

Executive Subcommittee Meeting

Tuesday, March 26, 2019

Table of Contents

Contents

Agenda2

Meeting Minutes4

Study Timeline9

 Figure 1. Key dates in the study process, May 2018 to present. 9

Agency Snapshot10

 Figure 2. Snapshot of the agency’s history, mission, organizational units, fiscal year 2018-19
 resources (employees and funding), successes, and challenges. 10

Airports in and around South Carolina11

 Figure 3. Map of airports in South Carolina, 11

 Table 1. List of S.C. Airports..... 12

Recommendations from Other Studies13

Flight Department14

End Notes39

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, March 26, 2019

10:00 a.m.

Room 321, Blatt Building

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

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.
John Taliaferro (Jay) West, IV
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Research Director*

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*Carmen J. McCutcheon Simon
Research Analyst/Auditor*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

Executive Subcommittee

Tuesday, March 5, 2019

10:00 a.m.

Blatt Room 317

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 5, 2019, in Room 317 of the Blatt Building. The following members of the Subcommittee are present during all or part of the meeting: Subcommittee Chairman Clary, Representative Chandra E. Dillard, 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 Funderburk moves to approve the minutes from the prior Subcommittee meeting. A roll call vote is held, and the motion passes.

Rep. Funderburk moves to approve the minutes from the Subcommittee's February 26, 2019, meeting:	Yea	Nay	Not Voting (Abstain)
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 continue presenting information on its first organizational unit, airport development.
- 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. He swears in SCAC Chairman, Mr. Delphin A. Gantt, Jr.
- III. Mr. Gant makes brief opening remarks.
- IV. Members ask questions about information presented during the last Subcommittee meeting, which Mr. James Stephens, Executive Director of SCAC, answers.
- V. Director Stephens presents information on the agency's airport development organizational unit that he did not have time to finish at the last meeting. Members ask questions, which Director Stephens answers.
- VI. Members make motions during the meeting, which are listed on the next page. A roll call vote is held for the motions, and, among the members present, the motions pass unanimously.

Rep. Newton moves that the Subcommittee Study include a recommendation that the Aeronautics Commission, within the next year, begin the process of promulgating regulations required in law, including, but not limited to, Code Section 55-5-70 and Proviso 87.5.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Funderburk moves that the Subcommittee Study include a recommendation that the General Assembly consider starting the process of developing statutes related to unmanned aircrafts (a.k.a. drones) and, as part of the process, obtain input from potentially impacted parties, including, but not limited to, state agencies, counties, municipalities, and the military.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Funderburk moves that the Subcommittee Study include a recommendation that the General Assembly consider adopting laws related to the use of unmanned aircrafts (a.k.a. drones) in and around military facilities which mirrors federal law and includes additional state penalties.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Dillard moves that the Subcommittee Study include a finding that due to the limited nature of opportunities for expansion of the list of airports recognized in the federal system, S.C. needs to look for alternative funding sources for airports in the state that are not recognized in the federal system.	Yea	Nay	Not Voting (Not Present)
Rep. Clary			✓
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

VII. 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 - (TODAY) Holds **Meeting #6** to discuss the agency's flight department.

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)

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.¹

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.

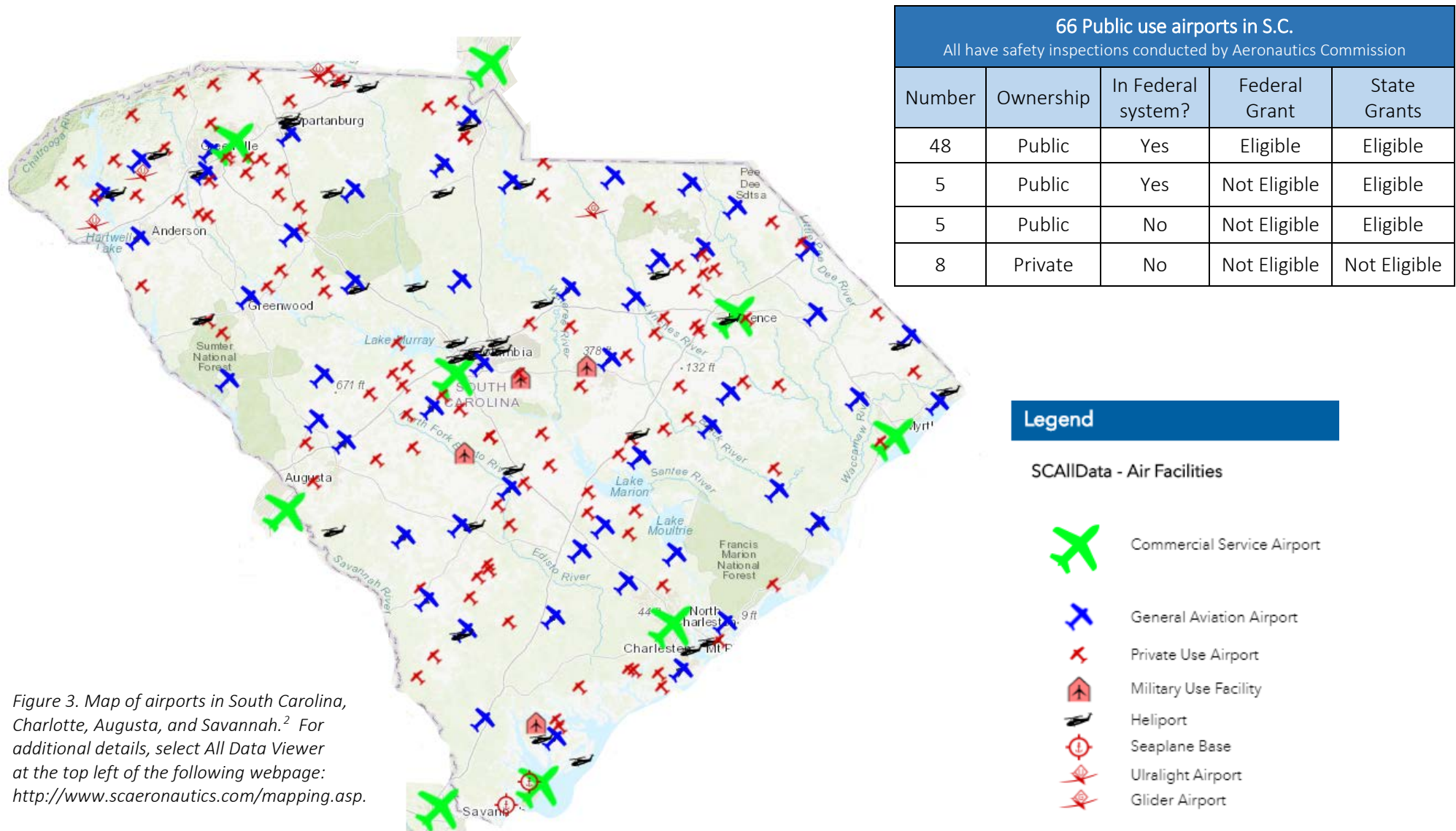


Figure 3. Map of airports in South Carolina, Charlotte, Augusta, and Savannah.² For additional details, select All Data Viewer at the top left of the following webpage: <http://www.scaeronautics.com/mapping.asp>.

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.³

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.⁴

- 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.

FLIGHT DEPARTMENT

House Legislative Oversight

South Carolina Aeronautics Commission

Flight Department

March 26, 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.

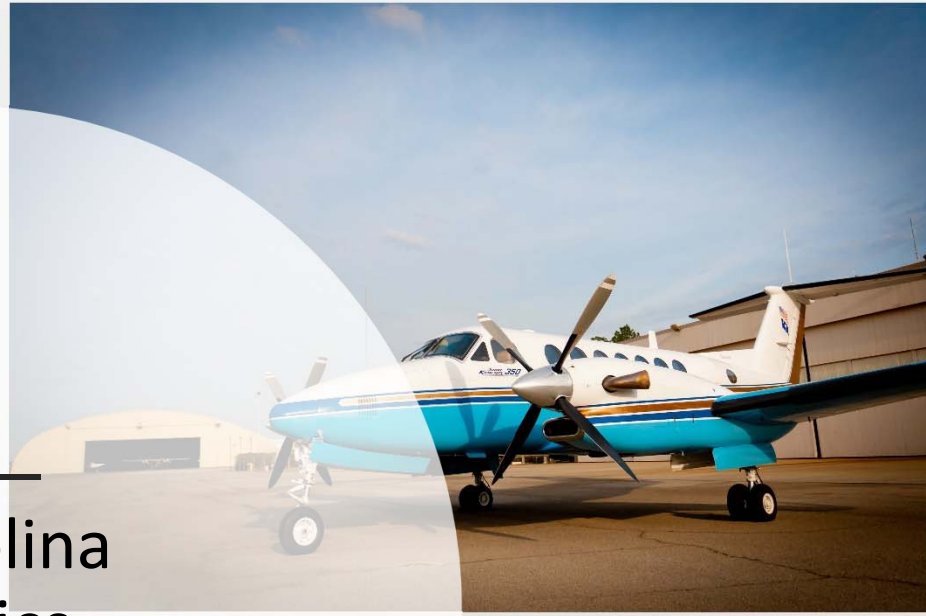
Flight Department's Primary Purpose

§55-5-80(C): “The division shall operate a flight department including the purchase, operation, and maintenance of aircraft to support the transportation needs of the State, and may support and cooperate with other state agencies who own aircraft through maintenance and operations agreements.”

Airport Development Organization

- 4 FTE's
 - Overhead covered by General Fund appropriations
 - No increases have been requested for this department in the past 5 years

- Two Aircraft
 - Beechcraft King Air 350 (1990)
 - Beechcraft King Air C90 (1983)



South Carolina Aeronautics Commission Aircraft



Flight Department Programs

- Flight
 - For Official State Business Only
 - Transportation for: Governor, Constitutional Officers, member of the General Assembly, members of State Boards, Commissions, and agencies and their invitees

- Maintenance
 - SCAC fleet
 - DNR fleet
 - Possibility of establishing maintenance agreements with other state agencies - §55-5-80(C)

- Fuel
 - Sold to other state agencies who operate aircraft

Flight Department Operations

- Deliverable 51: Creation of the flight department
- Deliverable 52: Purchase of aircraft
- Deliverable 53.1: Operation of aircraft
- Deliverable 53.2: Adoption of rules and regulations for use of state-owned aircraft
- Deliverable 53.3: Utilization of aircraft for official state business
- Deliverable 53.4: Allowance of aircraft usage for athletic recruiting
- Deliverable 53.5: Allowance of aircraft usage for medical purposes



Deliverable 51

Creation of the flight department

SC Code Ann. §55-5-80(C): “The division shall operate a flight department including the purchase, operation, and maintenance of aircraft to support the transportation needs of the State, and may support and cooperate with other state agencies who own aircraft through maintenance and operations agreements.”

No recommended law change



Deliverable 52

Purchase of Aircraft

SC Code Ann. §55-5-80(C): “The division shall operate a flight department including the **purchase**, operation, and maintenance **of aircraft** to support the transportation needs of the State, and may support and cooperate with other state agencies who own aircraft through maintenance and operations agreements.”

No recommended law change



Deliverable 53.1

Operation of Aircraft

SC Code Ann. §55-5-80(C): “The division shall operate a flight department including the purchase, **operation**, and maintenance **of aircraft** to support the transportation needs of the State, and may support and cooperate with other state agencies who own aircraft through maintenance and operations agreements.”

No recommended law change



Deliverable 53.2

Adoption of rules and regulations for use of state-owned aircraft

SC Code Ann. §55-1-90: "The division **may adopt rules and promulgate regulations** governing this section."

No recommended law change



Deliverable 53.3

Utilization of aircraft for official state business

SC Code Ann. §55-1-90: "State-owned aircraft may be used by state agencies, and other governmental bodies or political subdivisions within the state for matters pertinent to, and in the normal course of business for the governmental entities."

No recommended law change



Deliverable 53.4

Allowance of aircraft usage for athletic recruiting

SC Code Ann. §55-1-90: "State-owned aircraft may be used by state agencies, and other governmental bodies or political subdivisions within the state for matters pertinent to, and in the normal course of business for the governmental entities."

Proviso 117.100. (GP: Prohibit Use of State Aircraft for Athletic Recruitment) "Institutions of higher learning may use the state aircraft operated by the Division of Aeronautics for the purpose of athletic recruiting, provided that they reimburse the Division of Aeronautics for all flight hours on an at cost basis, using non-general funds."

No recommended law change



Deliverable 53.5

Allowance of aircraft usage for medical purposes

SC Code Ann. §55-1-90: “Nothing in this section shall prohibit the division from entering into agreements with a public hospital or medical center owned, operated, or supported in whole or in part by state funds for the purpose of transporting personnel or patients, whether on an emergency basis or otherwise, as long as payment is made, including any insurance proceeds, to the State Treasurer.”

No recommended law change

Flight Department

- Deliverable 54: Flight Logs
- Deliverable 55: Aircraft Maintenance
- Deliverable 56: Maintenance Agreements

Deliverable 54

Flight Logs

Budget Proviso 117.22. (GP: State-Owned Aircraft - Flight Logs) “Each agency having in its custody one or more aircraft shall maintain a continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall also be posted online.”

No recommended law change

Deliverable 55

Aircraft Maintenance

SC Code Ann. §55-5-80(C): “The division shall operate a flight department including the purchase, operation, and maintenance of aircraft to support the transportation needs of the State, and may support and cooperate with other state agencies who own aircraft through maintenance and operations agreements.”

No recommended law change

Deliverable 56

Maintenance Agreements

SC Code Ann. §55-5-80(C): “The division shall operate a flight department including the purchase, operation, and maintenance of aircraft to support the transportation needs of the State, and may support and cooperate with other state agencies who own aircraft through maintenance and operations agreements.”

No recommended law change

Hangar

- Deliverable 57.1: Hangar Storage
- Deliverable 57.2: Hangar Rates
- Deliverable 58: Emergency Management Support



Deliverable 57.1

Hangar Storage

Budget Proviso 87.4: (AERO: Hangar/Parking Facilities)

“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.”

No recommended law change



Deliverable 57.2

Hangar Rates

Budget Proviso 87.4: (AERO: Hangar/Parking Facilities)
“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.”

No recommended law change



Deliverable 58

Emergency Management Support

SC Code Ann. §55-5-80(I): “The division may participate in and support the emergency management division air branch emergency support function.”

No recommended law change

Thank You!

James D. Stephens

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



- Website - <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>
- Phone Number - 803-212-6810
- Email - HCommLegOv@schouse.gov
- Location - Blatt Building, Room 228

END NOTES

¹ 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).

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

³ Confirmed accurate by Director Stephens, SCAC in February 2019.

⁴ 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).