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South Carolina House of Representatives

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Executive Subcommittee

**Tuesday, June 25, 2019
9:00 a.m.
Blatt Room 403**

Archived Video Available

- II. 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

- II. Subcommittee Chairman Gary E. Clary calls the Executive Subcommittee meeting to order on Tuesday, June 25, 2019, in Room 403 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 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 26, 2019, meeting:	Yea	Nay	Not Voting (Not present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Discussion of the S.C. Aeronautics Commission

- VI. Subcommittee Chairman Clary explains the purpose of today's meeting is to ask questions and make motions based on information received in prior meetings and for the S.C. Aeronautics Commission (SCAC) to present information on its administration organizational unit.
- VII. 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.
- VIII. Director James Stephens presents information on the agency's administration unit. Members ask questions, which Director Stephens answers.
- IX. 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 determine benefits of, and what is necessary for, it to track and validate scheduled times and mileage of aircrafts subject to the airline property tax and provide its analysis to the Committee within the next twelve months.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Newton moves that the Subcommittee Study include a recommendation that the General Assembly consider clarifying the transportation company aircraft fuel sales tax exemption by revising S.C. Code Ann. § 12-36-2120(9)(d) [exemptions from sales tax] to make the exemption only available to entities that pay the airline property tax.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Newton moves that the Subcommittee Study include a recommendation that the Aeronautics Commission develop a schedule to digitize the physical maps, photos, and other SCAC printed materials stored at its office.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Newton moves that the Subcommittee Study include a finding that if a dedicated source of funding for matching state grants is accessible each year in July, the state may further leverage federal funding for airports within the state recognized in National Plan of Integrated Airport Systems (NPIAS).	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 the determination of whether a flight on a state-owned aircraft is for official business is not made by SCAC; rather, it is made by the entity requesting the flight with oversight provided by those regulating the entity's actions.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Dillard moves that the Subcommittee Study include a recommendation that the Aeronautics Commission establish a method to electronically collect flight information (e.g., passenger names, purpose of each flight, etc.) in advance of a flight and publish it, after the flight, in a searchable, online format (e.g., search by purpose, agency, passengers, reimbursement status, etc.).	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Dillard moves that the Subcommittee Study include a recommendation that the General Assembly consider codifying state operated aircraft flight log requirements in Proviso 117.22 from the 2018-19 General Appropriations Act and require the log to be in an online, searchable format.	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 SCAC has no minority representation on its commission and has not since at least 2005.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Dillard moves that the Subcommittee Study include a recommendation that the Aeronautics Commission provide notice to the appropriate congressional district legislative delegation one year prior to the expiration of a commissioner's term and include in the notice a copy of the laws applicable to the commission, such as S.C. Code Section 13-1-1020, which states in part, "The elections or appointments shall take into account race and gender so as to represent, to the greatest extent possible, all segments of the population of the State . . ."	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Dillard moves that the Subcommittee Study include a recommendation that the Aeronautics Commission request a waiver from the State Fiscal Accountability Authority (SFAA) and Joint Bond Review Committee (JBRC), authorizing it to participate in the federal asset transfer program if the prerequisite approval from its commission prior to accepting any assets remains.	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 Aeronautics Commission determine if there are potential cost savings it may obtain through the purchase of a utility plane versus entering into agreements with another state agency for use of a utility plane and provide the analysis to the Committee within the next twelve months.	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 Aeronautics Commission require adherence to airport land use and safety zones as a prerequisite to receiving state grants administered by SCAC (e.g., include in forthcoming regulations).	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Funderburk moves that the Subcommittee Study include a finding that as of June 2019, (a) SCAC has never exercised its authority to separately or jointly acquire, establish, construct, expand, own, lease, control, equip, improve, maintain and operate its own airports, or, among other things, acquire land by condemnation or purchase; and (b) Clemson University has never exercised its authority to develop an airport.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Funderburk moves that the Subcommittee Study include a finding that (a) no entity or division within state government is tasked with centralized management of manned aircraft (i.e., airplanes, helicopters) or information pertaining to their operations, and (b) no entity or division within state government is tasked with centralized management of unmanned aircraft systems (e.g., drones) or information pertaining to their operations.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Newton moves that the Subcommittee Study include a finding that four provisos related to SCAC have been included, with minimal to no change, in the General Appropriations Act for more than a decade, and the General Assembly may wish to consider codifying one or more of them. Topics addressed by these provisos include: reimbursement for services; carry forward; office space rental; hangar/parking facilities; and aviation grants.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Newton moves that the Subcommittee Study include a finding that if more state-owned aircraft move to using a central source (i.e., SCAC) for fuel and maintenance, when possible, there may be a potential cost savings for the state.	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 removing the requirement that SCAC provide State Law Enforcement Division personnel methods to test flight crew members' blood alcohol content in S. C. Code Ann. § 55-1-100(B) [Operating or acting as flight crew member of aircraft while under influence of alcohol or drugs unlawful; criminal prosecution and rights of accused; penalties].	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Dillard moves that the Subcommittee Study include a recommendation that the General Assembly consider revising S.C. Code Ann. § 15-9-410 [Provisions as to nonresident aircraft operators are not applicable to certain air carriers] to conform to Federal Aviation Administration requirements.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Dillard moves that the Subcommittee Study include a recommendation that the General Assembly consider repealing S.C. Code Ann. §§ 23-33-10 [“Missile” defined] and 23-33-20 [Permit required for firing missile], as federal laws and regulations supersede these statutes.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Rep. Dillard moves that the Subcommittee Study include a recommendation that the Aeronautics Commission conduct a formal evaluation of SCAC’s executive director on a regular basis (e.g., annual or biennial) and include the requirement of, and procedures for, this evaluation in SCAC’s written policies.	Yea	Nay	Not Voting (Not Present)
Rep. Clary	✓		
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

X. There being no further business, the meeting is adjourned.