COMMITTEE REPORT

February 15, 2018

**H. 4836**

Introduced by Reps. Ott and Atwater

S. Printed 2/15/18--H.

Read the first time February 6, 2018.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 4836) 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, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

DAVID R. HIOTT for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on February 6, 2018**

**State Expenditure**

This bill requires DOT to proceed immediately with the process of repairing the public road or highway running across the top of a dam that failed or suffered a breach between October 1, 2015, and October 15, 2015. This applies to public roads or highways in the state highway system if suitable rights of way or easements afford the state or DOT the right to do so without the necessity of saving or repairing the dam. If suitable rights of way or easements do not exist, DOT must begin the process of acquiring them by all available and lawful means.

DOT estimates that this bill could increase nonrecurring o

other funds expenses by approximately $4,500,000 in FY 2018-19 to repair the remaining thirteen roads and dams that were impacted by the 2015 flood. This estimate assumes the worst-case scenario by which DOT will breach the dams and will need to rebuild roads. The estimate was based on previous road repairs made to other dam locations that were impacted by the 2015 flood. However, expenses are dependent upon the scope of work associated with each affected road and dam. The thirteen roads and dams are currently not on DOT’s prioritized list. Therefore, funds used to repair these roads and dams would delay other prioritized projects.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**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.

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