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Date: 6/2/2016 1:17:15 PM

Subject:

Did Members Even Read The Roads Bill Before Passing It?

June 2, 2016



Tortured proposal appeared out of nowhere, House suddenly A-OK with it

Yesterday the General Assembly finally passed a “roads bill.” The bills goes to the governor, either to be signed, vetoed, or allowed to become law without her signature.

On the funding side, the legislation incorporates another bill, the so-called bond bill that would allow the State Transportation Infrastructure Bank to issue \$2.2 billion in debt-financed revenue. Using bond revenue to finance one of the most basic services of government – road repair and maintenance – does not strike us as a great idea.

But consider the other component of the bill, the part that supposedly restructures the Department of Transportation. Various proposals have been tossed back and forth between House and Senate throughout the year: a Senate proposal would have empowered the governor to appoint DOT commissioners but not remove them at will, thus preserving the commission as an independent policymaking body that can’t be held accountable; a House proposal would have done much the same, but would have permitted the commission, not the governor, to appoint a secretary of transportation; still another Senate plan would have expanded the DOT commission and given murky regional assemblies called Councils of Government, or COGs, power to nominate commissioners. All year long, these were the main proposals on offer.

Then, suddenly, late on Tuesday the Senate produced, seemingly *ex nihilo*, a totally new labyrinthine structure. Under this plan, the governor would appoint DOT commissioners, but these appointees would have to pass three – three! – levels of legislative approval. First, the legislative delegations would have to say okay. Then the legislatively dominated Joint Transportation Review Committee would have to sign off. Then the appointees would go before the entire Senate for an up or down vote.

It gets worse – the governor could not remove his or her “appointees” except for cause, and the DOT commission, not the governor, would choose the transportation secretary.

What’s surprising here isn’t so much that the legislature came up with yet another way to rearrange the process without relinquishing power and making the governor responsible for roads and road funding. What surprised us, rather, is that the House went along with this new Senate plan without a single difference, though House members had barely had time to skim it.

If this had happened a month or two months ago, the House would have insisted on a bevy of amendments and created a largely new proposal. But now, with only a day left in the session, the chamber signs off completely on the Senate plan.

A skeptical observer could be forgiven for thinking that House members simply didn’t want to be blamed for not “doing something” about roads, so they were suddenly okay with approving a tortured bill they didn’t even have time to read.

There’s accountability for you.