

*Executive Subcommittee Meeting*

Tuesday, June 25, 2019

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# AGENDA

South Carolina  
House of Representatives



Legislative Oversight Committee

**EXECUTIVE SUBCOMMITTEE**  
*Chairman Gary E. Clary*  
*The Honorable Chandra E. Dillard*  
*The Honorable Laurie Slade Funderburk*  
*The Honorable Wm. Weston J. Newton*

***Tuesday, June 25, 2019***  
***9:00 a.m.***

***Room 403, Blatt Building***

***Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.***

**AMENDED AGENDA**

- I. Approval of Subcommittee Meeting Minutes**
- II. Discussion of the study of the S.C. Aeronautics Commission**
- III. Adjournment**

# MEETING MINUTES

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**

*Micajah P. (Micah) Caskey, IV  
Neal A. Collins  
Patricia Moore (Pat) Henegan  
William M. (Bill) Hixon  
Jeffrey E. (Jeff) Johnson  
Marvin R. Pendarvis  
Tommy M. Stringer  
Bill Taylor  
Robert Q. Williams*



**South Carolina House of Representatives**

*Gary E. Clary  
Chandra E. Dillard  
Lee Hewitt  
Joseph H. Jefferson, Jr.  
Mandy Powers Norrell  
Robert L. Ridgeway, III  
Edward R. Tallon, Sr.  
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*Kendra H. Wilkerson  
Fiscal/Research Analyst*

**Executive Subcommittee**

**Tuesday, March 26, 2019**

**10:00 a.m.**

**Blatt Room 321**

### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

### **Attendance**

- I. Subcommittee Chairman Gary E. Clary calls the Executive Subcommittee meeting to order on Tuesday, March 26, 2019, in Room 321 of the Blatt Building. The following members of the Subcommittee are present during all or part of the meeting: Subcommittee Chairman Clary, Representative Laurie Slade Funderburk, and Representative Wm. Weston J. Newton.

## Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Newton moves to approve the minutes from the prior Subcommittee meeting. A roll call vote is held, and the motion passes.

Rep. Newton moves to approve the minutes from the Subcommittee's March 5, 2019, meeting:	Yea	Nay	Not Voting (Not present)
Rep. Clary	✓		
Rep. Dillard			✓
Rep. Funderburk	✓		
Rep. Newton	✓		

## Discussion of the S.C. Aeronautics Commission

- I. Subcommittee Chairman Clary explains the purpose of today's meeting is to ask questions remaining from the last meeting and for the S.C. Aeronautics Commission (SCAC) to present information on its flight department.
- II. Subcommittee Chairman Clary explains that all testimony given to this subcommittee, which is an investigating committee, must be under oath. He reminds all agency personnel previously sworn in that they remain under oath.
- III. Director Stephens presents information on the agency's flight department. Members ask questions, which Director Stephens answers.
- IV. There being no further business, the meeting is adjourned.

# STUDY TIMELINE

The House Legislative Oversight Committee's (Committee) process for studying the S.C. Aeronautics Commission (agency, Department, or SCAC) includes actions by the full Committee; Executive Subcommittee (Subcommittee); the agency; and the public. Key dates and actions are listed below.

## Legislative Oversight Committee Actions

- May 3, 2018 - Holds **Meeting #1** to prioritize the agency for study
- May 9, 2018 - Provides the agency notice about the oversight process
- July 17 - August 20, 2018 - Solicits input about the agency in the form of an online public survey
- January 28, 2019 - Holds **Meeting #2** to obtain public input about the agency

## Executive Subcommittee Actions

- February 6, 2019 - Holds **Meeting #3** to discuss the agency's history; legal directives; mission; vision; general information about finances and employees; and agency organization
- February 26, 2019 - Holds **Meeting #4** to discuss the agency's airport development program
- March 5, 2019 - Holds **Meeting #5** to continue to discuss the agency's airport development program
- March 26, 2019 - Holds **Meeting #6** to discuss the agency's flight department
- June 25, 2019 - (TODAY) Holds **Meeting #7** to discuss the agency's administration unit, performance measures, and law recommendations

## Aeronautics Commission

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- January 12, 2016 - Submits its **2016 Annual Restructuring Report**
- September 2016 - Submits its **2015-16 Accountability Report**
- September 2017 - Submits its **2016-17 Accountability Report**
- September 2018 - Submits its **2017-18 Accountability Report**
- October 19, 2018 - Submits its **Program Evaluation Report**

## Public's Actions

- July 17 – August 20, 2018 - Provides input about the agency via an **online public survey**
- Ongoing - Submits written comments on the Committee's webpage on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov))

Figure 1. Key dates in the study process, May 2018 to present.

# AGENCY SNAPSHOT

## Aeronautics Commission

### History

- 1935 - The S.C. Aeronautics Commission (SCAC) was created by the legislature to foster air commerce in the state, supervise aeronautical activities and facilities, make and enforce rules and regulations regarding the licensing of airplanes and pilots, and cooperate in the establishment and operations of airports.
- 1993 – SCAC placed under the Department of Commerce.
- 2009 – SCAC moved under the State Budget and Control Board.
- 2015 – SCAC moved under S.C. State Fiscal Accountability Authority.

### Agency Mission

Fostering air and economic development by overseeing the safety and development of the state's public use airports, by providing safe and reliable air transportation for state government and business prospects, and by providing aviation education opportunities.

### Organizational Units

#### Administration

- Provides management of budgets, human resources, legislative efforts, and the maintenance of state and federal grants.

#### Airport Development

- Provides airports within S.C. safety inspections, engineering design and construction services, maintenance projects, and aerial photography and geographic information system (GIS) mapping.

#### Flight Department

- Provide air transportation to the Governor, state legislators, and other governmental bodies for official state business.

### Resources (FY 18-19)

#### Employees

11 filled FTE positions at the start of the year

#### Funding

\$10,981,660 appropriated and authorized

### Successes

Identified by the agency

- Nationally recognized geographic information system (GIS) map service
- Unmanned aircraft system to evaluate runway approaches
- Compatible land use evaluation tool for land use review

### Challenges

Identified by the agency

#### Current:

- Curbing grant delays and lack of support for all public use airports due to issues with state aviation fund cash flow
- Maintaining aging facilities
- Covering raising costs to maintain aging aircrafts

#### Emerging:

- Airport capital improvements and maintenance
- Transition to web based airport information and financial aid requests
- Continued Aging Aircraft

Source: Agency Program Evaluation Report

Figure 2. Snapshot of the agency's history, mission, organizational units, fiscal year 2018-19 resources (employees and funding), successes, and challenges.<sup>1</sup>



# AIRPORTS IN AND AROUND SOUTH CAROLINA

The map below shows the locations of airports in South Carolina as of February 2019. In addition to the airports in South Carolina, this map shows the commercial service airport in Charlotte, North Carolina; August, Georgia; and Savannah, Georgia.

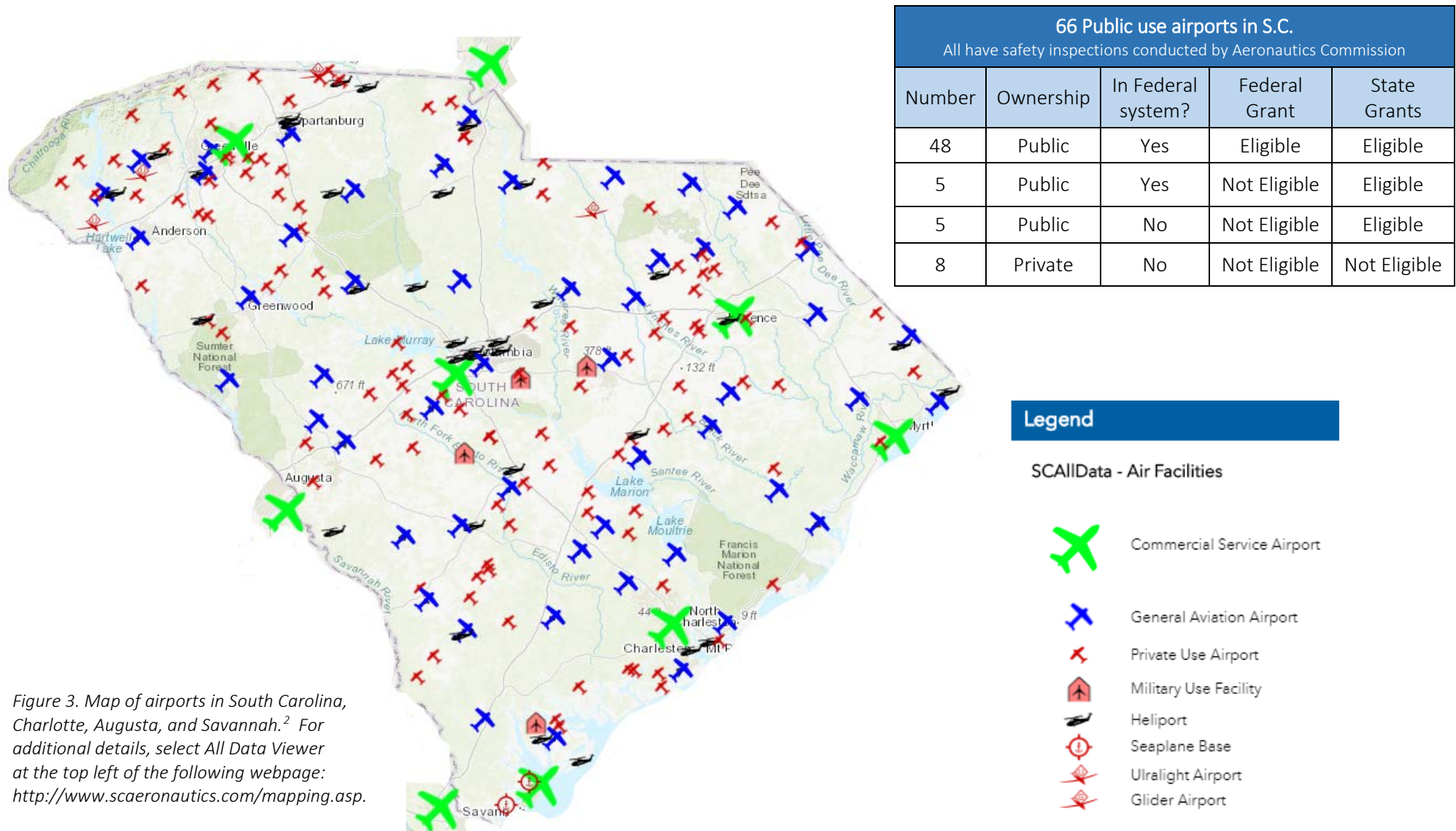


Figure 3. Map of airports in South Carolina, Charlotte, Augusta, and Savannah.<sup>2</sup> For additional details, select All Data Viewer at the top left of the following webpage: <http://www.scaeronautics.com/mapping.asp>.

Table 1 includes a list of airports in South Carolina, grouped by ownership and grant eligibility. There are three counties without an airport: Abbeville, Calhoun, and Cherokee.

Table 1. List of S.C. Airports.<sup>3</sup>

Public + In Federal system + Federal Grant eligible + State Grant eligible					
County	City	Airport Name	County	City	Airport Name
Aiken	Aiken	Aiken Municipal	Horry	Conway	Conway-Horry County
Allendale	Allendale	Allendale County	Horry	N. Myrtle Beach	Grand Strand
Anderson	Anderson	Anderson Regional	Horry	Myrtle Beach	Myrtle Beach International
Barnwell	Barnwell	Barnwell Regional	Horry	Loris	Twin City
Beaufort	Beaufort	Beaufort County	Jasper	Ridgeland	Ridgeland-Claude Dean
Beaufort	Hilton Head	Hilton Head	Kershaw	Camden	Woodward Field
Berkeley	Moncks Corner	Berkeley County	Lancaster	Lancaster	Lancaster County - MC Whirter
Charleston	Charleston	Charleston AFB/Int.	Laurens	Laurens	Laurens County
Charleston	Charleston	Charleston Executive	Lexington	Columbia	Columbia Metropolitan
Charleston	Mt. Pleasant	Mount Pleasant Regional-Faison	Lexington	Pelion	Lexington County At Pelion
Chester	Chester	Chester Catawba Regional	Marion	Marion	Marion County
Chesterfield	Cheraw	Cheraw Municipal - Lynch Bellinger	Marlboro	Bennettsville	Marlboro Cty Jetport-H.E. Avent
Chesterfield	Pageland	Pageland	Newberry	Newberry	Newberry County
Clarendon	Manning	Santee Cooper Regional	Oconee	Clemson	Oconee County Regional
Colleton	Walterboro	Lowcountry Regional	Orangeburg	Orangeburg	Orangeburg Municipal
Darlington	Darlington	Darlington Cty Jetport	Pickens	Pickens	Pickens County
Darlington	Hartsville	Hartsville Regional	Richland	Columbia	Jim Hamilton L B Owens
Dorchester	Summerville	Summerville	Saluda	Saluda	Saluda County
Fairfield	Winnsboro	Fairfield County	Spartanburg	Greer	Greenville Spartanburg Int.
Florence	Florence	Florence Regional	Spartanburg	Spartanburg	Spartanburg Downtown Memorial
Georgetown	Georgetown	Georgetown County	Sumter	Sumter	Sumter
Greenville	Greenville	Donaldson Field	Union	Union	Union County - Troy Shelton
Greenville	Greenville	Greenville Downtown	Williamsburg	Kingstree	Williamsburg Regional
Greenwood	Greenwood	Greenwood County	York	Rock Hill	Rock Hill-York County - Bryant

Public + In Federal system + Not Federal Grant eligible + State Grant eligible		
County	City	Airport Name
Bamberg	Bamberg	Bamberg County
Dillon	Dillon	Dillon County
Dorchester	St. George	St George
Georgetown	Andrews	Robert F Swinnie
Lee	Bishopville	Lee County - Butters Field

Public + Not in Federal system + Not Federal Grant eligible + State Grant eligible		
County	City	Airport Name
Edgefield	Trenton	Edgefield County
Florence	Lake City	Lake City Municipal - CJ Evans Field
Hampton	Hampton	Hampton-Varnville
McCormick	McCormick	Mc Cormick County
Orangeburg	Holly Hill	Holly Hill

Private + Not in Federal system + Not Federal Grant eligible + Not State Grant eligible		
County	City	Airport Name
Aiken	Graniteville	Twin Lakes
Darlington	Darlington	Branhams
Florence	Timmonsville	Huggins Memorial
Horry	Green Sea	Green Sea
Lancaster	Lancaster	Kirk Air Base
Marlboro	Clio	Clio Crop Care
Orangeburg	Orangeburg	Dry Swamp
Spartanburg	Landrum	Fairview

## RECOMMENDATIONS FROM OTHER STUDIES

There is no record of a Legislative Audit Council audit of SCAC in the last ten years. Below are recommendations from the April 2018 Senate Oversight Study Report of SCAC.<sup>4</sup>

- SCAC should notify the legislative delegations of vacancies on the commission in order to assist in getting vacancies filled in a timely manner with qualified members.
- SCAC should request the General Assembly provide a dedicated source of funding for state grants which would be available at the beginning of the state's fiscal year in order to maximize grant funds available to the state through the Federal Aviation Administration.
- With input from SCAC, the General Assembly should establish the requirements for awarding aviation grants from the State Aviation Fund in the S.C. Code of Laws.

# ADMINISTRATION UNIT

# House Legislative Oversight

**South Carolina Aeronautics Commission**

**Administration**

**June 25, 2019**

# Our Mission

Fostering air and economic development by overseeing the safety and development of the state's public use airports, by providing safe and reliable air transportation for state government and business prospects, and by providing aviation education opportunities.

# Administration: Primary Purpose

The primary purpose of the Division's Administration is to oversee the functions of the Division related to State Law and the functions of each individual department.

# Administration: Organization

## 3 FTE's

- Overhead covered by General Fund appropriations.
- No budget requests have been requested for increases in this department in the past 5 years.

## Staff Roles

- Executive Director (Male, Caucasian)
  - Directs and Manages the overall mission and objectives of the Division.
- Office Manager (Female, Caucasian)
  - Manages the operations of the office and Human Resources, including front office customer support and insurance coordination.
- Finance Director (Female, Caucasian)
  - Manages the financial functions of the Division, including accounts payable and receivable, budget tracking, procurement, and contractual services.



# Airport Development: Organization

## Staff Roles

- Program Manager (Male, Caucasian)
  - Serves as the State Airport Engineer, and Directs and Manages the overall program initiatives and objectives of the Airport Development (AD) department.
- Airport Maintenance & NAVAID Engineer (Male, Caucasian)
  - Manages the AD airport maintenance and Automated Weather Observation programs.
- State Airport Planner (Male, Caucasian)
  - Manages the statewide airport land use review program, the division's IT needs, and serves as an airport safety inspector.
- GIS/UAS Programs Manager (Male, Caucasian)
  - Manages the Geographic Information Systems (GIS) and Unmanned Aircraft Systems (UAS) programs for the Division, and serves as an airport safety inspector.

# Flight Department: Organization

## Staff Roles

- Chief Pilot (Male, Caucasian)
  - Serves as the State Airport Engineer, and Directs and Manages the overall program initiatives and objectives of the Airport Development (AD) department.
- Pilot II (Male, Caucasian)
  - Manages the AD airport maintenance and Automated Weather Observation programs.
- Director of Maintenance (Male, Caucasian)
  - Manages the statewide airport land use review program, the division's IT needs, and serves as an airport safety inspector.
- Aircraft Maintenance Technician (Male, Caucasian)
  - Manages the Geographic Information Systems (GIS) and Unmanned Aircraft Systems (UAS) programs for the Division, and serves as an airport safety inspector.

# Entire: Organization

## Approaching Retirement

- One employee is eligible for retirement based upon age, but has not planned for a specific retirement year.
- Based upon age, two others will be eligible in five years, but both have communicated their desire to stay longer or until fully vested which is eight years for one.

## Morale and Turnover

- Employee morale is excellent due to our “family” environment both in our office and projected out to our customers.
- Turnover almost never happens due to transitions to other jobs, and typically when openings become available, the new hires communicate their desire to stay long-term.
- Since 2012, six employees retired and were replaced.

# Division Oversight by Commission

## **SC Code Ann. §13-1-1010**

“The commission shall oversee the operation of the division as the division's governing body.”

# Division Oversight by Commission

- Deliverable 1: Take Oath of Office
- Deliverable 2: Adopt Commission Rules and Procedures
- Deliverable 3: Adopt Official Seal of Agency
- Deliverable 4: Employment of an Executive Director and Other Employees



# Deliverable 1

## Take Oath of Office

SC Code Ann. §13-1-1060: “Notwithstanding any other provision of law, each voting commission member, within thirty days after his election or appointment, and before entering upon the discharge of the duties of his office, shall take, subscribe, and file with the Secretary of State the oath of office prescribed by the Constitution of the State.”

## **No recommended law change**



## Deliverable 2

### Adopt Commission Rules and Procedures

SC Code Ann. §13-1-1070 (B): “The commission shall adopt its own rules and procedures and may select additional officers to serve terms designated by the commission.”

**No recommended law change**



## Deliverable 3

### Adopt Official Seal of Agency

SC Code Ann. §13-1-1070 (A): “The commission **may adopt an official seal** for use on official documents of the division.”

**No recommended law change**





## Deliverable 4

### Employment of an Executive Director and Other Employees

SC Code Ann. §55-5-50: “Notwithstanding another provision of law, the division shall employ an executive director of aeronautics in accordance with the provision contained in Section 13-1-1050 and 13-1-1080 and other employees necessary for the proper transaction of the division's business.”

**No recommended law change**

# Administration: Employee Protection

- Deliverable 5: Employee Testimony
- Deliverable 6: Employee Testimony (cont.)
- Deliverable 7: Protection of Individuals related to suit, action, or proceedings

# Deliverable 5

## Employee Testimony

SC Code Ann. §55-5-160: “in order to facilitate the making of investigations by the division, in the interest of the public safety and the promotion of aeronautics, the public interest requires and it is therefore provided that...nor shall any employee of the division be required to testify to any facts ascertained in, or information gained by reason of, his official capacity...”

No recommended law change



# Deliverable 6

## Employee Testimony

SC Code Ann. §55-5-160: “in order to facilitate the making of investigations by the division, in the interest of the public safety and the promotion of aeronautics, the public interest requires and it is therefore provided that...further, no employee of the division shall be required to testify as an expert witness in any suit, action or proceeding involving any aircraft.”

No recommended law change

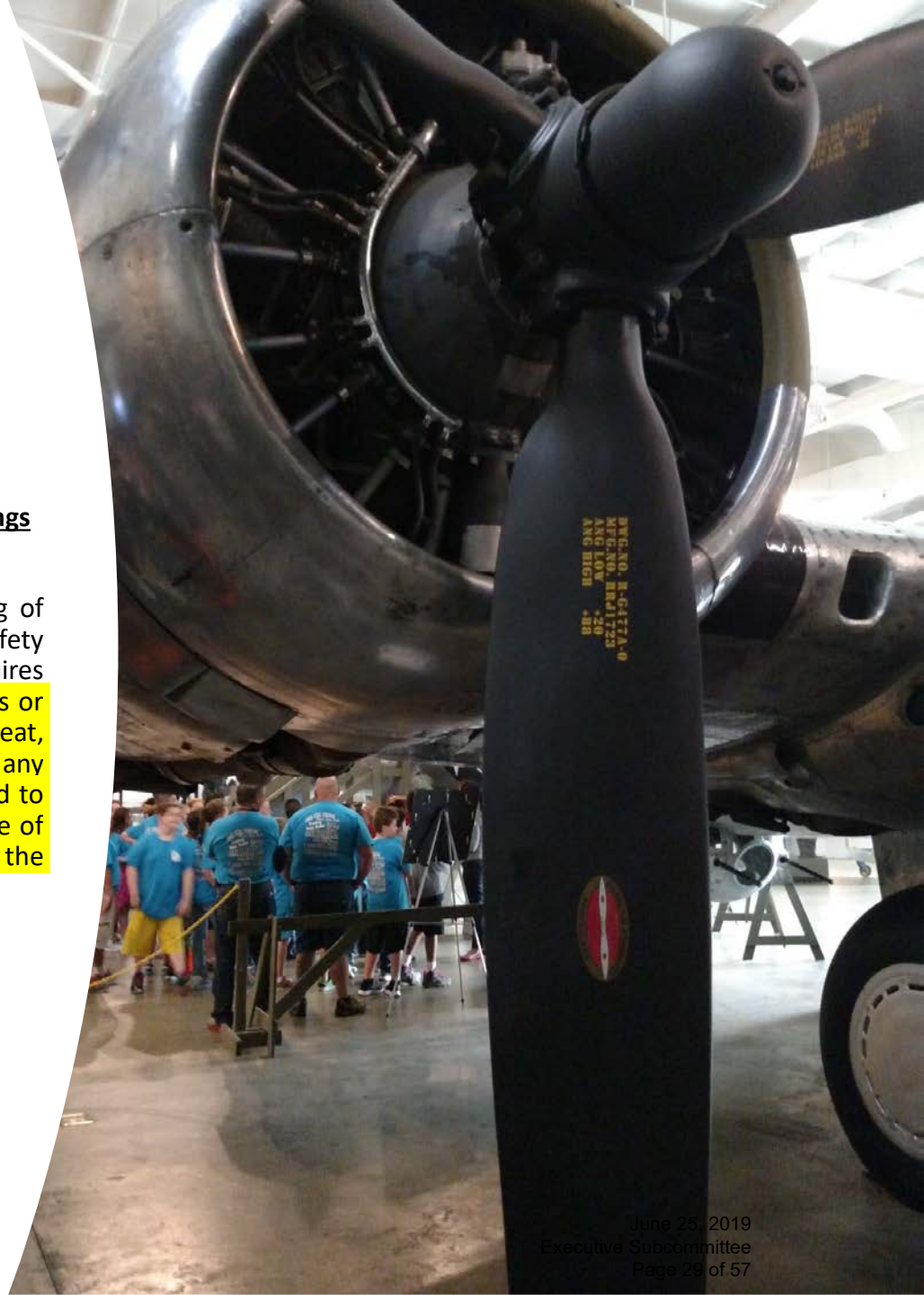


# Deliverable 7

## Protection of Individuals related to suit, action, or proceedings

SC Code Ann. §55-5-160: “in order to facilitate the making of investigations by the division, in the interest of the public safety and the promotion of aeronautics, the public interest requires and it is therefore provided that the reports of investigations or hearings, or any part thereof or any testimony given thereat, shall not be admitted in evidence or used for any purpose in any suit, action or proceeding growing out of any matter referred to in said investigation, hearing or report thereof, except in case of criminal or other proceedings instituted by or in behalf of the division under the provisions of this chapter”

**No recommended law change**



# Administration: Creation of Rules and Regulations

- Deliverable 8: Create rules and regulations for administration and operations of the agency
- Deliverable 9: Keeping of agency rules and regulations on file
- Deliverable 26: Establishment of regulations applicable to pilots
- Deliverable 27: Establishment of regulations related to flight crew members consenting to chemical testing for the purpose of determining blood alcohol content

# Deliverable 8

## Create rules and regulations for administration and operations of the agency

SC Code Ann. §55-5-80 (a) and (n): "The division shall have a seal and shall adopt rules and promulgate regulations for its administration, not inconsistent, as it considers necessary. ...as it considers necessary and advisable for the public safety and the safety of those engaged in aeronautics." "The division may promulgate regulations necessary to implement this section."

**No recommended law change**



# Deliverable 9

## Keeping of agency rules and regulations on file

SC Code Ann. §55-5-180: "The division shall keep on file with the Secretary of State and at the principal office of the division for public inspection a copy of all its rules and regulations."

**No recommended law change**





# Deliverable 26

## Keeping of agency rules and regulations on file

SC Code of Reg. Chapter 3-4: "Pilots, with less than 200 hours certified time, shall not fly an aircraft, other than the model or type used in taking their primary instruction, until after they have taken three hours dual instruction under the supervision of a competent pilot on the model or type they intend to fly. Limited-commercial and private pilots, under this classification, shall, in addition to the dual instruction required above, complete two hours solo flight on the model or type aircraft they intend to fly, before carrying passengers as authorized in their certificate of competency. Both the dual and solo time required under this regulation will be certified to in the pilot's logbook by the supervising pilot. (Filed in the Office of the Secretary of State April 10, 1940.)"

## Deletion of law



# Deliverable 27

## Establishment of regulations related to flight crew members consenting to chemical testing for the purpose of determining blood alcohol content

SC Code Ann. §55-1-100(B):

“(A) It is unlawful for a person to operate or act as a flight crew member of an aircraft in this State:

- (1) within eight hours after the consumption of any alcoholic beverage;
- (2) while under the influence of alcohol;
- (3) while using an illegal drug or controlled substance that affects the person's faculties in a manner contrary to safety; or
- (4) with four one-hundredths of one percent or more by weight of alcohol in his blood at the time of the alleged violation.

(B) A person who operates or acts as a flight crew member of an aircraft in this State may consent to a chemical test of his breath for the purpose of determining the alcoholic content of his blood if arrested for violating the provisions of subsection (A). The test must be administered at the direction of a law enforcement officer who has apprehended a person while or after operating or acting as a flight crew member of any aircraft in this State while under the influence of alcohol. The test must be administered by a person trained and certified by and using methods approved by the South Carolina Law Enforcement Division, **using methods approved by the division**. The arresting officer may not administer the test, and no test may be administered unless the defendant has been informed that he does not have to take the test. A person who refuses to submit to the test violates the provisions of this subsection and is subject to a civil fine of two thousand dollars. The penalties provided for in this subsection are in addition to those provided for in subsection (E).”

**Suggest amending the law to remove highlighted section**



# Administration: Legal Action

- Deliverable 10: Enforcement provisions of State Aeronautical Regulatory Act
- Deliverable 11: Providing findings of facts, conclusions of law, reasons, and requirements
- Deliverable 12: Service of orders
- Deliverable 35: Pursuit of recovery costs



# Deliverable 10

## Enforcement provisions of State Aeronautical Regulatory Act

SC Code Ann. §55-5-190: "The division, its members and employees and every county and municipal officer charged with the enforcement of state and municipal laws shall enforce and assist in the enforcement of this chapter. The division also may in the name of the State enforce the provisions of this chapter by injunction in the circuit courts of this State. Other departments and political subdivisions of the State may also cooperate with the division in the development of aeronautics and aeronautic facilities within the State."

**No recommended law change**



# Deliverable 11

## **Providing findings of facts, conclusions of law, reasons, and requirements**

SC Code Ann. §55-5-210: "In any case in which the division issues an order pursuant to applicable law, including the South Carolina Administrative Procedures Act, Section 1-23-10, et seq., rules and regulations or policy and procedures as documented for public review, the division shall set forth findings of fact and conclusions of law, separately stated and its reasons and shall state the requirements to be met before such approval is given or the order is modified or changed."

**No recommended law change**



# Deliverable 12

## Service of orders

SC Code Ann. §55-5-220: "Any order made by the division pursuant to this title shall be served upon the interested person by registered mail or in person before such order shall become effective."

**No recommended law change**



# Deliverable 35

## Pursuit of recovery costs

SC Code Ann. §55-5-80(o) and 55-9-250 (5): "...in the event of an abatement of an airport hazard on private property by the division under Section 55-5-80 or Section 55-9-280, the division and a local government shall have the ability to seek cost recovery against the person responsible for creating or maintaining the hazard for the actual costs in the removal or abatement of the hazard."

**No recommended law change**

# Administration: Finance and Operations

- Deliverable 13: Annual Reporting to Governor's Office
- Deliverable 14: Retention of funds received from other government agencies
- Deliverable 15: Retention of funds received from other government agencies (cont.)
- Deliverable 16: Retention of funds received from other government agencies (cont.)
- Deliverable 17.4: State Aviation Fund airport funding sequencing
- Deliverable 17.5: Carry forward of unspent funds in the State Aviation Fund
- Deliverable 17.6: Reporting of State Aviation Fund





# Deliverable 13

## Annual Reporting to Governor's Office

SC Code Ann. §55-5-180: "The division shall keep on file with the Secretary of State and at the principal office of the division for public inspection a copy of all its rules and regulations. On or before December thirty-first, in each year, the division shall make to the Governor a full report of its proceedings for the year ending December first in each year and may submit with such report such recommendations pertaining to its affairs as seem to it to be desirable."

**No recommended law change**

# Deliverable 14

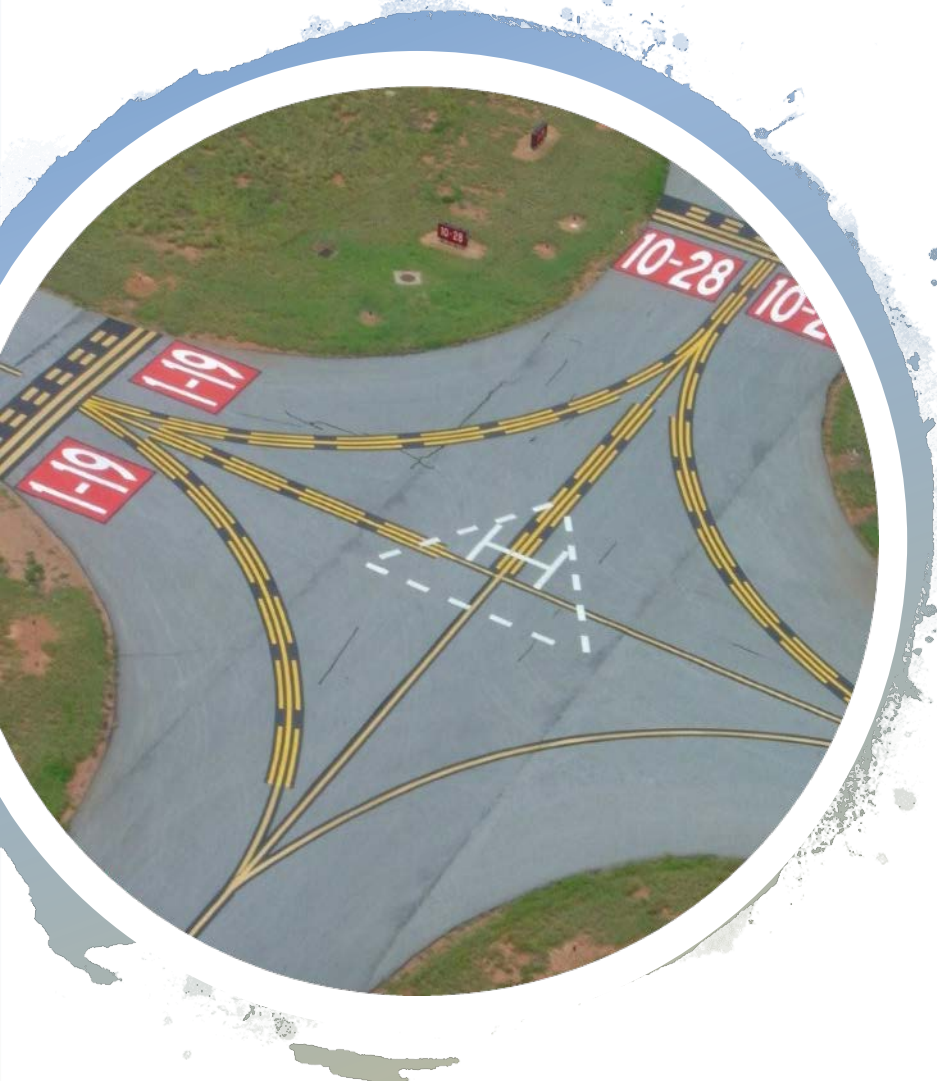
## Retention of funds received from other government agencies

2018-19 Budget Proviso 87.1: "The Division of Aeronautics may retain and expend reimbursements derived from charges to other government agencies for service and supplies for operating purposes and that a reserve not to exceed \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components."

These reimbursements are derived from charges related to flight and aircraft maintenance services, and fueling that is offered to other state agencies that operate aircraft."

**Recommended law change: Codify**





# Deliverable 15

## Retention of funds received from other government agencies (cont.)

2018-19 Budget Proviso 87.2 - "Revenue received from rental of Division of Aeronautics office space may be retained and expended to cover the cost of building operations."

Recommended law change: **Codify**



# Deliverable 16

## Retention of funds received from other government agencies (cont.)

2018-19 Budget Proviso 87.4 - "The Division of Aeronautics will provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates. Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft."

Recommended law change: **Codify**

# Deliverable 17.4

## State Aviation Fund airport funding sequencing

2018-19 Budget Proviso 87.3 - "All General Aviation Airports will receive funding prior to the four air carrier airports (i.e. Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina."

**No recommended law change**





# Deliverable 17.5

## Carry forward of unspent funds in the State Aviation Fund

2018-19 Proviso 87.5 (AERO: Aviation Grants) - "... Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes. ..."

Recommended law change: **Codify**



# Deliverable 17.6

## Reporting of State Aviation Fund

2018-19 Proviso 87.5 (AERO: Aviation Grants) - "... A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means Committee. ..."

**No recommended law change**

# Administration: Issuance of Certificates and Permits

- Deliverable 22: Issuance of certificate of public necessity and convenience
- Deliverable 23: Issuance of registration for aerial application
- Deliverable 24: Issuance of permits for aerial exhibitions
- Deliverable 28: Issuance of permits for missile launches
- Deliverable 29: Authorization of aircraft landings on public roadways
- Deliverable 30: Designation of beach landing areas





## Deliverable 22

### Issuance of certificate of public necessity and convenience

SC Code Ann. §15-9-410: "The provisions of Sections 15-9-390 and 15-9-400 shall not apply to any incorporated air carrier holding a certificate of public convenience and necessity from the Division of Aeronautics of the Department of Commerce."

15-9-390. Service on nonresident operators of aircraft.

15-9-400. Procedure when nonresident aircraft operator defendant does not accept and receipt for notice sent by certified mail."

**Recommended law change: Delete to conform to Federal Aviation Administration requirements**

June 25, 2019  
Executive Subcommittee  
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## Deliverable 23

### Issuance of registration for aerial application

SC Code of Reg. Chapter 3-5: “No person piloting an aircraft shall engage in aerial spraying, dusting, seeding, or any similar operation within this state unless the aircraft being used shall have first been properly registered by the South Carolina Aeronautics Commission, which registration shall be issued without charge to applicant on appropriate forms to be furnished by the South Carolina Aeronautics Commission.”

**Recommended law change: Delete to conform to Federal Aviation Administration requirements**



## Deliverable 24

### Issuance of permits for aerial exhibitions

SC Code of Reg. Chapter 3-3: “No person, firm, or corporation shall promote, sponsor, conduct, or cause to be displayed any aerial exhibition or air show on any airport within this State without an effective, current permit issued by the South Carolina Aeronautics Commission.”

**Recommended law change: Delete to conform to Federal Aviation Administration requirements**



## Deliverable 28

### Issuance of permits for missile launches

SC Code Ann. §23-33-10 and 23-33-20: “Before any person shall fire or attempt to fire or discharge any missile within the borders of this State, he shall first procure a written permit from the Aeronautics Division of the Department of Commerce on such form as it may prescribe.”

**Recommended law change: Delete due to jurisdictional control (Department of Defense)**



## Deliverable 29

### Authorization of aircraft landings on public roadways

SC Code Ann. §55-1-50: “It is unlawful for a person to land or cause to be landed any aircraft on or take off from a public highway in this State except in situations authorized by an authorized employee of the division, by law enforcement, or in an emergency or cautionary situation in which the safety of the aircraft is involved. In a prosecution for violation of this section, the burden of proving that the emergency or cautionary situation existed shall be upon the person landing the aircraft on the highway or causing it to take off from it.”

**No recommended law change**

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# Deliverable 30

## Designation of beach landing areas

SC Code Reg. Chapter 3-1: "It shall be unlawful for any aircraft to be landed or operated on any beach in South Carolina, except such areas as may be designated by the South Carolina Aeronautics Commission."

**No recommended law change**

# Thank You!

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If you have questions, comments or concerns, please feel free to contact me or request additional information through your staff.



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## END NOTES

<sup>1</sup> Visual Summary Figure 1 is compiled from information in the agency's study materials available online under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and then under "Aeronautics Commission, S.C." <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/AeronauticsCommission.php> (accessed February 1, 2019).

<sup>2</sup> <http://scac.maps.arcgis.com/apps/webappviewer/index.html?id=6265e9bc64144950bd9039a044a0b4eb> (accessed February 1, 2019).

<sup>3</sup> Confirmed accurate by Director Stephens, SCAC in February 2019.

<sup>4</sup> S.C. Senate, Senate Transportation Committee, "SC Aeronautics Commission Oversight Report and Summary," under "Committee Postings and Reports," and under "Senate Transportation Committee," <https://www.scstatehouse.gov/CommitteeInfo/SenateTransportationCommittee/SCAC%20Final%20Report%20and%20Summary%205818.pdf> (Accessed February 6, 2019).