

Senate Bill 290

By: Senators Heath of the 31st, Pearson of the 51st, Powell of the 23rd, Wiles of the 37th,
Mullis of the 53rd and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 6 of the Official Code of Georgia Annotated, relating to aviation, so as to
2 create the Georgia Aviation Authority; to provide for a short title and a definition; to provide
3 for the membership, governance, operation, powers, duties, and administrative attachment
4 of the authority; to provide that the general purpose of the authority shall be to acquire,
5 operate, maintain, house, and dispose of all state aviation assets; to provide for other matters
6 related to the authority and its creation; to amend Code Section 32-2-2 of the Official Code
7 of Georgia Annotated, relating to powers and duties of the Department of Transportation, so
8 as to remove provisions relative to the authority of that department with respect to state
9 aircraft; to amend Chapter 19 of Title 50 of the Official Code of Georgia Annotated, relating
10 to state government transportation services, so as to repeal Article 2, the "Air Transportation
11 Act," relating to the powers and duties of the Department of Transportation with respect to
12 state air transportation; to provide for other related matters; to repeal conflicting laws; and
13 for other purposes.

14 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

15 **SECTION 1.**

16 Title 6 of the Official Code of Georgia Annotated, relating to aviation, is amended by adding
17 a new Chapter 5 to read as follows:

18 **"CHAPTER 5**

19 **6-5-1.**

20 This chapter shall be known and may be cited as the 'Georgia Aviation Authority Act.'

21 **6-5-2.**

22 As used in this chapter, the term:

23 (1) 'Authority' means the Georgia Aviation Authority.

(2) 'State aircraft' means any aircraft, including equipment, owned, leased, rented, chartered, or otherwise obtained by the authority.

6-5-3.

(a) There is created a body corporate and politic to be known as the Georgia Aviation Authority which shall be deemed to be an instrumentality of the state and a public corporation, and by that name, style, and title the body may contract and be contracted with, implead and be impleaded, and bring and defend actions in all courts. The authority shall consist of the Governor or his or her designee, the Lieutenant Governor or his or her designee, the Speaker of the House of Representatives or his or her designee, the commissioner of transportation, the commissioner of public safety, the commissioner of natural resources, the director of the State Forestry Commission, and up to two persons from the aviation business community appointed by the Governor. The authority shall make rules and regulations for its own government. It shall have perpetual existence.

(b) The authority is assigned to the Office of Planning and Budget for administrative purposes only as prescribed in Code Section 50-4-3.

(c) The authority may in its discretion employ an executive director and other personnel. The authority may also by agreement with any department or agency of state government make use of personnel of such department or agency.

(d) The authority may designate personnel positions employed by the authority as peace officers who shall be required by the terms of their employment to give their full time to the preservation of public order, the protection of life and property, the detection of crime and such other duties as may be specified by the authority. Personnel in such positions shall comply with the requirements of the 'Georgia Peace Officer Standards and Training Act' contained in Chapter 8 of Title 35 and shall have the power of arrest in the performance of their duties.

6-5-4.

(a) The general purpose of the authority shall be to acquire, operate, maintain, house, and dispose of all state aviation assets, to provide aviation services and oversight of state aircraft and aviation operations to ensure the safety of state air travelers and aviation property, to achieve policy objectives through aviation missions, and to provide for the efficient operation of state aircraft. All aircraft owned or operated as of July 1, 2007, or a later date determined by the Governor, by any other entity of state government shall be transferred on that date to the custody and control of the authority. On and after July 1, 2007, or a later date determined by the Governor, no other entity of state government shall acquire, lease, or charter any aircraft other than through the authority. All state aircraft

1 required for the proper conduct of the business of the several administrative departments,
2 boards, bureaus, commissions, authorities, offices, or other agencies of Georgia and
3 authorized agents of the General Assembly, or either branch thereof, and department
4 owned airfields and their appurtenances shall be managed and maintained by the authority.
5 The cost for the use of such state aircraft shall be charged by the authority to the using state
6 entity. The amount of such charge shall be determined by the authority. The authority
7 shall be authorized to dispose of any state aircraft and apply the proceeds derived therefrom
8 to the purchase of replacement aviation assets.

9 (b) In the furtherance of its purpose, the authority shall have the power to:

10 (1) Organize, staff, train personnel to operate, maintain, house, purchase, and dispose of
11 aviation assets;

12 (2) Purchase, maintain, develop, and modify facilities to support aviation assets and
13 operations;

14 (3) Develop operating, maintenance, safety, security, training, education, and scheduling
15 standards for state aviation operations and conduct inspections, audits, and other similar
16 oversight to determine practices and compliance with such standards;

17 (4) Develop an accountability system for state aviation operations and activities;

18 (5) Identify the costs associated with the purchase, operation, maintenance, and
19 administration of state aircraft and aviation operations and related facilities, training, and
20 education, develop an appropriate billing structure, and charge agencies and other state
21 entities for the costs of state aircraft and aviation operations;

22 (6) Retain appropriate external consulting and auditing expertise;

23 (7) Engage aviation industry representatives to ensure best practices for state aviation
24 assets;

25 (8) Delegate certain powers pursuant to this chapter to other state entities; and

26 (9) Otherwise implement appropriate and efficient management practices for state
27 aviation operations.

28 (c) The authority shall provide support for those state agencies and departments whose
29 operations require aviation operations. No state entity other than the authority shall be
30 authorized to expend state funds to purchase, lease, rent, charter, maintain, or repair state
31 aircraft to be used in connection with state business or to employ a person whose official
32 duties consist of piloting state aircraft without the approval of the authority.

33 6-5-5.

34 In addition to the powers specified in Code Section 6-5-4, the authority shall have the
35 powers:

36 (1) To have a seal and alter the same at its pleasure;

1 (2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and
2 personal property of every kind and character for its corporate purposes;

3 (3) To acquire in its own name by purchase, on such terms and conditions and in such
4 manner as it may deem proper real property or rights of easements therein or franchises
5 necessary or convenient for its corporate purposes and to use the same so long as its
6 corporate existence shall continue and to lease or make contracts with respect to the use
7 of or disposal of the same in any manner it deems to the best advantage of the authority.

8 No property shall be acquired under this chapter upon which any lien or other
9 encumbrance exists unless at the time such property is so acquired a sufficient sum of
10 money is deposited in trust to pay and redeem the fair value of the lien or encumbrance;
11 and if the authority shall deem it expedient to construct any project on lands which are
12 a part of the real estate holdings of the state, the Governor is authorized to execute for and
13 on behalf of the state a lease of the lands to the authority for such parcel or parcels as
14 shall be needed for a period not to exceed 50 years. If the authority shall deem it
15 expedient to construct any project on any other lands the title to which shall then be in
16 the state, the Governor is authorized to convey, for and in behalf of the state, title to such
17 lands to the authority;

18 (4) To appoint and select officers, agents, and employees, including pilots, maintenance
19 workers, engineering, architectural, aviation, and construction experts, fiscal agents, and
20 attorneys, and fix their compensation and otherwise adopt policies that establish a system
21 of sound personnel management;

22 (5) To make contracts and leases and to execute all instruments necessary or convenient,
23 including contracts for construction of projects and leases of projects or contracts with
24 respect to the use of projects which it causes to be erected or acquired; and any and all
25 political subdivisions, departments, institutions, or agencies of the state are authorized to
26 enter into contracts, leases, or agreements with the authority upon such terms and for such
27 purposes as they deem advisable. Without limiting the generality of the above, authority
28 is specifically granted to any department, board, commission, or agency of the state to
29 enter into contracts and lease agreements for the use or concerning the use of any
30 structure, building, or facilities or a combination of any two or more structures, buildings,
31 or facilities of the authority for a term not exceeding 50 years; and any department, board,
32 commission, or agency of the state may obligate itself to pay an agreed sum for the use
33 of the property so leased and also to obligate itself as part of the lease contract to pay the
34 cost of maintaining, repairing, and operating the property leased from the authority;

35 (6) To accept loans or grants of money or materials or property of any kind from the
36 United States or any agency or instrumentality thereof upon such terms and conditions
37 as the United States or the agency or instrumentality may impose;

(7) To exercise any power usually possessed by private corporations performing similar functions, which is not in conflict with the Constitution and laws of this state; and
(8) To do all things necessary or convenient to carry out the powers expressly given in this chapter.

6-5-6.

All moneys received pursuant to the authority of this chapter shall be deemed trust funds to be held and applied solely as provided in this chapter.

6-5-7.

It is found, determined, and declared that the creation of the authority and the carrying out of its corporate purpose are in all respects for the benefit of the people of this state and are a public purpose and the authority will be performing an essential governmental function in the exercise of the power conferred upon it by this chapter.

6-5-8.

Any action to protect or enforce any rights under this chapter shall be brought in the Superior Court of Fulton County.

6-5-9.

This chapter, being for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof."

SECTION 2.

Code Section 32-2-2 of the Official Code of Georgia Annotated, relating to powers and duties of the Department of Transportation, is amended by revising paragraph (16) of subsection (a) as follows:

"(16) Reserved; (A) All state aircraft required for the proper conduct of the business of the several administrative departments, boards, bureaus, commissions, authorities, offices, or other agencies of Georgia and authorized agents of the General Assembly, or either branch thereof, and department owned airfields and their appurtenances shall be managed and maintained by the department. The cost for the use of such state aircraft shall be charged by the department to the using agency. The amount of such charge shall be determined by the department. The department shall be authorized to dispose of any state aircraft and apply the proceeds derived therefrom to the purchase of replacement aircraft when the director of the Office of Planning and Budget shall authorize such actions, notwithstanding any other provisions of law to the contrary.

~~(B) The department shall have all those powers and duties formerly set forth in Code Section 50-19-23, which statute relates to the maintenance and operation of state aircraft, supervision of their pilots, and similar matters.~~

~~(C) No department, board, bureau, commission, authority, office, or other agency of Georgia shall be authorized to expend state funds to purchase, lease, rent, charter, maintain, or repair state aircraft to be used in connection with state business or to employ a person whose official duties consist of piloting state aircraft except the Department of Transportation.~~

~~(D) The Department of Administrative Services shall purchase all aircraft for the department in the same manner as other state purchases.~~

~~(E) Anything in this title to the contrary notwithstanding, the State Forestry Commission, the Department of Natural Resources, and the Department of Public Safety may, with the approval of the commissioner of transportation, expend state funds to purchase, lease, rent, charter, maintain, or repair special purpose aircraft necessary to conduct the particular business of said agencies and may employ persons whose official duties consist of piloting said aircraft;"~~

SECTION 3.

Chapter 19 of Title 50 of the Official Code of Georgia Annotated, relating to state government transportation services, is amended by repealing and reserving Article 2 as follows:

"ARTICLE 2

RESERVED

~~50-19-20:~~

~~This article shall be known and may be cited as the 'Air Transportation Act.'~~

~~50-19-21:~~

~~As used in this article, the term:~~

~~(1) 'Department' means the Department of Transportation.~~

~~(2) 'State aircraft' means any aircraft, including equipment, owned, leased, rented, or chartered by the Department of Transportation.~~

~~50-19-22:~~

~~All state aircraft required for the proper conduct of the business of the several administrative departments, boards, bureaus, commissions, authorities, offices, or other agencies of the state or for authorized agents of the General Assembly, or either branch~~

1 ~~thereof, shall be managed and maintained by the department. The cost for the use of such~~
2 ~~state aircraft shall be charged by the department to the using agency. The amount of the~~
3 ~~charge shall be determined by the department.~~

4 ~~50-19-23.~~

5 ~~The department shall have the following powers and duties:~~

6 ~~(1) To supervise, maintain, and schedule all state aircraft;~~

7 ~~(2) To maintain a detailed record of all flights made by state aircraft;~~

8 ~~(3) To initiate a proficiency program for pilot employees;~~

9 ~~(4) To discontinue the employment of any pilot employed by the Department of~~

10 ~~Transportation to fly state aircraft upon such pilot's reaching 65 years of age;~~

11 ~~(5) To establish priorities concerning the use of state aircraft;~~

12 ~~(6) To execute such contracts as may be necessary to carry out this article; and~~

13 ~~(7) To assign special purpose state aircraft and personnel to any other department or~~

14 ~~agency of state government.~~

15 ~~50-19-24.~~

16 ~~The department shall have the following powers and duties:~~

17 ~~(1) To promulgate such rules and regulations as may be necessary to effectuate the~~
18 ~~purposes of this article; and~~

19 ~~(2) To establish a timetable for bringing all state aircraft under this article.~~

20 ~~50-19-25.~~

21 ~~No department, board, bureau, commission, authority, office, or other agency of the state~~
22 ~~shall be authorized to expend state funds to purchase, lease, rent, charter, maintain, or~~
23 ~~repair state aircraft to be used in connection with state business or to employ a person~~
24 ~~whose official duties consist of piloting state aircraft, except the Department of~~
25 ~~Transportation.~~

26 ~~50-19-26.~~

27 ~~The Department of Administrative Services shall purchase all aircraft for the Department~~
28 ~~of Transportation in the same manner as other state purchases are made."~~

29 **SECTION 4.**

30 All laws and parts of laws in conflict with this Act are repealed.