**South Carolina General Assembly**

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**S. 339**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Rankin, Leatherman, Malloy and Elliott

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Introduced in the Senate on January 28, 2009

Currently residing in the Senate Committee on **Transportation**

Summary: Department of Transportation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/28/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-28-09.docx)‑10

1/28/2009 Senate Referred to Committee on **Transportation** [SJ](file:///h:\SJ%20Archive\2009\01-28-09.docx)‑10

**VERSIONS OF THIS BILL**

[1/28/2009](file:///p:\pprever\2009-10\339_20090128.docx)

**A** **BILL**

TO AMEND SECTION 57‑1‑410 OF THE 1976 CODE, RELATING TO THE APPOINTMENT OF THE SECRETARY OF TRANSPORTATION, TO PROVIDE THAT THE JOINT TRANSPORTATION REVIEW COMMITTEE MUST SCREEN AND NOMINATE CANDIDATES FOR APPOINTMENT TO SECRETARY OF TRANSPORTATION TO THE GOVERNOR, TO PROVIDE THAT THE SECRETARY MAY BE REMOVED ONLY FOR CAUSE, TO PROVIDE THAT THE SECRETARY IS APPOINTED TO A SIX‑YEAR TERM, AND TO PROVIDE THAT THE SECRETARY IS THE SUBJECT OF AN ANNUAL PERFORMANCE REVIEW AND EVALUATION BY THE JOINT TRANSPORTATION REVIEW COMMITTEE; TO AMEND SECTION 57‑1‑430, TO PROVIDE THAT THE SECRETARY HAS A DUTY TO THE CITIZENS OF SOUTH CAROLINA TO EXECUTE THE POWERS AND RESPONSIBILITIES OF HIS OFFICE IN THE MANNER THAT IS MOST ADVANTAGEOUS TO THE NEEDS AND DESIRES OF THE PUBLIC AND RESULTS IN THE MOST TIMELY, ECONOMICAL, AND SUCCESSFUL PLANNING, CONSTRUCTION, MAINTENANCE, OPERATION OF, AND ADDITION TO THE STATE HIGHWAY SYSTEM; AND TO AMEND SECTION 57‑1‑730, TO PROVIDE FOR THE SCREENING PROCEDURE FOR THE SECRETARY, TO PROVIDE FOR ANNUAL PERFORMANCE REVIEW AND EVALUATION OF THE SECRETARY, TO PROVIDE FOR AN ANNUAL EVALUATION OF THE COMMISSION, AND TO PROVIDE THAT THE OFFICE OF SECRETARY IS VACANT AND THAT THE SCREENING PROCESS FOR A NEW SECRETARY MUST COMMENCE AS SOON AS PRACTICABLE.

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

SECTION 1. Section 57‑1‑410 of the 1976 Code is amended to read:

“Section 57‑1‑410. (A) The ~~Governor shall appoint, with the advice and consent of the Senate, a~~ Secretary of Transportation ~~who shall serve at the pleasure of the Governor. A person appointed to this position~~ shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation and must be appointed pursuant to the procedure set forth in Section 57‑1‑730(B). ~~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.~~

(B) The Joint Transportation Review Committee must nominate one candidate as qualified to serve as secretary for the Governor’s consideration.

(1) A person may not be appointed to serve as secretary unless that person is nominated by the review committee.

(2) If the Governor rejects a person nominated by the review committee, the review committee must meet and nominate another candidate for the Governor to consider, until the Governor makes and appointment.

(C) The secretary must be appointed to a term of six years and until his successor is appointed.

(D) The secretary may be removed from office by the Governor for cause pursuant to Section 1‑3‑240(C). The secretary may be removed from office by the General Assembly upon the adoption of a concurrent resolution declaring that the secretary breached his duty to the public pursuant to Section 57‑1‑430 and setting a date for his removal from office.

(E) The secretary 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.

(F) A vacancy shall be filled by appointment in the same manner as the original appointment.

(G) The secretary shall be the subject of an annual performance review and evaluation by the Joint Transportation Review Committee pursuant to Section 57‑1‑730(6).”

SECTION 2. Section 57‑1‑430(A) of the 1976 Code is amended to read:

“(A) The secretary is charged with the affirmative duty to carry out the policies of the commission, to administer the day‑to‑day affairs of the department, to direct the implementation of the Statewide Transportation Improvement Program and the Statewide Mass Transit Plan, and to ensure the timely completion of all projects undertaken by the department, and routine operation and maintenance requests, and emergency repairs. The secretary also has an affirmative duty to the citizens of South Carolina to execute the powers and responsibilities of his office in the manner that is most advantageous to the needs and desires of the public and results in the most timely, economical, and successful planning, construction, maintenance, operation of, and addition to the state highway system. He must represent the department in its dealings with other state agencies, local governments, special districts, and the federal government. The secretary must prepare an annual budget for the department that must be approved by the commission before becoming effective.”

SECTION 3. Section 57‑1‑730 of the 1976 Code is amended to read:

“Section 57‑1‑730. The review committee has the following powers and duties:

(1) to screen each candidate applying for election to the commission;

(2) in screening candidates for election and making its findings, the review committee must give due consideration to:

(a) ability, area of expertise, dedication, compassion, common sense, and integrity of each candidate; and

(b) the impact that each candidate would have on the racial and gender composition of the commission, and each candidate’s impact on other demographic factors represented on the commission, such as residence in rural or urban areas, to assure nondiscrimination to the greatest extent possible of all segments of the population of the State;

(3) to determine if each candidate for election is qualified and meets the requirements provided by law to serve as a member of the Department of Transportation Commission, make findings concerning whether each candidate is qualified, and deliver its findings to the Clerk of the Senate and the Clerk of the House of Representatives; ~~and~~

(4) to submit the names of all qualified candidates for election to the congressional district delegation for election~~.~~;

(5) to nominate no more than one qualified candidate for the Governor to consider in appointing the Secretary of Transportation. In order to be nominated, a candidate must be found qualified as meeting the minimum requirements as provided in Section 57‑1‑410. The review committee must give due consideration to a candidate’s practical and successful business and executive ability and knowledge in the field of transportation. A person must not be appointed to serve as secretary unless nominated by the review committee. If the Governor rejects a person nominated for the position of secretary by the review committee, the review committee must nominate another candidate for the Governor to consider, until the Governor makes an appointment;

(6) to conduct an annual performance review and evaluate the actions of the Secretary, which must be submitted to the General Assembly. The performance review and evaluation are conducted so that members of the General Assembly may better judge whether secretary’s actions serve the best interests of the people of South Carolina. A draft of the secretary’s performance review must be submitted to the secretary, and the secretary must be allowed an opportunity to be heard before the review committee before the final draft of the performance review is submitted to the General Assembly; and

(7) to evaluate the actions of the commission, to the end that members of the General Assembly may better judge whether these actions serve the best interests of the people of South Carolina.”

SECTION 4. The office of Secretary of Transportation is declared vacant. The Joint Transportation Review Committee must meet as soon as practicable to begin the process of screening and nominating a candidate. The State Highway Engineer shall serve in the capacity of interim‑secretary until a candidate is appointed by the Governor.

SECTION 5. This act takes effect upon approval by the Governor.

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