

1979 WL 43635 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 16, 1979

***1 SUBJECT: PROPERTY, STATE; AVIATION; STATE AGENCIES (AERONAUTICS..) There is no central authority of the State vested with oversight of the use of State aircraft.**

The Honorable Richard W. Riley
Governor
The State House
Columbia, South Carolina 29211

Dear Governor Riley:

You have requested information concerning that authority exists with respect to the control of aircraft owned by the State or its agencies.

There is no general overall supervisory authority over the State-owned aircraft vested in any single State agency, although, as nearly as can be ascertained, twenty (20) aircraft are owned by the State, with a number of other nonflying aircraft being utilized for instructional purposes.

The only general directive with regard to the control and use of State-owned aircraft is contained in Section 144 of the 1978-79 General Appropriations Act (now expired), which provides as follows:

“Each agency having in its custody one or more aircraft shall maintain a continuing log on all flights, which shall be open for public inspection.

“All passengers on every flight of state-owned aircraft shall be listed by their legal name. Any and all aircraft owned by agencies of the State Government shall be used only for official business.

The Aeronautics Commission and other agencies owning and operating aircraft may furnish transportation to legislators and members of State boards, commissions and agencies on official business only.

“Provided, the provisions above shall not apply to aircraft of the Athletic Department of the University of South Carolina and Clemson University.” 1978 Acts 2212.

The acquisition of aircraft by agencies appears to be based entirely upon appropriations made therefor by the General Assembly, without specific direction or limitation as to the use of such aircraft. In some instances, as noted in the schedule attached hereto, acquisition does not involve appropriations, and limitation of use is sometimes expressed, either by a designation of the use to which the aircraft to be acquired will be put or by purposes designated in the instrument of conveyance. Documentation of this would depend upon a more extensive search of the records pertaining to the acquisition of the aircraft.

The South Carolina Aeronautics Commission does not have authority in the use or control of aircraft insofar as availability for specific use is concerned, except within the limitations imposed by Section 144 of the current General Appropriations Act, as set forth above, nor can its rule making power be extended beyond the scope of this regulatory section.

The details with respect to the authorization for the acquisition of aircraft is also requested by you and is attached herewith.

Very truly yours,

Daniel R. McLeod
Attorney General

Attachment

AIRCRAFT OWNED BY THE STATE AND ITS AGENCIES

	<u>AgencyType</u>	<u>Number</u>	<u>Purchase Price</u>	<u>Date</u>	<u>Source of Funds</u>
South Carolina Aeronautics Commission	Beechcraft King Air 200 (1SC)	1	\$985,000		Authorized by Act No. 249 of 1977. Funds provided by amendment to State Capital Improvement Bond Act of 1968 to authorize expenditure of \$985,000 for "purchase of replacement airplane." (77 Acts 828).
	Beechcraft King Air 100 (2SC)	1	\$468,000		Appropriated General Appropriations Act, 1973, Section 68, for "aircraft equipment." The only restriction imposed in a proviso to the section is that all aircraft be purchased under competitive bidding.
	Bell 206 Jet-ranger (3SC)	1	\$278,000	1975	Appropriation for "Aircraft equipment and operations" - General Appropriations Act, 1975 (75 Acts 513).
	Cessna 206	1		1977	Approved by the Budget and Control Board. Involved a cash payment of \$18,000.00, plus trade-in of old aircraft.
	B-58 Baron	1	\$183,316	1978	Cash payment (approximately \$93,000), plus trade-in of old airplane and old helicopter.
	Bell 204(b) Helicopter	1		1976	Acquired under federal excess property program. There was no payment price - only transfer fee

South Carolina	Cessna 180	1	\$ 32,000	1971	Department Revenue
Wildlife &	Cessna 180N	1	\$ 36,024	1974	Department Revenue
Marine	Aero Commander	1	\$116,916	1973	Appropriated
Resources	Citabria	1			Leased without cost from private owner, Marion Burnside.
Department					
University of South Carolina	Cessna 320	1	\$ 59,500	1968	Purchased with non-state-appropriated funds by USC Athletic Department, which has control of its use.
	Navajo Chieftain (PA 31 350)	1	\$296,400	1979	Purchase approved by Budget and Control Board. As stated by University officials, "It is proposed that the aircraft will be used by all the University's top administrative personnel, including the two and four year campus directors."
Clemson University	Piper Navajo (1973) (PA 31)	1		1975	Paid from athletic funds, less amount received on Aero Commander traded in, which was previously purchased with gifts given to the Athletic Department. Use regulated by Athletic Deirector.
Medical University of South Carolina	Beechcraft Baron	1		1974	Leased with federal funds to provide transportation for medical consultants and staff between the Medical University in Charleston and AHEC sites in Spartanburg, Greenville and Florence. The purpose and need for the acquisition of the aircraft is detailed in a letter, with enclosures, dated February 14, 1974, from Associate Dean Michael G. Weidner, Jr., M.D.

State Development Board	Aero Commander N-430C	1	\$650,000	1967	Appropriated by General Appropriations Act, 1966 (66 Acts 615). Detailed regulations have been provided by the Development Board since 1967, which have been amended subsequent and which are comprehensive in scope.
South Carolina Law Enforcement Division	Cessna 172	1	\$ 20,000	1974	General Appropriations Act appropriated funds to the Governor's Office for "Operation of SLED Aircraft" purchased in 1974.
	Cessna Titan 2	1	Confiscated	1979	Aircraft seized in Darlington County on January 26, 1979, for violation of drug laws. Declared forfeited to SLED, with title vested in SLED, by Order of Judge A. Lee Chandler, Court of Common Pleas, Darlington County, dated May 3, 1979. Thereafter, an agreement was entered into between SLED and the Aeronautics Commission, whereby title was transferred to the Aeronautics Commission for "other State business," subject to priority of use by SLED. Copy of agreement submitted to Budget and Control Board for information.
Trident Tec	Aircraft T-33	1			These aircraft are not airworthy and were acquired from General Services Administration through federal surplus property channels.
	Aircraft C-118	1			
	Helicopter UH-1B	1			
	Aircraft 310A	1			
	Aircraft J4E	1			These are crashed aircraft donated from private

			sources for training purposes.
	Aircraft Piper Cardinal	1	
	Aircraft Cessna 310A	1	Received from the Aeronautics Commission for training purposes. Aircraft is flyable and utilized.
Florence-	Aircraft C-45	1	These aircraft are not airworthy and were acquired through General Services Administration, either through excess property or federal surplus property channels.
Darlington	Aircraft C-45	1	
Tec	Aircraft C-45J	1	
	Helicopter H-13E	1	
	Aircraft O1A	1	
	Helicopter UH-1B	1	
	Aircraft T-33	1	
	Aircraft Scrap	1	
	Helicopter TH-13M	1	

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