

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

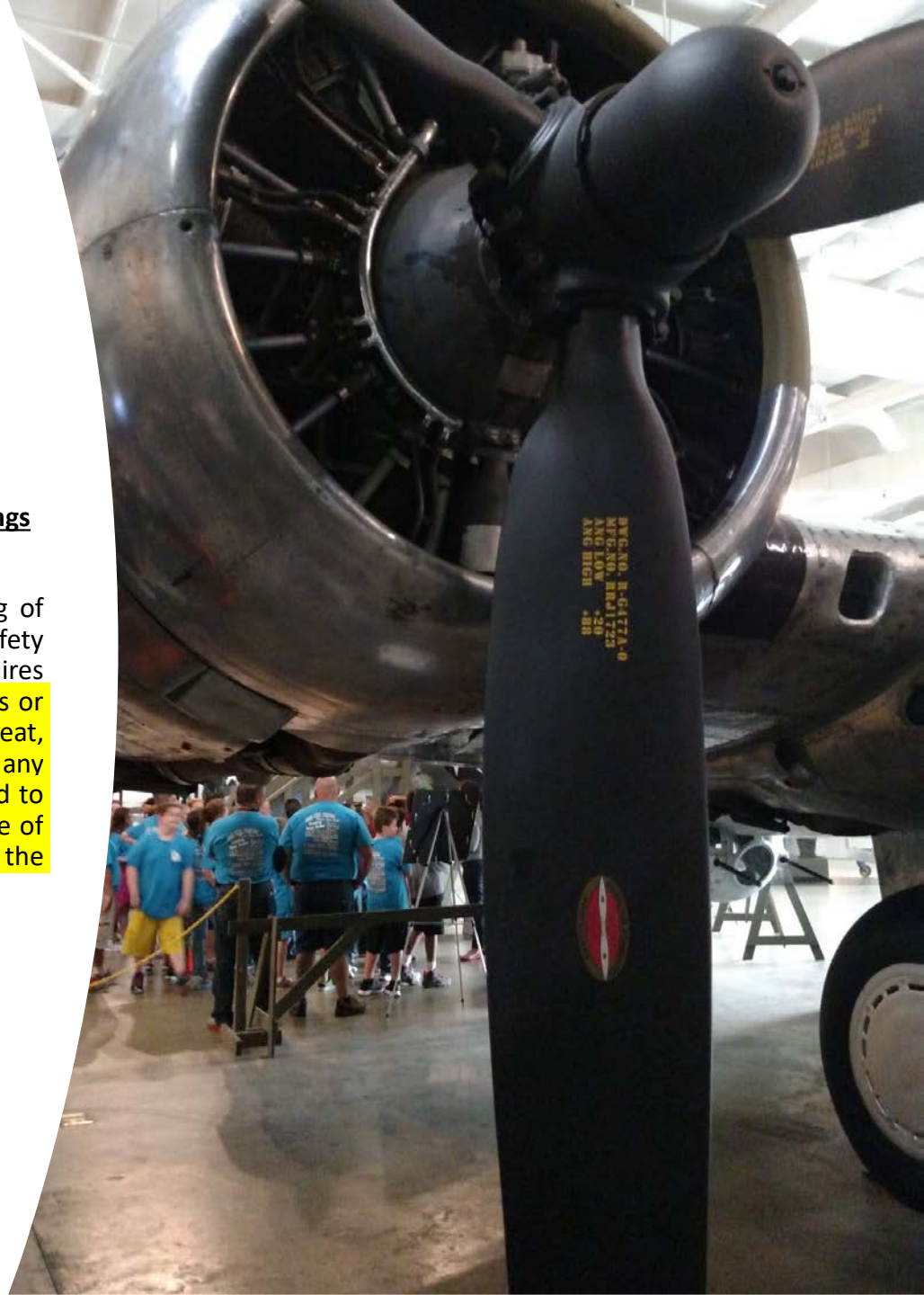


Deliverable 7

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

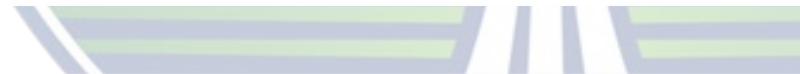


Deliverable 11

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



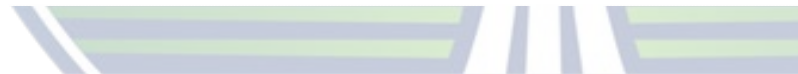


Deliverable 12

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



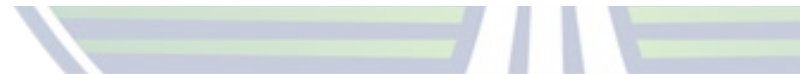


Deliverable 35

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

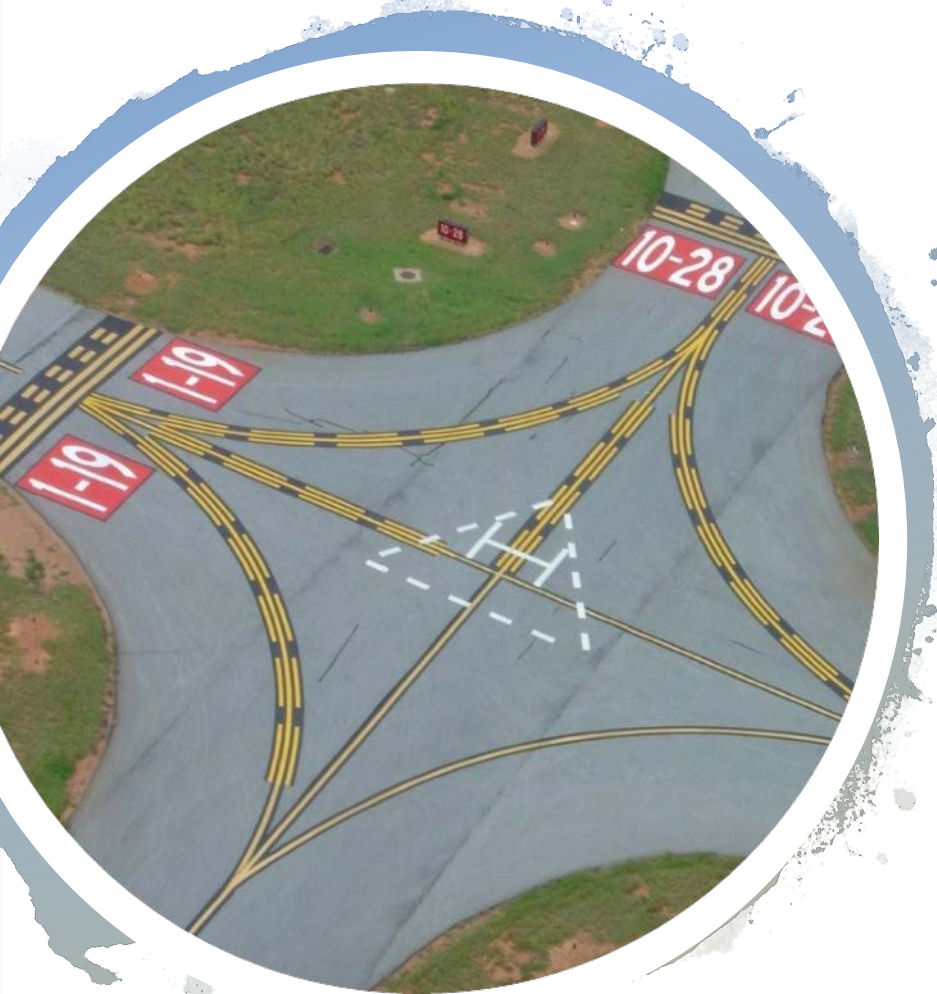
Deliverable 14

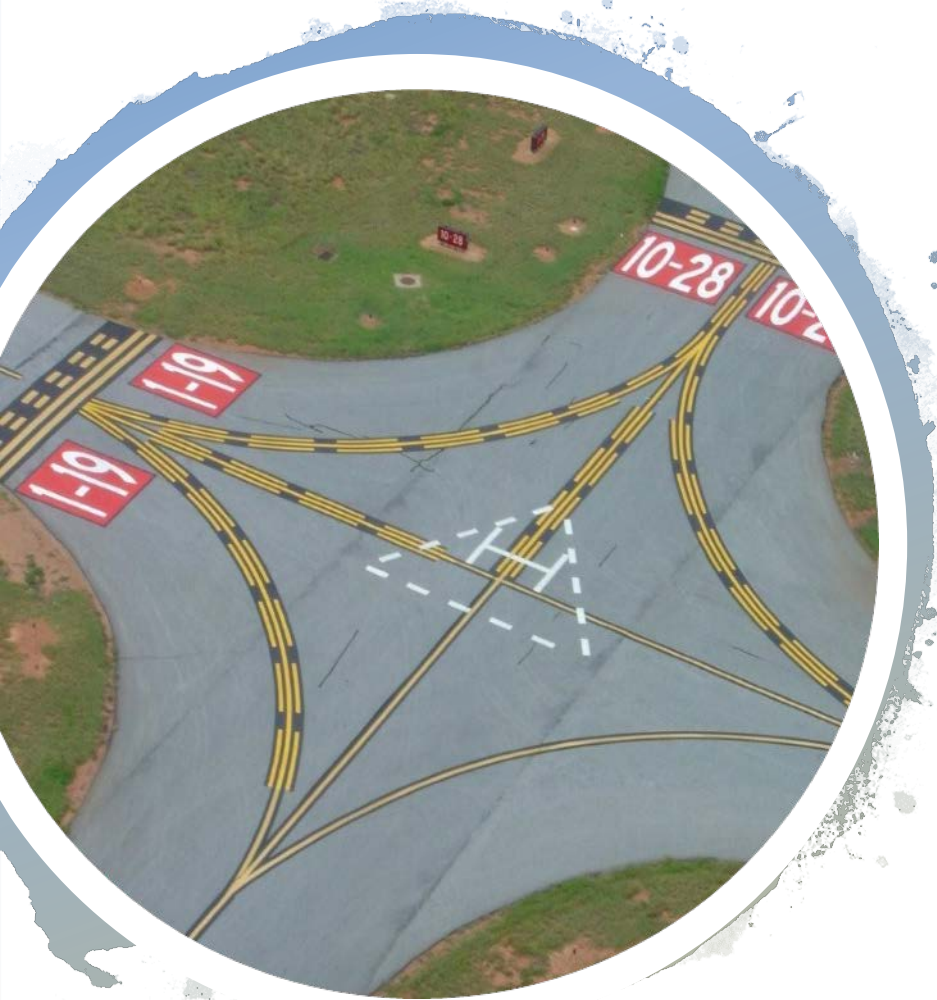
Retention of funds received from other government agencies

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

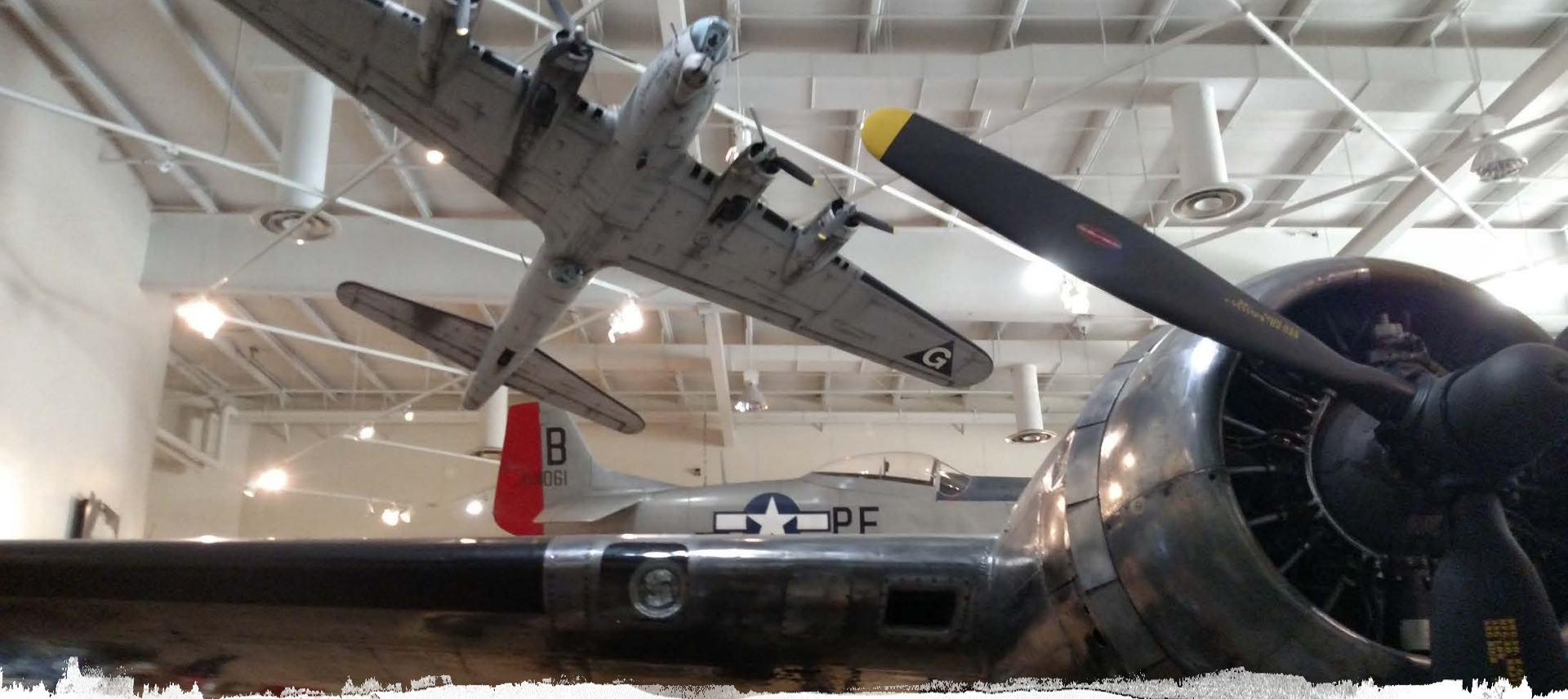
Reporting of State Aviation Fund

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

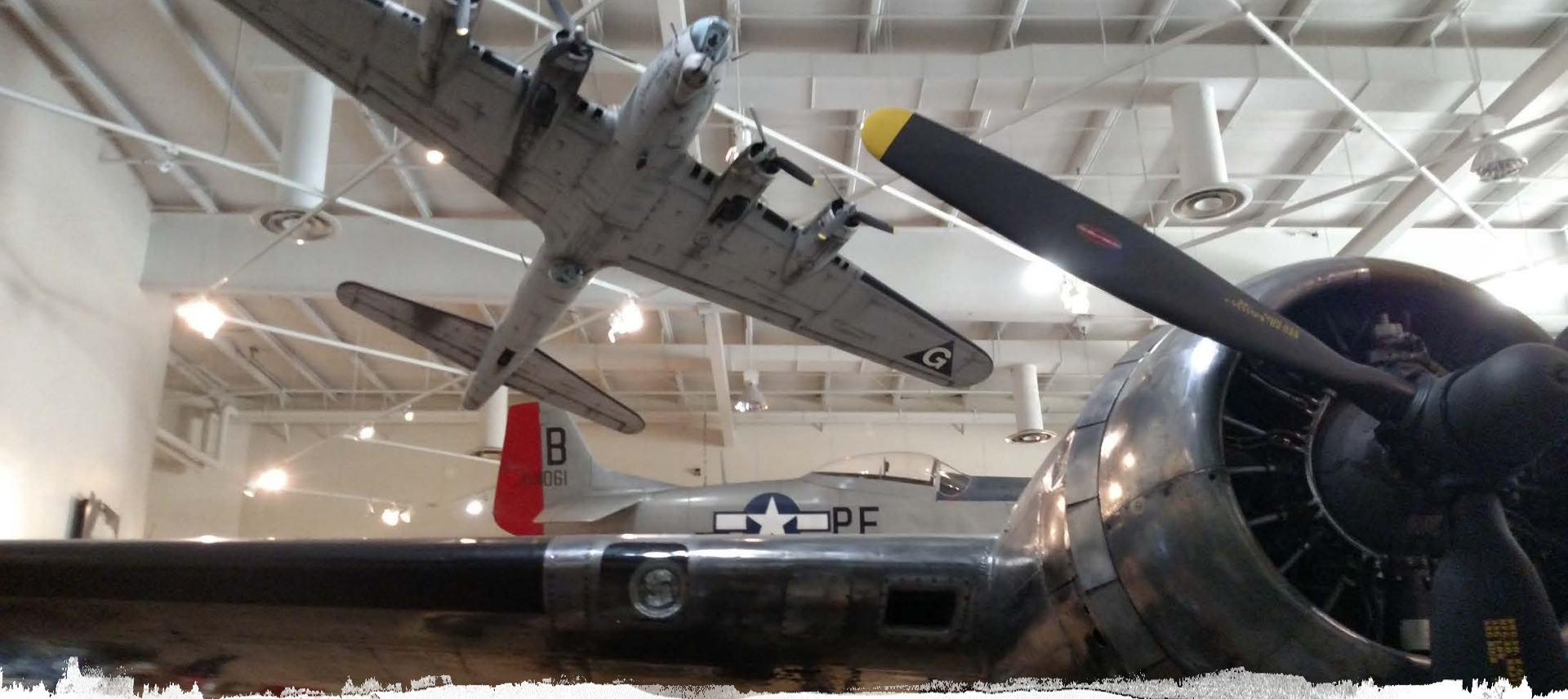


Deliverable 23

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

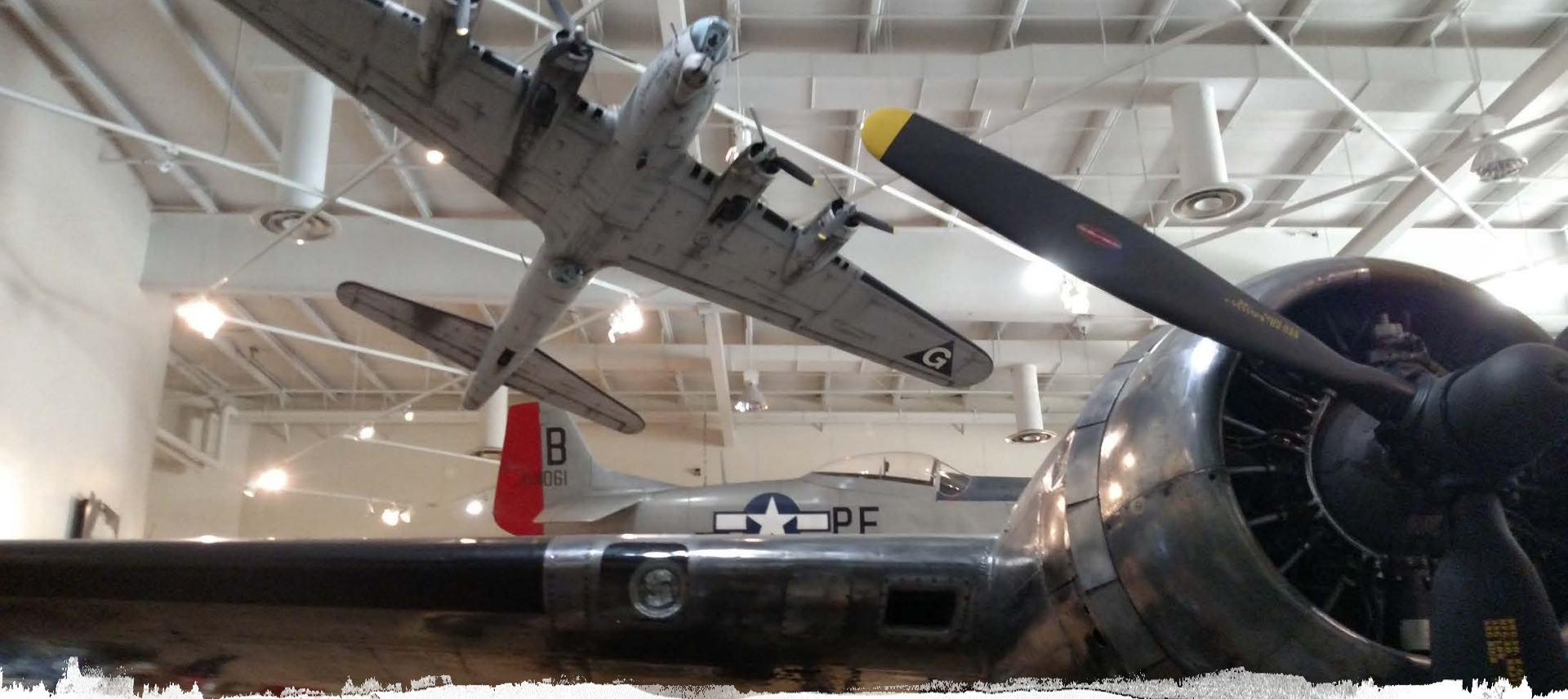


Deliverable 28

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



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.

