**South Carolina General Assembly**

118th Session, 2009-2010

**A253, R317, H3814**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Allison, Cole, Forrester, Kelly and Parker

Document Path: l:\council\bills\swb\5848cm09.docx

Companion/Similar bill(s): 166

Introduced in the House on March 31, 2009

Introduced in the Senate on May 5, 2009

Last Amended on June 1, 2010

Passed by the General Assembly on June 3, 2010

Governor's Action: June 11, 2010, Signed

Summary: Highway beautification pilot project

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/31/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-31-09.docx)‑21

 3/31/2009 House Referred to Committee on **Education and Public Works** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-31-09.docx)‑21

 4/28/2009 House Committee report: Favorable with amendment **Education and Public Works** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-28-09.docx)‑4

 4/29/2009 House Debate interrupted [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-29-09.docx)‑214

 4/30/2009 House Amended

 4/30/2009 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-30-09.docx)‑16

 4/30/2009 House Unanimous consent for third reading on next legislative day [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-30-09.docx)‑17

 5/1/2009 House Read third time and sent to Senate [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-01-09.docx)‑1

 5/5/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-05-09.docx)‑11

 5/5/2009 Senate Referred to Committee on **Transportation** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-05-09.docx)‑11

 5/14/2009 Senate Recalled from Committee on **Transportation** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-14-09.docx)‑44

 1/19/2010 Senate Recommitted to Committee on **Transportation** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C01-19-10.docx)‑12

 5/19/2010 Senate Recalled from Committee on **Transportation** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C05-19-10.docx)‑16

 5/26/2010 Senate Amended [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C05-26-10.docx)‑80

 5/26/2010 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C05-26-10.docx)‑80

 6/1/2010 Senate Amended [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-01-10.docx)‑38

 6/1/2010 Senate Read third time and returned to House with amendments [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-01-10.docx)‑38

 6/2/2010 Scrivener's error corrected

 6/3/2010 House Concurred in Senate amendment and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-03-10.docx)‑79

 6/3/2010 House Roll call Yeas‑73 Nays‑18 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-03-10.docx)‑79

 6/7/2010 Ratified R 317

 6/11/2010 Signed By Governor

 7/1/2010 Effective date 06/11/10

 7/8/2010 Act No. 253

**VERSIONS OF THIS BILL**

[3/31/2009](file:///p%3A%5Cpprever%5C2009-10%5C3814_20090331.docx)

[4/28/2009](file:///p%3A%5Cpprever%5C2009-10%5C3814_20090428.docx)

[4/30/2009](file:///p%3A%5Cpprever%5C2009-10%5C3814_20090430.docx)

[5/14/2009](file:///p%3A%5Cpprever%5C2009-10%5C3814_20090514.docx)

[5/19/2010](file:///p%3A%5Cpprever%5C2009-10%5C3814_20100519.docx)

[5/26/2010](file:///p%3A%5Cpprever%5C2009-10%5C3814_20100526.docx)

[6/1/2010](file:///p%3A%5Cpprever%5C2009-10%5C3814_20100601.docx)

[6/2/2010](file:///p%3A%5Cpprever%5C2009-10%5C3814_20100602.docx)

(A253, R317, H3814)

**AN ACT TO AMEND SECTION 57‑1‑740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VACANCIES ON THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE JOINT TRANSPORTATION REVIEW COMMITTEE SHALL SUBMIT TO THE CONGRESSIONAL DISTRICT DELEGATION FOR ELECTION ONLY THE NAMES AND QUALIFICATIONS OF PERSONS WHO IT CONSIDERS TO BE QUALIFIED, TO PROVIDE THAT THE DELEGATION SHALL NOT ELECT A PERSON WHO IS NOT NOMINATED BY THE REVIEW COMMITTEE, TO PROVIDE THAT THE DELEGATION MAY REJECT ALL PERSONS NOMINATED BY THE REVIEW COMMITTEE, TO PROVIDE THAT FURTHER NOMINATIONS MUST BE MADE UNTIL THE OFFICE IS FILLED IF THE DELEGATION REJECTS THE REVIEW COMMITTEE’S NOMINEES, TO PROVIDE THAT NO CANDIDATE MAY DIRECTLY OR INDIRECTLY SEEK THE PLEDGE OF A VOTE FROM A MEMBER OF THE CANDIDATE’S CONGRESSIONAL DELEGATION OR, DIRECTLY OR INDIRECTLY, CONTACT A STATEWIDE CONSTITUTIONAL OFFICER, A MEMBER OF THE GENERAL ASSEMBLY, OR THE JOINT TRANSPORTATION REVIEW COMMITTEE REGARDING SCREENING FOR THE COMMISSION UNTIL THE REVIEW COMMITTEE HAS FORMALLY RELEASED ITS REPORT AS TO THE QUALIFICATIONS OF ALL CANDIDATES IN A PARTICULAR CONGRESSIONAL DISTRICT, AND MAKE TECHNICAL CHANGES.**

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

**Joint Transportation Review Committee**

SECTION 1. Section 57‑1‑740(D)(2)(a) of the 1976 Code, as added by Act 114 of 2007, is amended to read:

 “(a)(i) Upon completion of the candidate investigations, the chairman of the review committee shall schedule a public hearing concerning the qualifications of the candidates. Any person who desires to testify at the hearing, including the candidates, must furnish a written statement of his proposed testimony to the chairman of the review committee. This statement shall be furnished no later than forty‑eight hours prior to the date and time set for the hearing. The review committee shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the review committee, shall be submitted under oath and persons knowingly furnishing false information either orally or in writing shall be subject to the penalties provided by law for perjury and false swearing.

 (ii) During the course of the investigation, the review committee may schedule an executive session at which the candidates, and other persons who the review committee wishes to interview, may be interviewed on matters pertinent to the candidate’s qualification for the office to be filled.

 (iii) The review committee shall render its tentative findings as to whether the candidates are qualified to serve on the commission as a district member and its reasons for making the findings within a reasonable time after the hearing. If only one person applies to fill a vacancy or if the review committee concludes there are fewer candidates qualified for a vacancy than those who initially filed, it shall submit to the congressional district delegation for election only the names and qualifications of those who are considered to be qualified. The nominations of the review committee for any candidate for the election to the commission are binding on the congressional district delegation, and it shall not elect a person not nominated by the review committee. Nothing shall prevent the congressional district delegation from rejecting all persons nominated. In this event, the review committee shall submit another group of names and qualifications for that position. Further nominations in the manner required by this chapter must be made until the office is filled.”

**Joint Transportation Review Committee**

SECTION 2. Section 57‑1‑740(D)(2)(c) of the 1976 Code, as added by Act 114 of 2007, is amended to read:

 “(c)(i) The review committee must transmit to the congressional district delegation the names of all qualified candidates.

 (ii) No member of the congressional district delegation may pledge his vote to elect a candidate until the review committee has released its written report concerning the qualifications of the candidate to the members of the appropriate congressional district delegation. The release of the written report of qualifications shall occur no earlier than forty‑eight hours after the names of the qualified candidates have been initially released to members of the appropriate congressional district delegation.

 (iii) No candidate may directly or indirectly seek the pledge of a vote from a member of the candidate’s congressional delegation or, directly or indirectly, contact a statewide constitutional officer, a member of the General Assembly, or the Joint Transportation Review Committee regarding screening for the commission until the review committee has released its written report as to the qualifications of all candidates in a particular congressional district. For purposes of this section, ‘indirectly seek the pledge’ means the candidate, or someone acting on behalf of and at the request of the candidate, requests another person to contact a member of the General Assembly, a statewide constitutional officer, or a member of the review committee on behalf of the candidate before the review committee’s release of the written report of qualifications.

 (iv) The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate’s qualifications.”

**Time effective**

SECTION 3. This act takes effect upon approval of the Governor.

Ratified the 7th day of June, 2010.

Approved the 11th day of June, 2010.

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