

The Senate Appropriations Committee offered the following substitute to HB 414:

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

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

17 "(a) There is created a body corporate and politic to be known as the Georgia Aviation
18 Authority which shall be deemed to be an instrumentality of the state and a public
19 corporation, and by that name, style, and title the body may contract and be contracted
20 with, implead and be impleaded, and bring and defend actions in all courts. The authority
21 shall consist of the Governor or his or her designee, the Lieutenant Governor or his or her
22 designee, the Speaker of the House of Representatives or his or her designee, the
23 commissioner of transportation, the commissioner of public safety, the commissioner of
24 economic development, the commissioner of natural resources, the director of the State
25 Forestry Commission, and two persons from the aviation business community with one
26 such member of the aviation business community to be appointed by the Speaker of the

27 House of Representatives, and the other such member of the aviation business community
 28 to be appointed by the President of the Senate. The chairperson of the authority shall be
 29 a member of the authority elected for a two-year term by a majority vote of the members
 30 of the authority. A chairperson may not serve more than two consecutive terms as
 31 chairperson. The authority shall make rules and regulations for its own governance. It
 32 shall have perpetual existence."

33 **SECTION 2.**

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

36 "6-5-4.

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

63 thereof, and department owned airfields and their appurtenances shall be managed and
 64 maintained by the authority; provided, however, that all airfields and appurtenances,
 65 including hangars, previously transferred by the Department of Public Safety to the
 66 authority shall be transferred back to the Department of Public Safety on September 1,
 67 2011. The cost for the use of such state aircraft shall be charged by the authority to the
 68 using state entity. The amount of such charge shall be determined by the authority. The
 69 authority shall be authorized to dispose of any state aircraft and apply the proceeds derived
 70 therefrom to the purchase of replacement aviation assets.

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

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

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

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

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

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

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

88 (7) Engage aviation industry representatives to ensure best practices for state aviation
 89 assets;

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

91 (9) Otherwise implement appropriate and efficient management practices for state
 92 aviation operations.

93 (c) The authority shall provide priority support for those state agencies and departments,
 94 including local and state public safety and law enforcement entities, whose operations
 95 require aviation operations when requested. No state entity other than the authority and the
 96 Department of Public Safety shall be authorized to expend state funds to purchase, lease,
 97 rent, charter, maintain, or repair state aircraft to be used in connection with state business
 98 or to employ a person whose official duties consist of piloting state aircraft without the
 99 approval of the authority.

100 (d) The funds and assets of the authority, as well as the performance of the authority, its
 101 services, and equipment, shall be audited annually by the state auditor. The initial audit
 102 shall be concluded no later than December 30, 2010. The results of such audit shall be
 103 open to inspection at reasonable times by any person. A copy of the audit report shall be
 104 sent to the state accounting officer. The authority shall also provide the Governor, the
 105 Speaker of the House, the President of the Senate, the chairperson of the House Committee
 106 on Public Safety and Homeland Security, the chairperson of the Senate Public Safety
 107 Committee, the chairperson of the Senate Veterans, Military and Homeland Security
 108 Committee, the chairperson of the House Committee on Transportation, and the
 109 chairperson of the Senate Transportation Committee with a copy of the state audit report
 110 which shall include a full report of the activities and services of the authority. The
 111 performance audit report shall be provided no later than December 31, 2013.

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

115 **SECTION 3.**

116 Said chapter is further amended by revising Code Section 6-5-10, relating to termination of
 117 authority, as follows:

118 "6-5-10.

119 ~~This chapter shall stand repealed on July 1, 2014, unless it is further extended by an Act~~
 120 ~~of the General Assembly Reserved."~~

121 **SECTION 4.**

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

124 "ARTICLE 7

125 35-2-140.

126 (a)(1) On and after September 1, 2011, the Department of Public Safety shall be
 127 authorized to acquire, operate, maintain, house, and dispose of all state aviation assets
 128 assigned to the department, to provide aviation services and oversight of such state
 129 aircraft and aviation operations for public safety and legitimate state business purposes,
 130 to achieve policy objectives through aviation missions, and to provide for the efficient
 131 operation of such state aircraft.

132 (2) On September 1, 2011, the Georgia Aviation Authority shall transfer back to the
133 custody and control of the Department of Public Safety all of the aircraft previously
134 transferred to the authority by the Department of Public Safety and any associated parts
135 and equipment; provided, however, that this article shall have no application to aircraft
136 owned or operated by the Department of Defense.

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

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

151 (5) The Department of Public Safety shall be responsible for providing aviation services
152 in support of public safety. The department shall be authorized to dispose of any state
153 aircraft and apply the proceeds derived therefrom to the purchase of replacement aviation
154 assets.

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

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

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

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

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

164 (5) Identify the costs associated with training, education, and the purchase, operation,
165 maintenance, and administration of state aircraft and aviation operations and related
166 facilities;

167 (6) In conjunction with the Georgia Aviation Authority, develop an appropriate joint
168 billing structure for passenger transportation where the aircraft is designated and operated

169 as a 'civil aircraft' under Part 91 of the Federal Aviation Regulations and charge agencies
 170 and other state entities for the full variable hourly costs for the operation of each type
 171 aircraft, evaluated annually and adjusted as necessary based upon the price of fuel,
 172 maintenance, and other fees that are a direct result of flying the aircraft on that specific
 173 trip; provided, however, that any billing to an agency by the department shall be
 174 suspended whenever the Governor declares a state of emergency on any cost associated
 175 with aircraft used during and in response to such state of emergency;
 176 (7) Retain appropriate external consulting and auditing expertise;
 177 (8) Engage aviation industry representatives to ensure best practices for state aviation
 178 assets;
 179 (9) Delegate certain powers pursuant to this article to other state entities;
 180 (10) Otherwise implement appropriate and efficient management practices for state
 181 aviation operations; and
 182 (11) Enter into agreements with the Georgia Aviation Authority for mutual use of state
 183 airfields and appurtenances, including aircraft hangars."

184 **SECTION 5.**

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

187 **SECTION 6.**

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