

## Session 117 - (2007-2008)

### H 4198 General Bill, By Lucas, Thompson, Simrill, Stavrinakis, Delleney and G.M. Smith

#### Summary: Department of Transportation

A BILL TO AMEND SECTION 1-30-10, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNING BODIES, SO AS TO PROVIDE FOR THE GOVERNING STRUCTURE OF THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 8-13-1110, AS AMENDED, RELATING TO PUBLIC OFFICIALS WHO MUST FILE A STATEMENT OF ECONOMIC INTEREST, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION DISTRICT ENGINEERS MUST FILE A STATEMENT OF ECONOMIC INTEREST; TO AMEND SECTION 11-11-150, AS AMENDED, RELATING TO CALCULATING ESTIMATED STATE AND CORPORATE INCOME TAX REVENUES, AND THE TRUST FUND FOR TAX RELIEF, SO AS TO PROVIDE THAT FORTY MILLION DOLLARS IN GENERAL FUND REVENUE COLLECTED DURING CERTAIN FISCAL YEARS MUST BE CREDITED TO THE DEPARTMENT OF TRANSPORTATION AND DISTRIBUTED PURSUANT TO SECTION 57-11-410; TO AMEND SECTION 11-35-710, AS AMENDED, RELATING TO GOVERNMENTAL ENTITIES EXEMPTED FROM PURCHASING ITEMS THROUGH THE CHIEF PROCUREMENT OFFICER, SO AS TO REVISE THE LIST OF DEPARTMENT OF TRANSPORTATION PROJECTS THAT ARE SUBJECT TO THIS PROVISION, AND TO GRANT EXEMPTIONS TO COUNTY TRANSPORTATION COMMITTEES, COUNCILS ON GOVERNMENTS, AND THE SOUTH CAROLINA TRANSPORT INFRASTRUCTURE BANK; TO AMEND SECTION 11-35-1230, AS AMENDED, RELATING TO THE AUDITING OF STATE PROCUREMENTS, SO AS TO PROVIDE THAT PROCUREMENT AUDITS SHALL VERIFY THAT PROCUREMENT CODE EXEMPTIONS GRANTED TO THE DEPARTMENT OF TRANSPORTATION ARE VALID; TO AMEND SECTION 57-1-10, RELATING TO DEFINITION OF TERMS THAT RELATE TO THE STATE'S MOTOR VEHICLE LAWS, SO AS TO DELETE THE TERM "DIRECTOR" AND REPLACE IT WITH THE TERM "SECRETARY OF TRANSPORTATION", TO DELETE THE TERM "COMMISSION" AND ITS DEFINITION, AND TO PROVIDE A DEFINITION FOR THE TERM "HIGHWAY ENGINEERING DISTRICT"; TO AMEND SECTION 57-1-20, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO ESTABLISH A DIVISION OF HUMAN RESOURCES AND AN INTERNAL AUDIT DIVISION WITHIN THE DEPARTMENT; TO AMEND SECTION 57-1-350, RELATING TO THE DEPARTMENT OF TRANSPORTATION COMMISSION'S SEAL, RULES, PROCEDURES, AND REIMBURSEMENT FOR EXPENSES, SO AS TO DELETE THE PROVISIONS THAT RELATE COMPENSATION PAID TO THE COMMISSIONERS AND TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "COMMISSION" IN THE PROVISIONS THAT RELATE TO THE USE OF THE DEPARTMENT'S SEAL AND THE ADOPTION OF RULES AND PROCEDURES; TO AMEND SECTION 57-3-20, RELATING TO THE RESPONSIBILITIES AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION'S DIVISION DEPUTY DIRECTORS, SO AS TO ESTABLISH THE RESPONSIBILITIES FOR THE DIVISION DEPUTY DIRECTORS FOR HUMAN RESOURCES AND INTERNAL AUDITS; BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 57 SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS THAT THE DEPARTMENT OF TRANSPORTATION RECEIVES PURSUANT TO SECTION 11-11-150; BY ADDING SECTION 1-30-12 SO AS TO PROVIDE THAT THE DIVISION OF OMBUDSMAN AND CITIZENS' SERVICES SHALL EMPLOY TWO PERSONS TO HANDLE CITIZENS' COMPLAINTS THAT PERTAIN TO THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 1-30-105, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT AFTER JULY 1, 2007, THE GOVERNING AUTHORITY OF THE DEPARTMENT IS THE SECRETARY OF TRANSPORTATION; TO AMEND SECTION 11-43-140, RELATING TO THE TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO SUBSTITUTE THE TERM "SECRETARY OF TRANSPORTATION" FOR THE TERM "CHAIRMAN OF THE DEPARTMENT OF TRANSPORTATION COMMISSION"; TO AMEND SECTION 57-1-40, RELATING TO ACTS THAT MAY NOT BE COMMITTED BY EMPLOYEES OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO DELETE THE TERM "MEMBER OF THE COMMISSION"; TO AMEND SECTION 57-1-410, RELATING TO THE EMPLOYMENT OF A DIRECTOR BY THE DEPARTMENT OF TRANSPORTATION COMMISSION, SO AS TO PROVIDE THAT THE GOVERNOR SHALL EMPLOY A SECRETARY OF TRANSPORTATION, AND TO DELETE THE PROVISION THAT PROVIDES THAT THE DEPARTMENT'S COMMISSION SHALL EMPLOY A DIRECTOR; TO AMEND SECTION 57-1-430, RELATING TO THE DUTIES AND POWERS OF THE DEPARTMENT OF TRANSPORTATION'S DIRECTOR, SO AS TO SUBSTITUTE THE TERM "SECRETARY OF TRANSPORTATION" FOR THE TERM "DIRECTOR" AND THE TERM "DEPARTMENT" FOR THE TERM "COMMISSION", AND TO DELETE THE PROVISION THAT PROVIDES FOR THE DUTIES OF THE DEPARTMENT OF TRANSPORTATION COMMISSION; TO AMEND SECTIONS 57-1-440 AND 57-1-450, RELATING TO EMPLOYMENT OF CERTAIN PERSONS BY THE DEPARTMENT OF TRANSPORTATION'S DIRECTOR, SO AS TO SUBSTITUTE THE TERM "SECRETARY OF TRANSPORTATION" FOR THE TERM "DIRECTOR"; TO AMEND SECTION 57-1-490, RELATING TO CERTAIN AUDITS THAT MUST BE PERFORMED BY THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE LEGISLATIVE AUDIT COUNCIL SHALL CONDUCT CERTAIN

ANNUAL AUDITS OF THE DEPARTMENT; TO AMEND SECTIONS 57-3-10 AND 57-3-50, RELATING TO THE DIVISIONS OF THE DEPARTMENT OF TRANSPORTATION, AND THE ESTABLISHMENT OF HIGHWAY DISTRICTS, SO AS TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "COMMISSION"; TO AMEND SECTION 57-11-20, AS AMENDED, RELATING TO STATE AND FEDERAL AID HIGHWAY FUNDS, SO AS TO PROVIDE THAT AFTER JUNE 30, 2008, THE GENERAL ASSEMBLY SHALL APPROPRIATE REVENUES TO BOTH FUNDS; TO REPEAL SECTIONS 57-1-310, 57-1-320, 57-1-325, AND 57-1-330 RELATING TO THE CREATION OF THE DEPARTMENT OF TRANSPORTATION DISTRICTS, ELECTION OF THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS WHEN A COUNTY IS DIVIDED AMONG MORE THAN ONE DEPARTMENT OF TRANSPORTATION DISTRICT, AND TO THE MEETING OF THE VARIOUS LEGISLATIVE DELEGATIONS TO ELECT THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS; AND TO PROVIDE THE CODE COMMISSIONER WITH AUTHORITY TO MAKE CERTAIN TECHNICAL CHANGES.

**05/31/07 House Introduced and read first time HJ-11**

**05/31/07 House Referred to Committee on Ways and Means HJ-14**