**South Carolina General Assembly**

119th Session, 2011-2012

**S. 34**

**STATUS INFORMATION**

General Bill

Sponsors: Senators McConnell, McGill, Rose and Grooms

Document Path: l:\s-jud\bills\mcconnell\jud0012.hla.docx

Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Transportation**

Summary: State-owned aircraft use

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Transportation**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 21](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 21](file:///h:\sj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\34_20101201.docx)

**A** **BILL**

TO AMEND TITLE 55, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 6, SO AS TO ESTABLISH THE PERMISSIBLE USE OF STATE-OWNED AIRCRAFT, TO PROHIBIT THE USE OF STATE-OWNED AIRCRAFT FOR PERSONAL USE, AND PROVIDE PENALTIES.

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

SECTION 1. Title 55 of the 1976 Code is amended by adding:

“CHAPTER 6

Section 55-6-10. Pursuant to this chapter, ‘official business’ means travel to any location, function, meeting, or event that is necessary to perform the official duties of the Governor, Constitutional Officers, members of the General Assembly, or members of state boards, commissions, and agencies. Official business does not include use of the aircraft for commuting purposes, or for routine transportation to and from meetings of the General Assembly, or routine meetings of a state board, commission, or agency, or press conferences, or bill signings.

Section 55-6-20. (A) The Division of Aeronautics and other agencies owning and operating aircraft may provide transportation for official business to the Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, agencies, and their invitees traveling on official business.

(B) Misuse of state-owned aircraft shall constitute a violation of this chapter. Allegations of misuse shall be reported to and investigated by the appropriate supervisory office as defined in Chapter 13 of Title 8. Any evidence of a criminal violation shall be turned over to the Attorney General for investigation pursuant to Section 8-13-540(3)(d).

Section 55-6-30. The Division of Aeronautics shall establish charges for flight hours or aircraft services furnished to all entities authorized to use state aircraft pursuant to the provisions of this chapter. All entities using flights on state-owned aircraft must be billed for flight hours used.

Section 55-6-40. Use of state-owned aircraft shall not be authorized for partisan political purposes or political activities.

Section 55-6-50. (A) A state agency owning one or more aircraft must maintain flight logs and manifests. This information must be available for public inspection, posted online on the agency’s website, and updated monthly. Flight logs shall include the date, time, cost of flight, departure, and landing points of each flight, and the identity, boarding point, and destination, excepting confidential passengers as designated in Section (C). Each flight manifest shall include the trip purpose, passenger affiliation, and flight contact information for the name and agency of the person authorizing the flight. Each flight manifest shall be notarized certifying that the information is correct. The authorizing official’s name must be printed or typed on the flight manifest.

(B) A state official using state-owned aircraft must file with the agency owning the aircraft a sworn statement certifying and describing the official nature of the trip not more than forty-eight hours after the departure time.

(C) Flights authorized by the South Carolina Law Enforcement Division are not subject to public inspection and shall not be posted online. These logs shall be maintained in the same manner pursuant to Section (A), but do not require notarization. The protected person shall be listed on the flight log as ‘Confidential Passenger SLED’. The South Carolina Law Enforcement Division must certify to the agency operating the aircraft the necessity for such confidentiality.

(D) Failure to maintain and post reports as required in Section (A) shall result in an initial fine of one hundred dollars, and a fine of ten dollars per day for each subsequent day the reports remain unavailable for public inspection. Fines shall be paid into the State Treasury and credited to the State Aviation Fund.

(E) False certification of a flight log and/or manifest shall result in a misdemeanor offense. The first offense upon conviction shall result in thirty days in jail or a one thousand dollar fine, or both; a second offense upon conviction shall result in imprisonment for up to one year, or a three thousand dollar fine, or both; and a third or subsequent offense upon conviction shall result in imprisonment for not less than a year, or a five thousand dollar fine, or both. These fines shall be paid into the State Treasury and credited to the State Aviation Fund.

Section 55-6-60. (A) All state personnel purchasing commercial airfare for the purpose of conducting official business must purchase a ticket for the lowest available fare with no exception taken in consideration of the length of the flight, except as provided in Section (B). State personnel will be reimbursed for the price of the lowest fare available. An upgrade to a higher class may be purchased after the ticket is reserved at the personal expense of the state personnel. The difference in price shall not be reimbursed.

(B) Section (A) does not apply to the Governor when conducting economic development trips outside of the United States. The Secretary of Commerce must certify that the additional costs were necessary because of the nature, time, and lack of alternatives for the trip.

Section 55-6-70. A violation of the provisions of this chapter is prima facie evidence of a violation of Section 8-13-700 of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house, and shall subject a violating member of a state board, commission, or agency, or a state official to the applicable ethics procedure relation to them as provided by law.

Section 55-6-80. The above provisions do not apply to aircraft of the Division of Aeronautics when used by the Medical University of South Carolina, nor to aircraft of the athletic department nor the educational foundations of any state-supported institution of higher education, nor to law enforcement officers when flying on state owned aircraft in pursuit of fugitives, missing persons, or felons, nor for investigation of gang, drug, or other violent crimes.

SECTION 2. This act takes effect upon approval by the Governor.

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