**South Carolina General Assembly**

125th Session, 2023-2024

**S. 1089**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Kimbrell, M. Johnson, Loftis, Talley, Adams, Fanning and Turner

Document Path: LC-0350DG24.docx

Introduced in the Senate on February 22, 2024

Currently residing in the Senate

Summary: Aeronautics

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/22/2024 Senate Introduced and read first time (Senate Journal‑page 5)

 2/22/2024 Senate Referred to Committee on **Transportation** (Senate Journal‑page 5)

 2/28/2024 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[02/22/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1089_20240222.docx)

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1089_20240228.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 55‑1‑1, RELATING TO the DIVISION OF AERONAUTICS, SO AS TO TRANSFER THE DIVISION FROM THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION TO BE GOVERNED BY THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 55‑1‑5, RELATING TO AERONAUTICS GENERALLY, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR OF THE DIVISION OF AERONAUTICS IS APPOINTED BY THE SECRETARY OF TRANSPORTATION UPON THE ADVICE AND CONSENT OF THE SENATE AND TO MAKE OTHER CONFORMING CHANGES; BY AMENDING SECTIONS 55‑11‑10, 55‑15‑10, 13‑1‑10, 1‑30‑25, 2‑13‑240, 11‑35‑1550, 12‑36‑1710, 23‑33‑20, AND 46‑13‑60, ALL RELATING TO THE DIVISION OF AERONAUTICS, SO AS TO MAKE A CONFORMING CHANGE; AND BY REPEALING ARTICLEs 6 AND 7 OF CHAPTER 1, TITLE 13 RELATING TO THE AERONAUTICS COMMISSION AND DIVISION OF AERONAUTICS.

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

SECTION 1. Section 55‑1‑1 of the S.C. Code is amended to read:

 Section 55‑1‑1. There is created a Division of Aeronautics within the South Carolina State Fiscal Accountability AuthorityDepartment of Transportation that shall be governed by the Aeronautics Commission of the Department of Transportation as provided in Chapter 1, Title 57.

SECTION 2.A. Section 55‑1‑5(9) of the S.C. Code is amended to read:

 (9) “Commission” means the Aeronautics Commission of the Department of Transportation which shall assist and oversee the operation of the division.

B. Section 55‑1‑5(10) of the S.C. Code is amended to read:

 (10) “Division” unless otherwise indicated, means the Division of Aeronautics of the South Carolina State Fiscal Accountability AuthorityDepartment of Transportation.

C. Section 55‑1‑5(11) of the S.C. Code is amended to read:

 (11) Notwithstanding another provision of law, “Executive Director” means the person or persons appointed by the Governor Secretary of Transportation in accordance with Section 13‑1‑1080 and serving at the pleasure of the Aeronautics Commission, upon the advice and consent of the Senate, to supervise and carry out the functions and duties of the Division of Aeronautics as provided for by law.

SECTION 3. Section 55‑11‑10(5) of the S.C. Code is amended to read:

 (5) designate the Division of Aeronautics of the State Fiscal Accountability AuthoritySouth Carolina Department of Transportation as its agent, to accept, receive, receipt for and disburse federal or state funds or other funds, public or private, made available for the purposes of this section, as may be required or authorized by law;

SECTION 4. Section 55‑15‑10(f) of the S.C. Code is amended to read:

 (f) The term “public authority” means the Division of Aeronautics of the State Fiscal Accountability AuthoritySouth Carolina Department of Transportation, a municipality, a county or other political subdivision of this State, separately or jointly, authorized to acquire land, air rights, safety markers, and lights as provided in Chapter 9, Title 55.

SECTION 5. Section 13‑1‑10 of the S.C. Code is amended to read:

 Section 13‑1‑10. (A) The Department of Commerce is established as an administrative agency of state government which is comprised of a Division of State Development, a Division of Savannah Valley Development, a Division of Aeronautics, a Division of Public Railways, and an Advisory Coordinating Council for Economic Development. Each division of the Department of Commerce shall have such functions and powers as provided for by law.

 (B) All functions, powers, and duties provided by law to the State Development Board, the Savannah Valley Authority, the South Carolina Aeronautics Commission, the South Carolina Public Railways Commission, and the Coordinating Council for Economic Development, its officers or agencies, are hereby transferred to the Department of Commerce together with all records, property, personnel, and unexpended appropriations. All rules, regulations, standards, orders, or other actions of these entities shall remain in effect unless specifically changed or voided by the department in accordance with the Administrative Procedures Act.

SECTION 6. Section 1‑30‑25 of the S.C. Code is amended to read:

 Section 1‑30‑25. The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are transferred to and incorporated in and must be administered as part of the Department of Commerce to be initially divided into divisions for Aeronautics, Advisory Coordinating Council for Economic Development, State Development, Public Railways, and Savannah Valley Development:

 (A) South Carolina Aeronautics Commission, formerly provided for at Section 55‑5‑10, et seq.;

 (B)(A) Coordinating Council for Economic Development, formerly provided for at Section 41‑45‑30, et seq.;

 (C)(B) Savannah Valley Authority, formerly provided for at Section 13‑9‑10, et seq.;

 (D)(C) existing divisions or components of the Department of Commerce formerly a part of the State Development Board excluding the South Carolina Film Commission; and

 (E)(D) South Carolina Public Railways Commission, formerly provided for at Section 58‑19‑10, et seq.

SECTION 7. Section 2‑13‑240(a)(53) of the S.C. Code is amended to read:

 (53) Division of Aeronautics of the Department of Commerce Transportation, one;

SECTION 8. Section 11‑35‑1550(4) of the S.C. Code is amended to read:

 (4) The Division of Aeronautics of the Department of Commerce Transportation may act as its own purchasing agency for all procurements of maintenance services for aircraft and these procurements may be conducted pursuant to subsection (2)(b).

SECTION 9. Section 12‑36‑1710(G) of the S.C. Code is amended to read:

 (G) The Department of Motor Vehicles and the Division of Aeronautics of the Department of Commerce Transportation may not issue a license or transfer of title without first procuring from the Department of Revenue information showing that the excise tax has been collected. The Department of Natural Resources may not license any boat or register any motor without first procuring from the Department of Revenue information showing that the excise tax has been collected.

SECTION 10. Section 23‑33‑20 of the S.C. Code is amended to read:

 Section 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 Transportation on such form as it may prescribe.

SECTION 11. Section 46‑13‑60(2)(c) of the S.C. Code is amended to read:

 (c) If the deputy director finds the applicant qualified to use and supervise the use of pesticides in the classifications he has applied for, and if an applicant applying for a commercial applicator license files the evidence of financial responsibility required under Section 46‑13‑100, and if the applicant applying for a license to engage in aerial application of pesticides has met all of the requirements of the Federal Aviation Agency, the Division of Aeronautics of the Department of Commerce Transportation for the State, and any other applicable federal or state laws or regulations to operate the equipment described in the application, the deputy director shall issue a pesticide applicator's license limited to the classifications for which he is qualified, which shall expire at the end of the calendar year of issue unless it has been revoked or suspended prior thereto by the deputy director for cause. The deputy director may limit the license of the applicant to the use of certain areas, or to certain types of equipment if the applicant is only so qualified.

SECTION 12. (A) Where the provisions of this act transfer offices, of the State Fiscal Accountability Authority to the Department of Transportation, the employees, authorized appropriations, and assets and liabilities of the transferred offices are also transferred to and become part of the Department of Transportation. All classified or unclassified personnel employed by these offices on the effective date of this act, either by contract or by employment at will, shall become employees of the Department of Transportation with the same employment status, compensation, classification, and grade level, as applicable.

 (B) Regulations promulgated by these transferred offices as they existed under the State Fiscal Accountability Authority are continued and are considered to be promulgated by these offices under the Department of Transportation.

SECTION 13. Articles 6 and 7, Chapter 1, Title 13 of the S.C. Code are repealed.

SECTION 14. This act takes effect on July 1, 2024.

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