

SOUTH DAKOTA AERONAUTICS COMMISSION MEETING

Thursday, April 18, 2024 at 2:00 p.m. CT

Becker-Hansen Building/ Commission Room – 700 E. Broadway Ave, Pierre SD 57501

COMMISSIONERS PRESENT: Eric Odenbach, Chairman
Rolf Johnson

COMMISSIONER PRESENT

VIA CONFERENCE CALL: Bob Huggins, Vice-Chairman
Christopher Funk
John Taylor (left at 2:45 p.m.)
Kassidy Nelson (joined at 2:07 p.m.)
Jerry Rieber (joined at 2:10 p.m.)

DOT STAFF PRESENT: Joel Jundt, Kellie Beck, Dustin DeBoer, Jon Becker, Nancy Hiller, Brock Antijunti, Katlyn Wieme, and Kari Kroll

**DOT STAFF PRESENT
VIA CONFERENCE CALL:** Jack Dokken

**OTHERS PRESENT
VIA CONFERENCE CALL:** Steve Hamilton – South Dakota Pilots Association; Brooke Edgar – Helms and Associates; and Tom Schauer – Mead & Hunt

Chairman Eric Odenbach called the meeting of the South Dakota Aeronautics Commission (the “Commission”) to order at 2:00 p.m. CT. Roll call was taken and a quorum was determined.

Odenbach opened the floor to the Commission to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) Chapter 3 – 23.

No commissioners disclosed a conflict of interest nor requested a waiver.

Odenbach asked for a motion to approve the March 21, 2024 Commission meeting minutes.

A MOTION WAS MADE by Taylor and seconded by Huggins to approve the March 21, 2024 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Commissioners Cassidy Nelson and Jerry Rieber joined the meeting.

Dustin DeBoer, Office of Legal Counsel, presented to the Commission for consideration the amendments to Administrative Rules of South Dakota (ARSD) 70:02:04 – Airport Licensing by resolution. He requested that the Commission consider a Motion to reject the amendments.

DeBoer explained the rule adoption process that had been followed to date for the amendments to the rules. He discussed the purpose and effects of the rule changes. DeBoer reported no written comment on the rule changes had been timely received.

Odenbach asked for public testimony on the proposed rule amendments. No members of the public offered testimony in support of nor in opposition to the rule changes.

DeBoer explained the Motion to reject the amendments was being requested as a result of unclear rulemaking authority in current statute. After review of the proposed amendments and discussion of the same with LRC Code Counsel, SDCL 50-2-23, the statute purported to grant rule making authority to the Commission, does not contain the necessary language to establish rule making authority pursuant to SDCL ch. 1-26. Although the rules currently have no legal effect, DeBoer stated the Commission and Department still have statutory authority to grant certificates of approval for airports and the Department still has statutory authority to inspect public airports. DeBoer explained action will be taken by the Department during Legislative Session to codify any necessary rules or request the Commission be granted limited rule making authority on the subject of Airport Licensing.

A MOTION WAS MADE by Taylor and seconded by Johnson to reject the proposed amendments to ARSD 70:02:04 – Airport Licensing as presented by the Department of Transportation (the “Department.”) All present voted aye by roll call vote. The motion carried.

Odenbach opened the floor to public comment.

No members of the public addressed the Commission or offered input.

Secretary Jundt presented the Secretary’s Report. He shared that Congress has not yet approved the reauthorized of Federal Aviation Administration (FAA) funds. The Department of Transportation (the “Department”) understands there is encouraging movement occurring and the hope is that a reauthorization bill will be passed before the May 10 deadline of the current extension.

Jundt presented to the Commission the draft of the South Dakota Airport Terminal Funding Application for the Commission's review. He shared that Letter of Intent (LOI) for SB144 will be in front of the Joint Committee on Appropriations for consideration of May 21, 2024 and recommended that the Commission defer action on the approval of the application to the May meeting. He then suggested a timeline of a call for application to occur right after the May meeting with application due shortly before the June meeting whereby the applicants would at that meeting present their application. At the July Commission meeting, the Commission could have any follow up questions to the applicants and then award grants at the same July Commission meeting.

After reviewing and discussion of the presented draft application, the Commission thought it wise to move the scheduled May meeting until after the LOI was approved.

Commissioner Taylor left the meeting at 2:47 p.m.

A MOTION WAS MADE by Johnson and seconded by Funk to move the scheduled May 16, 2024 meeting to May 23, 2024. All present voted aye by roll call vote. The motion carried.

Jon Becker, Office of Air, Rail and Transit, presented to the Commission for their consideration the following Bi-partisan Infrastructure Law (BIL) application.

Canton 3-46-0007-017-2024

BIL: Hangar taxilane extension-construction observation and testing.

Federal Share	\$ 216,000.00
State Share	\$ 12,000.00
Local Share	\$ 12,000.00
Total	\$ 240,000.00

Madison 3-46-0029-026-2024

BIL: Design reconstruction of FBO apron and taxilane extension including testing.

Federal Share	\$ 56,800.00
State Share	\$ 3,200.00
Local Share	\$ 40,000.00
Total	\$100,000.00

A MOTION WAS MADE by Rieber and seconded by Funk to approve the BIL grant applications. All present voted aye by roll call vote. The motion carried.

With no further business to come before the Commission, Odenbach adjourned the meeting at 3:00 p.m. CT.