

House Bill 414

By: Representatives Bearden of the 68th, Meadows of the 5th, England of the 108th, Powell of the 171st, and Cheokas of the 134th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 6 of the Official Code of Georgia Annotated, relating to the
2 Georgia Aviation Authority, so as to revise the duties of the Georgia Aviation Authority; to
3 provide for the transfer of certain personnel, aircraft, and other assets from the Georgia
4 Aviation Authority to the Department of Public Safety; to provide for related matters; to
5 amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the
6 Department of Public Safety, so as to transfer certain personnel, assets, and liabilities of the
7 Georgia Aviation Authority to the Department of Public Safety; to provide the department
8 with certain authority and duties with regard to aviation; to provide for related matters; to
9 provide an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 5 of Title 6 of the Official Code of Georgia Annotated, relating to the Georgia
13 Aviation Authority, is amended by revising subsection (e) of Code Section 6-5-3, relating
14 to the creation of the Georgia Aviation Authority, its membership and personnel, and
15 administrative purposes, as follows:

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

23 **SECTION 2.**

24 Said chapter is further amended by revising Code Section 6-5-4, relating to the purpose of
25 the authority, powers, support, and annual audits, as follows:

26 "6-5-4.

27 (a) The general purpose of the authority shall be to acquire, operate, maintain, house, and
28 dispose of all state aviation assets, except those aviation assets of the Department of Public
29 Safety, to provide aviation services and oversight of state aircraft and aviation operations
30 to ensure the safety of state air travelers and aviation property, to achieve policy objectives
31 through aviation missions, and to provide for the efficient operation of state aircraft. All
32 aircraft owned or operated as of July 1, 2009, or a later date determined by the Governor,
33 by any other entity of state government previously transferred to the authority by the
34 Department of Public Safety and associated parts and equipment and budgeted operating
35 funds associated with such aircraft shall be transferred on that date July 1, 2011, back to
36 the custody and control of the authority Department of Public Safety along with any funds
37 derived from the sale of any aircraft previously transferred to the authority by the
38 Department of Public Safety which shall be used by the Department of Public Safety to
39 obtain replacement aircraft; provided, however, that this chapter shall have no application
40 to aircraft owned or operated by the Department of Defense. On and after July 1, 2009, or
41 a later date determined by the Governor, no other entity of state government, other than the
42 Department of Public Safety, shall acquire, lease, or charter any aircraft other than through
43 the authority. Any person who is employed by an entity of state government as a pilot and
44 who is required by the terms of his or her employment to comply with the requirements of
45 Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' shall remain
46 in the employment of the employing agency but shall be transferred for administrative
47 purposes only to the authority on July 1, 2009, in compliance with subsection (c) of Code
48 Section 6-5-3; provided, however, that those persons who are employed by the Department
49 of Public Safety who are assigned for administrative purposes only to the authority shall
50 be transferred back to the Department of Public Safety on July 1, 2011, and shall no longer
51 be under the administration or direction of the authority. All state aircraft required for the
52 proper conduct of the business of the several administrative departments, boards, bureaus,
53 commissions, authorities, offices, or other agencies of Georgia and authorized agents of the
54 General Assembly, or either branch thereof, and department owned airfields and their
55 appurtenances shall be managed and maintained by the authority; provided, however, that
56 all airfields and appurtenances, including hangars, previously transferred by the
57 Department of Public Safety to the authority shall be transferred back to the Department
58 of Public Safety on July 1, 2011. The cost for the use of such state aircraft shall be charged
59 by the authority to the using state entity. The amount of such charge shall be determined

60 by the authority. The authority shall be authorized to dispose of any state aircraft and apply
61 the proceeds derived therefrom to the purchase of replacement aviation assets.

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

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

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

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

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

71 (5) Identify the costs associated with the purchase, operation, maintenance, and
72 administration of state aircraft and aviation operations and related facilities, training, and
73 education, develop an appropriate billing structure, and charge agencies and other state
74 entities for the costs of state aircraft and aviation operations; provided, however, that any
75 billing to an agency by the authority shall be suspended whenever the Governor declares
76 a state of emergency on any cost associated with aircraft used during and in response to
77 the state of emergency;

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

79 (7) Engage aviation industry representatives to ensure best practices for state aviation
80 assets;

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

82 (9) Otherwise implement appropriate and efficient management practices for state
83 aviation operations.

84 (c) The authority shall provide priority support for those state agencies and departments;
85 ~~including local and state public safety and law enforcement entities~~, whose operations
86 require aviation operations. No state entity other than the authority and the Department of
87 Public Safety shall be authorized to expend state funds to purchase, lease, rent, charter,
88 maintain, or repair state aircraft to be used in connection with state business or to employ
89 a person whose official duties consist of piloting state aircraft without the approval of the
90 authority.

91 (d) The funds and assets of the authority, as well as the performance of the authority, its
92 services, and equipment, shall be audited annually by the state auditor. The initial audit
93 shall be concluded no later than December 30, 2010. The results of such audit shall be
94 open to inspection at reasonable times by any person. A copy of the audit report shall be
95 sent to the state accounting officer. The authority shall also provide the Governor, the
96 Speaker of the House, the President of the Senate, the chairperson of the House Committee

97 on Public Safety and Homeland Security, the chairperson of the Senate Public Safety
 98 Committee, the chairperson of the Senate Veterans, Military and Homeland Security
 99 Committee, the chairperson of the House Committee on Transportation, and the
 100 chairperson of the Senate Transportation Committee with a copy of the state audit report
 101 which shall include a full report of the activities and services of the authority. The
 102 performance audit report shall be provided no later than December 31, 2013.

103 (e) On July 1, 2011, the six aviation mechanic positions that were previously transferred
 104 by the Department of Public Safety to the authority shall be returned to the Department of
 105 Public Safety along with the funds budgeted for such positions."

106 **SECTION 3.**

107 Said chapter is further amended by revising subsection (b) of Code Section 6-5-7, relating
 108 to public purpose of authority and responding to emergencies, as follows:

109 ~~"(b) In order to ensure that addressing emergency law enforcement needs is the authority's~~
 110 ~~first priority, the authority, in coordination with the Board of Public Safety, shall adopt~~
 111 ~~policies and procedures to ensure that responding to emergencies, imminent threats to~~
 112 ~~individual and public safety, natural disasters, or other emergency law enforcement needs~~
 113 ~~is met.~~ The authority shall be exempt from all sales and use tax on property purchased,
 114 leased, or used by the authority."

115 **SECTION 4.**

116 Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department
 117 of Public Safety, is amended by adding a new article to read as follows:

118 "ARTICLE 7

119 35-2-140.

120 (a)(1) On and after July 1, 2011, the Department of Public Safety shall be authorized to
 121 acquire, operate, maintain, house, and dispose of all state aviation assets assigned to the
 122 department, to provide aviation services and oversight of such state aircraft and aviation
 123 operations for public safety and legitimate state business purposes, to achieve policy
 124 objectives through aviation missions, and to provide for the efficient operation of such
 125 state aircraft.

126 (2) On July 1, 2011, the Georgia Aviation Authority shall transfer back to the custody
 127 and control of the Department of Public Safety all of the aircraft previously transferred
 128 to the authority by the Department of Public Safety and any associated parts and
 129 equipment along with any funds derived from the sale of any aircraft previously
 130 transferred to the authority by the Department of Public Safety which shall be used by the

131 Department of Public Safety to obtain replacement aircraft; provided, however, that this
132 article shall have no application to aircraft owned or operated by the Department of
133 Defense.

134 (3) On July 1, 2011, any person who is employed by the Department of Public Safety
135 and is assigned for administrative purposes only to the Georgia Aviation Authority shall
136 be transferred back to the Department of Public Safety and shall no longer be under the
137 administration or direction of the Georgia Aviation Authority. In addition, on
138 July 1, 2011, the six aviation mechanic positions that were previously transferred by the
139 Department of Public Safety to the Georgia Aviation Authority shall be returned to the
140 Department of Public Safety along with the funds budgeted for such positions.

141 (4) All airfields and appurtenances, including hangars, previously transferred to the
142 Georgia Aviation Authority by the Department of Public Safety and all funds, accounts
143 receivable, budgeted operating funds, contracts, liabilities, and obligations associated
144 with the aircraft being transferred back to the Department of Public Safety as of
145 July 1, 2011, shall become the property, funds, accounts receivable, budgeted operating
146 funds, contracts, liabilities, and obligations of the Department of Public Safety on such
147 date.

148 (5) The Department of Public Safety shall be responsible for providing aviation services
149 in support of public safety and legitimate state business functions. All state aircraft
150 required for the proper conduct of public safety and legitimate state business of the
151 several administrative departments, boards, bureaus, commissions, authorities, offices,
152 or other agencies of Georgia and authorized agents of the General Assembly, or either
153 branch thereof, and state owned or leased airfields and their appurtenances, including
154 hangars, assigned to the Department of Public Safety shall be managed and maintained
155 by the Department of Public Safety. The department shall be authorized to dispose of any
156 state aircraft and apply the proceeds derived therefrom to the purchase of replacement
157 aviation assets.

158 (b) The Department of Public Safety shall have the power to:

159 (1) Hire, organize, and train personnel to operate, maintain, house, purchase, and dispose
160 of aviation assets;

161 (2) Purchase, lease, maintain, develop, and modify facilities to support aviation assets
162 and operations;

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

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

- 167 (5) Identify the costs associated with training, education, and the purchase, operation,
168 maintenance, and administration of state aircraft and aviation operations and related
169 facilities;
- 170 (6) Retain appropriate external consulting and auditing expertise;
- 171 (7) Engage aviation industry representatives to ensure best practices for state aviation
172 assets;
- 173 (8) Delegate certain powers pursuant to this article to other state entities;
- 174 (9) Otherwise implement appropriate and efficient management practices for state
175 aviation operations; and
- 176 (10) Enter into agreements with the Georgia Aviation Authority for mutual use of state
177 airfields and appurtenances, including aircraft hangars.
- 178 (c) The Department of Public Safety shall provide priority support for those state agencies
179 and departments, including local and state public safety and law enforcement entities,
180 whose operations require aviation operations in accordance with the mission and purpose
181 of this article."

182 **SECTION 5.**

183 This Act shall become effective upon its approval by the Governor or upon its becoming law
184 without such approval.

185 **SECTION 6.**

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