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**VERSIONS OF THIS BILL**

[4/13/2016](file:///p:\pprever\2015-16\5205_20160413.docx)

**A** **BILL**

TO AMEND SECTION 57‑1‑410, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF THE SECRETARY OF TRANSPORTATION BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, SO AS TO PROVIDE THAT THE APPOINTMENT OF THE SECRETARY MUST BE MADE WITH THE ADVICE AND CONSENT OF BOTH THE SENATE AND THE HOUSE OF REPRESENTATIVES; TO AMEND SECTION 57‑1‑10, AS AMENDED, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE DEPARTMENT OF TRANSPORTATION, SO AS TO DELETE THE TERM “COMMISSION” AND ITS DEFINITION; TO AMEND SECTION 57‑1‑90, RELATING TO MOTORCYCLES, SO AS TO DELETE THE TERM “SOUTH CAROLINA TRANSPORTATION COMMISSION”; TO AMEND SECTIONS 57‑1‑360 AND 57-1-370, RELATING TO THE APPOINTMENT OF THE DEPARTMENT OF TRANSPORTATION’S CHIEF INTERNAL AUDITOR BY THE DEPARTMENT OF TRANSPORTATION COMMISSION AND THE DEVELOPMENT OF THE LONG-RANGE STATEWIDE TRANSPORTATION PLAN, SO AS TO PROVIDE THAT THE APPOINTMENT OF THE INTERNAL AUDITOR MUST BE MADE BY THE SECRETARY OF TRANSPORTATION AND NO LONGER BY THE COMMISSION AND THE PLAN MUST BE DEVELOPED BY THE SECRETARY OF TRANSPORTATION AND NO LONGER BY THE COMMISSION; TO AMEND SECTIONS 57‑1‑430 AS AMENDED, AND 57‑1‑460, BOTH RELATING TO CERTAIN DUTIES AND POWERS OF THE SECRETARY OF TRANSPORTATION, SO AS TO DEVOLVE THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION COMMISSION UPON THE SECRETARY OF TRANSPORTATION; TO AMEND SECTION 57‑1‑490, AS AMENDED, RELATING TO ANNUAL AUDITS CONDUCTED BY THE DEPARTMENT OF TRANSPORTATION, SO AS TO DELETE THE TERM “DEPARTMENT OF TRANSPORTATION COMMISSION”; TO AMEND SECTION 57‑3‑20, AS AMENDED, RELATING TO THE RESPONSIBILITIES AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION’S DEPUTY DIRECTORS, SO AS TO DELETE THE DUTY TO RECORD PROCEEDINGS OF THE DEPARTMENT OF TRANSPORTATION COMMISSION; TO AMEND SECTION 57-3-50, RELATING TO THE ESTABLISHMENT OF HIGHWAY DISTRICTS BY THE COMMISSION, SO AS TO PROVIDE THAT THIS FUNCTION IS DEVOLVED UPON THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTIONS 57‑3‑210, AND 57‑3‑700, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, BOTH SO AS TO DELETE THE TERM “COMMISSION” AND REPLACE IT WITH THE TERM “SECRETARY”; TO AMEND SECTION 57‑5‑10, AS AMENDED, SECTIONS 57‑5‑50, 57‑5‑90, 57‑5‑310, 57‑5‑340, 57‑5‑710, SECTION 57‑5‑720, AS AMENDED, SECTIONS 57‑5‑1350, 57‑5‑1450, 57‑5‑1620, SECTION 57‑11‑20, AS AMENDED, SECTIONS 57‑11‑210, 57‑11‑220, 57‑11‑250, 57‑11‑280, 57‑13‑10, 57‑13‑20, 57‑13‑40, 57‑13‑50, 57‑13‑110, SECTION 57‑25‑120, AS AMENDED, SECTIONS 57‑25‑140, 57‑25‑150, 57‑25‑170, 57‑25‑200, AND 57‑25‑210, RELATING TO THE STATE HIGHWAY PRIMARY SYSTEM, TRANSFERS BETWEEN SECONDARY AND PRIMARY HIGHWAY SYSTEMS, BELTLINES AND SPURS, OWNERSHIP AND SALE OF REAL ESTATE BY THE DEPARTMENT OF TRANSPORTATION, EQUITABLE CONSTRUCTION OF THE STATE HIGHWAY SYSTEM, STANDARDS OF HIGHWAY CONSTRUCTION, ISSUANCE OF TURNPIKE BONDS, THE ADVERTISEMENT AND AWARDING OF CONSTRUCTION CONTRACTS, THE STATE HIGHWAY FUND, STATE HIGHWAY BONDS, THE CONSTRUCTION AND MAINTENANCE OF BRIDGES, SCENIC HIGHWAYS, OUTDOOR ADVERTISING SIGNS, AND INFORMATIONAL SIGNS, SO AS TO DELETE THE TERM “COMMISSION” AND REPLACE IT WITH THE TERM “DEPARTMENT OF TRANSPORTATION”, AND TO DEVOLVE UPON THE DEPARTMENT OF TRANSPORTATION OR SECRETARY OF TRANSPORTATION CERTAIN DUTIES AND RESPONSIBILITIES FORMALLY HELD BY THE DEPARTMENT OF TRANSPORTATION COMMISSION; TO REPEAL SECTIONS 57‑1‑310, 57‑1‑320, 57‑1‑325, 57‑1‑330, 57‑1‑340, 57‑1‑350, AND 57‑1‑470 RELATING TO THE DEPARTMENT OF TRANSPORTATION COMMISSION; AND TO REPEAL ARTICLE 7, CHAPTER 1, TITLE 57 RELATING TO THE JOINT TRANSPORTATION REVIEW COMMITTEE.

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

SECTION 1. Section 57‑1‑410 of the 1976 Code, as last amended by Act 114 of 2007, is amended to read:

“Section 57‑1‑410. The Governor shall appoint, with the advice and consent of the Senate and House of Representatives, 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. 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 2. Section 57‑1‑10 of the 1976 Code, as last amended by act 114 of 2007, is amended to read:

“Section 57‑1‑10. For the purposes of this title, the following words, phrases, and terms are defined as follows:

(1) ~~‘Commission’ means the administrative and governing authority of the Department of Transportation.~~ Reserved.

(2) ‘Department’ means the Department of Transportation (DOT).

(3) ‘Secretary of Transportation’ means the Chief Administrative Officer of the Department of Transportation.”

SECTION 3. Section 57‑1‑90 of the 1976 Code, as added by Act 148 of 2014, is amended to read:

“Section 57‑1‑90. (A) In formulating transportation policy, promulgating regulations, allocating funds, and planning, designing, constructing, equipping, operating and maintaining transportation facilities, no action of ~~the South Carolina Transportation Commission, or~~ the South Carolina Department of Transportation shall have the effect of discriminating against motorcycles, motorcycle operators, or motorcycle passengers. No regulation or action of the ~~commission, or~~ department shall have the effect of enacting a prohibition or imposing a requirement that applies only to motorcycles or motorcyclists, and the principal purpose of which is to restrict or inhibit access or motorcycles and motorcyclists to any highway, bridge, tunnel, or other transportation facility.

(B) The allocation of parking space square footage specifically in transportation facilities, and other projects undertaken or operated by a political subdivision of this State where state or local source funds have been used in whole or in part to plan, design, construct, equip, operate, or maintain the facility must make reasonable accommodations for motorcycle parking. In carrying forward this requirement, among other options, the facility at its discretion may comply by sectioning portions of the area where the size configuration of the space does not meet code requirements for full‑sized vehicles.

(C) As used in this section, ‘reasonable accommodations’ shall not be interpreted to include, require, or otherwise mandate the structural or technological modification of parking structures constructed or substantially completed before July 1, 2014.”

SECTION 4. Section 57‑1‑360 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“Section 57‑1‑360. (A) The ~~commission~~ Secretary of Transportation must appoint a chief internal auditor and other professional, administrative, technical, and clerical personnel as the ~~commission~~ secretary determines to be necessary in the proper discharge of the ~~commission’s~~ secretary’s duties and responsibilities provided by law. The ~~commission~~ secretary also must provide professional, administrative, technical, and clerical personnel, as the ~~commission~~ secretary determines to be necessary, for the chief internal auditor to properly discharge his duties and responsibilities authorized by the ~~commission~~ secretary or provided by law. Except as otherwise provided, any employees hired pursuant to this section shall serve at the pleasure of the ~~commission~~ secretary.

(B)(1) The chief internal auditor shall serve for a term of four years and may be removed by the ~~commission~~ secretary only for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. The chief internal auditor must be a Certified Public Accountant and possess any other experience the ~~commission~~ secretary may require. The chief internal auditor must establish, implement, and maintain the exclusive internal audit function of all departmental activities. The ~~commission~~ secretary shall set the salary for the chief internal auditor as allowed by statute or applicable law.

(2) The audits performed by the chief internal auditor must comply with recognized governmental auditing standards. The department and any entity contracting with the department must fully cooperate with the chief internal auditor in the discharge of his duties and responsibilities and must timely produce all books, papers, correspondence, memoranda, and other records considered necessary in connection with an internal audit. All final audit reports must be submitted to the ~~commission~~ secretary and the Chairman of the Senate Transportation Committee, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Education and Public Works Committee, and the Chairman of the House of Representatives Ways and Means Committee before being made public.

(3) The ~~commission~~ secretary is vested with the exclusive management and control of the chief internal auditor.

(C) The department, at its own expense, must provide appropriate office space within its headquarters, building, and facility service, including janitorial, utility and telephone services, computer and technology services, and related supplies, for the chief internal auditor and his support staff.”

SECTION 5. Section 57‑1‑370 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“Section 57‑1‑370. (A) The ~~commission~~ secretary must develop the long‑range Statewide Transportation Plan, with a minimum twenty‑year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials. The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

(B) Concerning the development, content, and implementation of the Statewide Transportation Improvement Program, the ~~commission~~ secretary must:

(1) develop a process for consulting with nonmetropolitan local officials, with responsibility for transportation, that provides an opportunity for their participation in the development of the long‑range Statewide Transportation Plan and the Statewide Transportation Improvement Program;

(2) approve the Statewide Transportation Improvement Program and ensure that it is developed pursuant to federal laws and regulations and approve an updated Statewide Transportation Improvement Program from time to time as permitted by and in the manner required by federal laws or regulations;

(3) develop and revise the transportation plan for inclusion in the Statewide Transportation Improvement Program, for each nonmetropolitan planning area in consultation with local officials with responsibility for transportation;

(4) work in consultation with each metropolitan planning organization to develop and revise a transportation improvement program for each metropolitan planning area;

(5) select from the approved Statewide Transportation Improvement Program the transportation projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan local officials with responsibility for transportation;

(6) select projects to be undertaken, in consultation with each metropolitan planning organization, from the metropolitan planning organization’s approved transportation improvement plan in metropolitan areas not designated as a transportation management area;

(7) consult with each metropolitan planning organization, in metropolitan areas designated as transportation management areas, concerning the projects selected to be undertaken from the approved transportation improvement program and in accordance with the priorities approved by the transportation improvement program; and

(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations’ transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the ~~commission~~ secretary shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and

(i) consistency with local land use plans.

(C)(1) To the extent that state funds are available to address the needs of the state highway system, the ~~commission~~ secretary must develop a comprehensive plan specifying objectives and performance measures for the preservation and improvement of the existing system. The projects included in this plan must be supported solely by state funds including the Nonfederal Aid Highway Fund or other state revenue source. When developing the plan required by this subsection, the ~~commission~~ secretary must consider, but is not limited to considering, the criteria in subsection (B)(8).

(2) When state funding is programmed for a project selected from the plan to be undertaken, the department may use federal law, regulations, or guidelines relevant to the type of project being undertaken to be eligible for federal matching funds.

(D) To the extent permitted by federal laws or regulations, the ~~commission~~ secretary has the authority to award all federal enhancement grants. Annually, the ~~commission~~ secretary must submit a report to the Chairman of the Senate Transportation Committee, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, and the Chairman of the House of Representatives Education and Public Works Committee describing the number of federal enhancement grants that were awarded and the recipients of the federal enhancement grants.

(E) The ~~commission~~ secretary must give its prior authorization to any consulting contracts advertised for or awarded by the department and authorize the selection of consultants by department personnel.

(F) Roads may not be added to or removed from the state highway system without prior authorization from the ~~commission~~ department.

(G) The department shall conduct a public hearing in each county in which a public hearing is required by federal regulations to allow the department to share information regarding the project with the local community and to allow the local community to address its concerns with department officials. The hearing must include the opportunity for members of the public to address a hearing officer in a format in which comments can be heard by the general public.

(H) The department shall promulgate, by regulation, procedures not inconsistent with federal laws for applying the criteria contained in subsection (B)(8) for prioritizing projects.

(I) The department may ~~not~~ sell surplus property ~~without prior authorization from the commission~~.

(J) ~~The commission must approve the department’s annual budget.~~ Reserved.

(K) The department may ~~not~~ dedicate or name highway facilities ~~without prior authorization from the commission~~.

~~(L)~~ ~~The department may not enter into any contract with a value in excess of five hundred thousand dollars without the prior authorization of the commission.~~

~~(M)~~ ~~The commission shall give prior approval to any additional contracts the department wishes to be entered into during a fiscal year with an entity that has already received individual contracts during that fiscal year that in the aggregate value are at least five hundred thousand dollars.~~

~~(N)~~ ~~Any request made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars must be reviewed and approved by the commission who certify that the request is needed based upon objective and quantifiable factors before work may proceed.~~

~~(O)~~ ~~The commission shall have any other rights, duties, obligations, or responsibilities as provided by law.~~”

SECTION 6. Section 57‑1‑430 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑430. (A) The secretary is charged with the affirmative duty to carry out the policies of the ~~commission~~ department, 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. 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~~.

(B) For each division, the secretary may employ such personnel and prescribe their duties, powers, and functions as he considers necessary and as may be authorized by statute and for which funds have been authorized in the annual general appropriations act.”

SECTION 7. Section 57‑1‑460(B) of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“(B) The secretary is charged with evaluating and approving the routine operation and maintenance requests or emergency repairs that are needed for existing roads and bridges that are not included in the Statewide Transportation Improvement Program. ~~However, requests made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars must be approved by the commission pursuant to Section 57‑1‑370(N).~~”

SECTION 8. Section 57‑1‑490 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57-1-490. (A) The department shall be audited by a certified public accountant or firm of certified public accountants once each year to be designated by the State Auditor. The designated accountant or firm of accountants shall issue audited financial statements in accordance with generally accepted accounting principles, and such financial statements shall be made available annually by October fifteenth to the General Assembly. The costs and expenses of the audit must be paid by the department out of its funds.

(B) The Materials Management Office of the Department of Administration annually must audit the department’s internal procurement operation to ensure that the department has acted properly with regard to the department’s exemptions contained in Section 11‑35‑710. The audit must be performed in accordance with applicable state law, including, but not limited to, administrative penalties for violations found as a result of the audit. The results of the audit must be made available by October fifteenth to ~~the Department of Transportation Commission,~~ the Department of the Transportation’s chief internal auditor, the Governor, the Chairmen of the Senate Finance and Transportation Committees, and the Chairmen of the House of Representatives Ways and Means and Education and Public Works Committees. The costs and expenses of the audit must be paid by the department out of its funds.

(C) The Legislative Audit Council shall contract for an independent performance and compliance audit of the department’s finance and administration division, mass transit division, and construction engineering and planning division. This audit must be completed by January 15, 2010. The Legislative Audit Council may contract for follow‑up audits or conduct follow‑up audits as needed based upon the audit’s initial findings. The costs of these audits, including related administrative and management expenses of the Legislative Audit Council, are an operating expense of the department. The department shall pay directly to the Legislative Audit Council the cost of the audits.

(D) Copies of every audit conducted pursuant to this section must be made available to ~~the Department of Transportation Commission,~~ the Department of Transportation chief internal auditor, the Governor, the Chairmen of the Senate Finance and Transportation Committees, and the Chairmen of the House of Representatives Ways and Means and Education and Public Works Committees.”

SECTION 9. Section 57‑3‑20(1)(c) of the 1976 Code, as last amended by Act 206 of 2010, is further amended to read:

“(c) administrative functions, including ~~recording proceedings of the commission and~~ developing policy and procedures to ensure compliance with these policies and procedures;”

SECTION 10. Section 57‑3‑50 of the 1976 Code is amended to read:

“Section 57‑3‑50. The ~~commission~~ department may establish such highway districts as in its opinion shall be necessary for the proper and efficient performance of its duties. The ~~commission~~ department, every ten years, must review the number of highway districts and the territory embraced within the districts and make such changes as may be necessary for the proper and efficient operation of the districts.”

SECTION 11. Section 57‑3‑210(A) of the 1976 Code, as added by Act 206 of 2010, is amended to read:

“(A) The department is authorized to utilize public transit funds to contract directly with private operators of public transit systems to provide service to the general public, provided that the private operators have established a plan of service that has been approved by the local governmental entity that has jurisdiction over the area to be served, the department~~, the commission,~~ and the federal government.”

SECTION 12. Section 57‑3‑700 of the 1976 Code is amended to read:

“Section 57‑3‑700. With the approval of the ~~commission~~ secretary, the county officials may designate the department, acting through its agents and employees, as agents of the county in securing necessary ~~rights‑of‑way~~ rights of way and other lands.”

SECTION 13. Section 57‑5‑10 of the 1976 Code, as last amended by Act 98 of 2013, is further amended to read:

“Section 57‑5‑10. The state highway system shall consist of a statewide system of connecting highways that shall be constructed to the Department of Transportation’s standards and that shall be maintained by the department in a safe and serviceable condition as state highways. The department may utilize funding sources including, but not limited to, the State Non‑Federal Aid Highway Fund and the State Highway Fund as established by Section 57‑11‑20 in carrying out the provisions of this section. The complete state highway system shall mean the system of state highways as now constituted, consisting of the roads, streets, and highways designated as state highways or designated for construction or maintenance by the department pursuant to law, together with the roads, streets, and highways added to the state highway system by the ~~Commission of the Department of Transportation~~ department, and the roads, streets, and highways that may be added to the system pursuant to law. Roads and highways in the state highway system are classified into three classifications:

(1) interstate system of highways;

(2) state highway primary system; and

(3) state highway secondary system.”

SECTION 14. Section 57‑5‑50 of the 1976 Code is amended to read:

“Section 57‑5‑50. The ~~commission~~ department may transfer any route or section of route from the state highway secondary system to the state highway primary system, or vice versa, when, in its judgment, such transfer is advisable to better serve the traveling public.”

SECTION 15. Section 57‑5‑90 of the 1976 Code is amended to read:

“Section 57‑5‑90. The ~~commission~~ department may establish such belt lines or spurs as it deems proper and construct and maintain such belt lines and spurs from funds otherwise provided by law for the construction and maintenance of the state highway system, but the total length of such belt lines and spurs to be established or constructed in any county shall not exceed two miles in any one fiscal year; provided, that should the ~~commission~~ department fail to establish belt lines or spurs during a fiscal year the allocation to the counties shall be continued from year to year and the mileage shall be cumulative. Provided, further, that any mileage that accumulated prior to June 30, 1972, under this section shall remain to the credit of the county to which it accumulated.”

SECTION 16. Section 57‑5‑310 of the 1976 Code is amended to read:

“Section 57‑5‑310. The ~~commission and the~~ Department of Transportation may own such real estate, in fee simple or by lease, as shall be deemed necessary for the purpose of facilitating the proper operation of the department or for the building and maintenance of the public highways in the state highway system.”

SECTION 17. Section 57‑5‑340 of the 1976 Code is amended to read:

“Section 57‑5‑340. The department shall continuously inventory all of its real property. When, in the judgement of the department any real estate acquired as provided in this chapter is no longer necessary for the proper operation of the department or highway systems, the department shall vigorously attempt to sell the property by advertising for competitive bids in local newspapers or by direct negotiations~~, but in every case of the sale or transfer of any real estate by the commission or the department, the sale or transfer shall be made public by publishing notice of it in the minutes of the next succeeding meeting of the commission~~. The ~~commission and the~~ department shall convey by deed, signed by the Secretary of the Department of Transportation and the Deputy Director of the Division of Finance and Administration, any real estate disposed of under this section. Any funds derived from the sale of surplus property by authority of this section shall be credited to the funding category from which funds were drawn to finance the department’s acquisition of the property. However, any funds derived from the sale of ~~right‑of‑way~~ right of way, which the department has purchased, in excess of the department’s cost shall be distributed among the counties as C funds pursuant to Section 12‑28‑2740.”

SECTION 18. Section 57‑5‑710 of the 1976 Code is amended to read:

“Section 57‑5‑710. Except as otherwise provided by law, the construction of the state highway system shall be carried on simultaneously in each of the highway districts of the State, and the ~~commission~~ department shall determine and arrange the order of the work in a fair and equitable manner among the counties within each highway district.”

SECTION 19. Section 57‑5‑720 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 57‑5‑720. The Department of Transportation shall construct the highways in the state highway primary system and the highways in the state highway secondary system to standards commensurate with the amount and types of traffic services to be rendered by the highways in the respective systems, it being the declared policy of the State that the highways in the state highway secondary system shall be constructed by less expensive standards than the highways in the state highway primary system, thus enabling the State to construct a larger mileage of all‑weather farm‑to‑market roads from the available funds.

In recognition of budgetary restraints, the Department of Transportation, its ~~commission,~~ officers, and employees, are granted the discretionary authority to relax design and construction standards with respect to highway projects in the secondary state highway system. The exercise of the discretionary authority to relax design and construction standards shall not give rise to any liability on the part of the department, its ~~commission,~~ officers, or employees.”

SECTION 20. Section 57‑5‑1350 of the 1976 Code is amended to read:

“Section 57‑5‑1350. Whenever it becomes necessary that monies be raised for a turnpike facility, the ~~commission~~ department may make request to the State Fiscal Accountability Authority for the issuance of turnpike bonds. ~~The request may be in the form of resolution adopted at any regular or special meeting of the commission.~~ The request shall set forth on the face thereof or by schedule attached thereto:

1. the turnpike facility proposed to be constructed;

2. the amount required for feasibility studies, planning, design, ~~right‑of‑way~~ right of way acquisition, and construction of the turnpike facility;

3. a tentative time schedule setting forth the period of time for which the sum request must be expended;

4. a debt service table showing the estimated annual principal and interest requirements for the requested turnpike bonds;

5. any feasibility study obtained by the ~~commission~~ department relating to the proposed turnpike facility;

6. the ~~commission’s~~ department’s recommendations relating to any covenant to be made in the bond resolution of the State Fiscal Accountability Authority respecting competition between the proposed turnpike facility and possible future highways whose construction would have an adverse effect upon the turnpike revenues which would otherwise be derived by the proposed turnpike facility.”

SECTION 21. Section 57‑5‑1450(C) of the 1976 Code is amended to read:

“(C) The resolution shall set forth further a finding on the part of the State Fiscal Accountability Authority that the estimate of turnpike facility revenues made by the ~~commission~~ Department of Transportation and approved by the State Fiscal Accountability Authority indicates that collection from turnpike revenues for applicable fiscal years is not less than that required for annual debt service requirements of the requested turnpike bonds.”

SECTION 22. Section 57‑5‑1620 of the 1976 Code is amended to read:

“Section 57‑5‑1620. Awards by the department of construction contracts for ten thousand dollars and more shall be made only after the work to be awarded has been advertised for at least two weeks in one or more daily newspapers in this State, but where circumstances warrant, the department may advertise for longer periods of time and in other publication media. Awards of contracts, if made, shall be made in each case to the lowest qualified bidder whose bid shall have been formally submitted in accordance with the requirements of the department. However, in cases of emergencies, as may be determined by the Secretary of the Department of Transportation, the department, without formalities of advertising, may employ contractors and others to perform construction or repair work or furnish materials and supplies for such construction and repair work~~, but all such cases of this kind shall be reported in detail and made public at the next succeeding meeting of the commission~~.”

SECTION 23. Section 57‑11‑20(A) of the 1976 Code, as last amended by Act 176 of 2005, is further amended to read:

“(A) All state revenues and state monies dedicated by statute to the operation of the department must be deposited into either the ‘State Highway Fund’ or the ‘State Non‑Federal Aid Highway Fund’. Both funds must be held and managed by the State Treasurer separate and distinct from the general fund, except as to monies utilized by the State Treasurer for the payment of principal or interest on state highway bonds as provided by law. Interest income from the State Highway Fund must be deposited to the credit of the State Highway Fund. Interest income from the Non‑Federal Aid Highway Fund must be deposited to the credit of the Non‑Federal Aid Highway Fund. The ~~commission~~ Department of Transportation may commit up to the maximum annual debt service provided in Section 13, Article X~~, Section 13~~ of the South Carolina Constitution into a special fund to be used for the sole purpose of paying the principal and interest, as it comes due, on bonds issued for the construction or maintenance of state highways, or both. This special account will be designated as the State Highway Construction Debt Service Fund.”

SECTION 24. Section 57‑11‑210(4) of the 1976 Code is amended to read:

“(4) ~~‘Commission’ means that agency of government now composed in accordance with the provisions of Article 3 of Chapter 1, Title 57, and any other commission or agency of government hereafter exercising the powers granted to the commission pursuant to the provisions of Chapter 1, Title 57.~~ Reserved.”

SECTION 25. Section 57‑11‑220 of the 1976 Code is amended to read:

“Section 57‑11‑220. Whenever it shall become necessary that monies be raised for highway transportation purposes, or construction and equipment of headquarters administrative facilities, including monies to be used to refund any state highway bonds then outstanding, the ~~commission~~ Department of Transportation may make a request to the State Fiscal Accountability Authority for the issuance of state highway bonds pursuant to this article. ~~Such request may be in the form of a resolution adopted at any regular or special meeting of the commission.~~ Such request shall set forth on the face thereof or by schedules attached thereto:

(1) the amount then required for highway transportation purposes;

(2) a tentative time schedule setting forth the period of time during which the sum requested will be expended;

(3) a debt service table showing the annual principal and interest requirements for all state highway bonds then outstanding;

(4) the amount of revenues derived from each of the sources of revenue during the preceding fiscal year; and

(5) the amount as estimated by the ~~commission~~ Department of Transportation which will be derived from the sources of revenue during the then current and the next ensuing fiscal years during which it is expected that the state highway bonds then sought to be issued will be outstanding, but in estimating the amount to be derived from the sources of revenue the ~~commission~~ department shall not assume that the revenues for the then current fiscal year or any future fiscal year will be more than five percent in excess of the actual sums derived from the sources of revenue in the preceding fiscal year, nor that in the sixth or subsequent years there will be any increase over the estimated revenues for the fifth fiscal year following the last completed fiscal year.”

SECTION 26. Section 57‑11‑250 of the 1976 Code is amended to read:

“Section 57‑11‑250. For the payment of the principal of and interest on all state highway bonds (whether now outstanding or hereafter issued), as the same shall come due, there shall be pledged the full faith, credit, and taxing power of the State of South Carolina and, in addition thereto, all of the monies derived from all sources of revenue which may be forthwith used by the State Treasurer~~, without further action of the commission,~~ for the payment of the principal and interest of state highway bonds, as the same respectively mature.”

SECTION 27. Section 57‑11‑280 of the 1976 Code is amended to read:

“Section 57‑11‑280. The ~~commission~~ Department of Transportation is authorized to request the State Fiscal Accountability Authority to issue state highway bonds. In order to effect the issuance of bonds pursuant to this article, the State Fiscal Accountability Authority may adopt a resolution providing for the issuance of state highway bonds, upon written request by the ~~commission~~ department, and may transmit a certified copy thereof to the Governor and to the State Treasurer, with the request that they issue and deliver state highway bonds in accordance with the terms and conditions of such resolution. Such resolution shall set forth the:

(1) the amount, denomination, and numbering of state highway bonds to be issued;

(2) the date as of which the same shall be issued;

(3) the maturity schedule for the retirement of such state highway bonds;

(4) the redemption provisions, if any, applicable to such bonds;

(5) the maximum rate or rates of interest the bonds shall bear;

(6) the purposes for which the bonds are to be issued;

(7) the occasion on which bids shall be received for the sale of such bonds;

(8) the form of advertisement of sale;

(9) the form of the bonds of the particular issue; and

(10) such other matters as may be deemed necessary in order to effect the sale, issuance, and delivery thereof.

Such resolution shall further set forth a finding on the part of the State Fiscal Accountability Authority that the actual receipts, for the preceding fiscal year, from the sources of revenue equaled or exceeded the maximum annual debt service requirements for all state highway bonds then outstanding and state highway bonds then proposed to be issued.”

SECTION 28. Section 57‑13‑10 of the 1976 Code is amended to read:

“Section 57‑13‑10. The ~~commission~~ Department of Transportation may cooperate and negotiate with the proper authorities of adjoining states in the construction, purchase, acquisition and maintenance of bridges constructed or to be constructed across streams which constitute boundaries between this State and such adjoining states and may expend for such purposes not exceeding one half of the total cost of such bridges and approaches thereto and bear a proportionate part of the maintenance thereof, such expenditures to be made from the funds available for the construction and maintenance of highways and bridges in the state highway system.”

SECTION 29. Section 57‑13‑20 of the 1976 Code is amended to read:

“Section 57‑13‑20. Any county may, with the approval of the ~~Commission~~ Department of Transportation, provide the funds necessary for participation in the construction, purchase or acquisition of any such bridge as is described in Section 57‑13‑10 and shall be entitled to reimbursement therefor under the provisions of Article 1 ~~of~~ , Chapter 11 of this title.”

SECTION 30. Section 57‑13‑40 of the 1976 Code is amended to read:

“Section 57‑13‑40. The ~~commission~~ Department of Transportation may permit any person, county or municipality, or any combination thereof, to construct toll bridges and appertaining structures suitable for highway traffic on any roads of the state highway system. But before any such permit is issued an agreement satisfactory to the Department of Transportation must be executed by the person receiving such permit fixing conditions under which the bridge is to be constructed, the character and design of the structure, the rate of toll to be charged traffic using it and the terms according to which it can be acquired by the State or counties concerned.”

SECTION 31. Section 57‑13‑50 of the 1976 Code is amended to read:

“Section 57‑13‑50. No permit shall be issued by the ~~Commission~~ Department of Transportation under the authority of Section 57‑13‑40 except after advertisement of all the terms and conditions affecting such permit in at least five daily newspapers of this State and after the county legislative delegation of every county directly adjacent to the bridge has been given formal notice, describing such terms and conditions, and has approved such terms and conditions.”

SECTION 32. Section 57‑13‑110 of the 1976 Code is amended to read:

“Section 57‑13‑110. Whoever shall wantonly or wilfully injure or destroy any bridge built by authority of the ~~commissioners~~ Department of Transportation ~~of any two counties~~ over any river or creek lying between ~~such~~ two counties, on indictment and conviction of so doing at the court of general sessions in the county in which the offense was committed, shall be subject to such fine and imprisonment as the court shall direct. But nothing herein contained shall be construed to extend to any toll bridge established by law. Any person who shall wilfully or maliciously injure or destroy any bridge on any public road in this State shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than fifty nor more than five hundred dollars or be imprisoned not less than thirty nor more than ninety days, in the discretion of the court. Nothing herein contained shall affect the right of action for damages in a civil suit against the person so injuring or destroying any such bridge.”

SECTION 33. Section 57‑25‑120(4)(d) of the 1976 Code is amended to read:

“(d) land on the opposite side of a nonfreeway primary highway which is designated scenic by the ~~commission~~ Department of Transportation.”

SECTION 34. Section 57‑25‑140(D)(4) and (J) of the 1976 Code is amended to read:

“(4) scenic areas designated by the ~~commission~~ Department of Transportation or other state agency having and exercising that authority.

(J) Signs permitted under items (1), (2), (3), and (4) of subsection (A) must comply with the regulations promulgated by the ~~commission~~ Department of Transportation in accordance with uniform national standards.”

SECTION 35. Section 57‑25‑150(A) and (D) of the 1976 Code is amended to read:

“(A) The ~~commission~~ Department of Transportation shall issue permits for the erection and maintenance of outdoor advertising signs coming within the exceptions contained in items (1), (2), and (3) of subsection (A) of Section 57‑25‑140, consistent with the safety and welfare of the traveling public necessary to carry out the policy of the State declared in this article and consistent with the national standards promulgated by the Secretary of Transportation or other appropriate federal official pursuant to Title 23, United States Code.

The ~~commission~~ department also shall promulgate regulations governing the issuance of the permits and standards for size, spacing, and lighting of the signs and their messages.

(D) The ~~commission~~ department shall promulgate regulations governing the issuance of permits which must include mandatory maintenance to ensure that all signs are always in a good state of repair. Signs not in a good state of repair are illegal.”

SECTION 36. Section 57-25‑170 of the 1976 Code is amended to read:

“Section 57‑25‑170. The ~~commission~~ Department of Transportation may provide within the ~~right‑of‑way~~ right of way for areas at appropriate distances from interchanges on the interstate system and controlled access roads on the federal‑aid primary system on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained under standards and regulations authorized to be adopted and promulgated by the commission. The standards and regulations may provide for cooperative agreements between the Department of Transportation and private interests for the use and display of names for FOOD, LODGING, and GAS information signs on the highway ~~right‑of‑way~~ right of way.”

SECTION 37. Section 57‑25‑200(A) of the 1976 Code is amended to read:

“(A) Within the requirements of this article the ~~commission~~ Department of Transportation may enter into agreements with other governmental authorities relating to the control of outdoor advertising in areas adjacent to the interstate and primary highway systems, including the establishment of information centers and safety rest areas and take action in the name of the State to comply with the terms of the agreements.”

SECTION 38. Section 57‑25‑210 of the 1976 Code is amended to read:

“Section 57‑25‑210. The ~~commission~~ Department of Transportation is not required to expend funds for the removal of outdoor advertising under this article until federal funds are made available to the State for the purpose of carrying out the provisions of this article and the ~~commission~~ department has entered into an agreement ~~with the Secretary of Transportation~~ as authorized by Section 57‑25‑200 and as provided by the Highway Beautification Act of 1965.”

SECTION 39. Sections 57-1-310, 57-1-320, 57-1-325, 57-1-330, 57-1-340, 57-1-350, 57-1-470, and Article 7, Chapter 1, Title 57 of the 1976 Code are repealed.

SECTION 40. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 41. This act takes effect upon approval by the Governor.

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