**South Carolina General Assembly**

125th Session, 2023-2024

**S. 819**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Kimbrell

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Introduced in the Senate on May 23, 2023

Currently residing in the Senate

Summary: Aeronautics Commission Repeal

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/23/2023 Senate Introduced and read first time ([Senate Journal‑page 35](h:\sj\20230523.docx))

5/23/2023 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 35](h:\sj\20230523.docx))

3/27/2024 Senate Committee report: Favorable with amendment **Judiciary**

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=819&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[05/23/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/819_20230523.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 55‑1‑1, RELATING TO DIVISION OF AERONAUTICS ESTABLISHED WITHIN SOUTH CAROLINA BUDGET AND CONTROL BOARD, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR SHALL ASSIST AND OVERSEE THE OPERATION OF THE DIVISION AND TO REMOVE THE AERONAUTICS COMMISSION; BY AMENDING SECTION 55‑1‑5, RELATING TO DEFINITIONS, SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTION 55‑1‑110 SO AS TO REQUIRE FOR THE SUBMISSION OF PROPOSALS FOR EXPENDITURES EXCEEDING FIFTY THOUSAND DOLLARS TO THE JOINT COND REVIEW COMMITTEE FOR REVIEW AND COMMENT; BY AMENDING SECTION 13‑1‑1000, RELATING TO DEFINITIONS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13‑1‑1010, RELATING TO COMMISSION CREATED, PURPOSE, AND PURCHASE AND SALE OF AERONAUTICS ASSETS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13‑1‑1020, RELATING TO COMMISSION DISTRICTS, ELECTION, AND APPOINTMENT OF MEMBERS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13‑1‑1030, RELATING TO COUNTY‑COMMISSION DISTRICT OVERLAP, CONSECUTIVE TERMS, AND TWO COMMISSIONERS FROM SAME COUNTY, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13‑1‑1040, RELATING TO DELEGATIONS TO ELECT COMMISSIONER FROM DISTRICT, ORGANIZATION OF DELEGATION, CERTIFICATION, AND ISSUANCE OF COMMISSION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13‑1‑1050, RELATING TO TERMS OF COMMISSION MEMBERS, VACANCIES, FORFEITURE OF OFFICE, AND AT‑LARGE COMMISSION MEMBER AS CHAIRMAN, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13‑1‑1060, RELATING TO OATH OF OFFICE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13‑1‑1070, RELATING TO OFFICIAL SEAL, ADOPTION OF RULES AND PROCEDURES, AND REIMBURSEMENT FOR OFFICIAL EXPENSES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 13‑1‑1080, RELATING TO APPOINTMENT OF EXECUTIVE DIRECTOR, SO AS TO PROVIDE THE PROCEDURE; AND BY AMENDING SECTION 13‑1‑1090, RELATING TO QUALIFICATIONS FOR COMMISSION CHAIRMAN AND MEMBERS, SO AS TO MAKE CONFORMING CHANGES.

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 Authority that shall be governed by the Aeronautics Commission as provided in Chapter 1, Title 57.

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

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

SECTION 3. 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 upon the advice and consent of the Senate in accordance with Section 13‑1‑1080 and serving at the pleasure of the Aeronautics Commission to supervise and carry out the functions and duties of the Division of Aeronautics as provided for by law.

SECTION 4. Chapter 1, Title 55 of the S.C. Code is amended by adding:

Section 55‑1‑110. The Division of Aeronautics must submit any proposals for expenditures exceeding fifty thousand dollars to the Joint Bond Review Committee for review and comment.

SECTION 5. Sections 13‑1‑1000 through 13‑1‑1090 of the S.C. Code are amended to read:

Section 13‑1‑1000. Notwithstanding any other provision of law, the following terms, when used in this article, have the following meanings unless the context clearly requires otherwise:

(1) “Authority” means the State Fiscal Accountability Authority.

(2) “Executive director” means the Executive Director for the Division of Aeronautics.

(3) “Division” means the Division of Aeronautics.

(4) “Commission” means the Aeronautics Commission.

Section 13‑1‑1010. Notwithstanding any other provision of law, the Aeronautics Commission Division is hereby created within the State Fiscal Accountability Authority. The State Fiscal Accountability Authority shall provide administrative support functions to the division. The commission executive director shall oversee the operation of the division as the division's governing body. The Joint Bond Review Committee must review, prior to approval by the Aeronautics Commission,executive director, purchases or sales of any aeronautics assets, the value of which exceeds fifty thousand dollars. There may be no purchase or sale of any aeronautics assets without the approval of the commissionexecutive director.

Section 13‑1‑1020. Notwithstanding any other provision of law, the congressional districts of this State are constituted and created commission districts of the State, designated by numbers corresponding to the number of the respective congressional districts. The commission shall be composed of one member from each district elected by the delegations of the congressional district and one member appointed by the Governor, upon the advice and consent of the Senate, from the State at large. 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 and shall comply with the provisions of Chapter 13, Title 8. However, consideration of these factors in making an appointment or in an election does not create a cause of action or basis for an employee grievance for a person appointed or elected or for a person who fails to be appointed or elected.

Section 13‑1‑1030. (A) Notwithstanding any other provision of law, a county that is divided among two or more commission districts, for purposes of electing a commission member, is considered to be in the district which contains the largest number of residents from that county.

(B) Notwithstanding any other provision of law, no county within a commission district shall have a resident commission member for more than two consecutive terms and in no event shall any two persons from the same county serve as a commission member simultaneously.

Section 13‑1‑1040. Notwithstanding any other provision of law, legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.

The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt rules they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue to the person after he has taken the usual oath of office, a certificate of election as commissioner. The Governor then shall issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his office as commissioner. Each commissioner shall serve until his successor is elected and qualified.

Section 13‑1‑1050. (A) Notwithstanding any other provision of law, beginning February 15, 2005, commissioners must be elected by the legislative delegation of each congressional district. For the purposes of electing a commission member, a legislator only shall vote in the congressional district in which he resides. All commission members must serve for a term of office of four years that expires on February fifteenth of the appropriate year, unless appointed to serve for a second term. Commissioners shall continue to serve until their successors are elected and qualify, provided that a commissioner only may serve until their successors are elected and qualify, and provided that a commissioner only may serve in a hold‑over capacity for a period not to exceed six months after the first term or second term if appointed. Any second term extension or vacancy occurring in the office of commissioner must be filled by election in the manner provided in this article for the unexpired term only. No person is eligible to serve as a commission member who is not a resident of that district at the time of his appointment, except that the at‑large commission member may be appointed from any county in the State regardless of whether another commissioner is serving from that county. Failure by a commission member to maintain residency in the district for which he is elected shall result in the forfeiture of his office. The at‑large commission member, upon confirmation by the Senate, shall serve as chairman of the commission.

(B) The terms of the initial members of the commission appointed from congressional district are as follows:

(1) commission members appointed to represent congressional district one and two, two years;

(2) commission members appointed to represent congressional district three, four, and seven, three years;

(3) commission members appointed to represent congressional district five and six, four years.

(C) The at‑large commissioner shall serve at the pleasure of the Governor.

Section 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.

Section 13‑1‑1070. (A) The commission may adopt an official seal for use on official documents of the division.

(B) The commission shall adopt its own rules and procedures and may select additional officers to serve terms designated by the commission.

(C) Commissioners must be reimbursed for official expenses as provided by law for members of state boards and commissions as established in the annual general appropriations act.

Section 13‑1‑1080. Notwithstanding any other provision of law, the executive director shall be appointed in accordance with the following procedures:

(A)(1) The commission shall nominate no more than one qualified candidate for the Governor to consider for appointment as executive director. Governor shall appoint the executive director upon the advice and consent of the Senate. In order to be nominatedappointed, a candidate must meet the minimum requirements as provided in Section 13‑1‑1090.

(2) If the Governor rejects a person nominated by the commission for the position of executive director, the commission must nominate another candidate for the Governor to consider until such time as the Governor makes an appointment.

(3) In the case of a vacancy in the position of executive director for any reason, the name of a nominee for the executive director's successor must be submitted by the commission to the Governor.

(42) The appointment must comply with the provisions contained in Chapter 13, Title 8.

(B) The executive director shall serve at the pleasure of the commission Governor and be appointed as provided in this section.

Section 13‑1‑1090. Notwithstanding any other provision of law, the executive director individuals serving on the commission must meet the following minimum qualifications to be qualified:

(1) the commission chairmanexecutive director must have experience in the fields of business, general aviation, and airport management;.

(2) all other members of the commission must have a proven record of public and community service, and experience in the fields of business and aviation. Additionally, each memberthe executive director must meet at least two of the following criteria:

(a) general aviation experience;

(b) airport or fixed based operator (FBO) management experience;

(c) aviation service provider experience;

(d) previous service as a state or regional airport commissioner;

(e) legal experience; or

(f) active involvement in a recognized aviation association.

SECTION 6. This act takes effect upon approval by the Governor.

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