BE USED ONLY TO PAY COSTS ASSOCIATED WITH THE TOLL ROAD AND TO DEFINE THE TERM "TOLLS ASSOCIATED WITH THE TOLL ROAD", TO PROVIDE THAT A PERSON WHO FAILS TO PAY A TOLL IS GUILTY OF A MISDEMEANOR, TO PROVIDE PUNISHMENT FOR VIOLATIONS, AND TO PROVIDE FOR AN ELECTRONIC TOLLING SYSTEM; TO AMEND CHAPTER 35, TITLE 11, BY ADDING SECTION 11-35-3075, TO PROVIDE THAT PUBLIC-PRIVATE INITIATIVES ARE SUBJECT TO THE PROCUREMENT CODE AND TO PROVIDE EXEMPTIONS; TO AMEND SECTION 11-35-710, TO PROVIDE THAT ITS PROVISIONS ARE SUBJECT TO SECTION 11-35-3075; TO AMEND SECTION 11-35-40, TO PROVIDE FOR THE CIRCUMSTANCES IN WHICH A PUBLIC-PRIVATE INITIATIVE SOLICITATION MUST IDENTIFY THE IMPACT ON FEDERAL HIGHWAY FUNDS; TO AMEND SECTION 57-5-1625, TO CLARIFY THE DEFINITION OF A DESIGN-BUILD PROJECT; TO AMEND SECTION 57-5-1310, TO PROVIDE THAT PUBLIC-PRIVATE PARTNERSHIPS MAY BE UTILIZED ON NEW PROJECTS AND FOR IMPROVEMENTS TO EXISTING HIGHWAYS AND ROADS; TO AMEND SECTION 57-5-1320, TO PROVIDE THAT THE DEFINITION OF "TURNPIKE FACILITY" INCLUDES AN EXPRESS HIGHWAY OR LIMITED ACCESS HIGHWAY OR A PORTION OF IT AND ADDITIONAL LANES OR CAPACITY ADDED TO IT; TO AMEND SECTION 57-5-1330, TO PROVIDE THAT THE STATE MAY NOT DESIGNATE A TRANSPORTATION FACILITY AS A TURNPIKE FACILITY IF THE FACILITY WAS FULLY FUNDED BY A LOCAL OPTION SALES AND USE TAX AS PROVIDED IN CHAPTER 37 OF TITLE 4; TO AMEND SECTION 57-5-1660, TO PROVIDE FOR CONTRACTOR BONDS REQUIRED IN A PUBLIC-PRIVATE PARTNERSHIP PROJECT AND DESIGN-BUILD PROJECTS; TO AMEND SECTION 40-11-360, TO CONFORM THE SECTION TO ARTICLE 3, CHAPTER 3, TITLE 57; TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT PUBLIC-PRIVATE INITIATIVES ENTERED INTO PURSUANT TO THIS ACT WILL BE IN ALL RESPECTS AN ESSENTIAL GOVERNMENTAL FUNCTION DEDICATED FOR THE PUBLIC USE THAT INURES TO THE BENEFIT OF THE PEOPLE OF THIS STATE THROUGH INCREASED COMMERCE AND PROSPERITY AND THE IMPROVEMENT OF HEALTH AND LIVING CONDITIONS; TO REPEAL SECTIONS 12-28-2920, 57-3-200, 57-3-615, 57-3-618, 57-5-1490, AND 57-5-1495; AND TO MAKE OTHER TECHNICAL AND CONFORMING AMENDMENTS.

12/01/10 Senate Prefiled

12/01/10 Senate Referred to Committee on Transportation

01/11/11 Senate Introduced and read first time (Senate Journal-page 48)

01/11/11 Senate Referred to Committee on Transportation (Senate Journal-page 48)