**A** **BILL**

TO AMEND SECTION 12‑28‑2720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PORTION OF THE MOTOR FUEL USER FEE CREDITED TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF THAT DEPARTMENT, SO AS TO PROHIBIT THE EXPENDITURE OF THE FUNDS ON EMPLOYEE COMPENSATION, INCLUDING EMPLOYEE BENEFITS; AND BY ADDING SECTION 12‑28‑2760 SO AS TO PROHIBIT CERTAIN MOTOR FUEL USER FEE PROCEEDS FROM BEING EXPENDED ON NEW ROAD CONSTRUCTION PROJECTS, AND TO PROHIBIT THE EXPENDITURE OR TRANSFER OF SUCH FUNDS TO THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK; AND TO AMEND SECTION 57‑1‑410, AS AMENDED, RELATING TO THE SECRETARY OF TRANSPORTATION, SO AS TO PROVIDE THAT THE GOVERNOR SHALL APPOINT THE SECRETARY INSTEAD OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION.

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

SECTION 1. Section 12‑28‑2720 of the 1976 Code is amended to read:

“Section 12‑28‑2720. The proceeds from ten and thirty‑four hundredths cents a gallon of the user fee on gasoline only as levied and provided for in this chapter must be turned over to the Department of Transportation ~~for the purpose of that department~~ to be used exclusively for the repairs, maintenance, and improvements to the existing transportation system. The proceeds may not be expended on employee compensation, including employee benefits.”

SECTION 2. Article 27, Chapter 28, Title 12 of the 1976 Code is amended by adding:

“Section 12‑28‑2760. (A) Notwithstanding any other provision of law, the proceeds of the user fee on gasoline only as levied and provided for in this chapter that are retained by the Department of Transportation, or credited to the State Highway Fund, may not be expended on new road construction projects.

(B) The proceeds of the user fee on gasoline only as levied and provided for in this chapter must not be expended by or transferred to the South Carolina Transportation Infrastructure Bank.”

SECTION 3. Section 57‑1‑410 of the 1976 Code, as last amended by Act 275 of 2016, is further amended to read:

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

SECTION 4. This act takes effect July 1, 2018.

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