

House Bill 414 (AS PASSED HOUSE AND SENATE)

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 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

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

SECTION 2.

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

"6-5-4.

(a) The general purpose of the authority shall be to acquire, operate, maintain, house, and dispose of all state aviation assets, except those aviation assets of the Department of Public Safety, 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, 2009, or a later date determined by the Governor, by any other entity of state government previously transferred to the authority by the Department of Public Safety and associated parts and equipment and a percentage of the budgeted operating funds associated with such aircraft~~ shall be transferred on ~~that date~~ September 1, 2011, back to the custody and control of the ~~authority~~ Department of Public Safety; provided, however, that this chapter shall have no application to aircraft owned or operated by the Department of Defense. On and after July 1, 2009, or a later date determined by the Governor, no other entity of state government, other than the Department of Public Safety, shall acquire, lease, or charter any aircraft other than through the authority. Any person who is employed by an entity of state government as a pilot and who is required by the terms of his or her employment to comply with the requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' ~~shall~~ may remain in the employment of the employing agency but shall be transferred for administrative purposes only to the authority on July 1, 2009, in compliance with subsection (c) of Code Section 6-5-3; provided, however, that those persons who are employed by the Department of Public Safety who are assigned for administrative purposes only to the authority shall be transferred back to the Department of Public Safety on September 1, 2011, and shall no longer be under the administration or direction of the authority. 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 authority; provided, however, that all airfields and appurtenances, including hangars, previously transferred by the Department of Public Safety to the authority shall be transferred back to the Department of Public Safety on September 1, 2011. The cost for the use of such state aircraft shall be charged by the authority to the using state entity. The amount of such charge shall be determined by the authority. The authority shall be authorized to dispose of any state aircraft and apply the proceeds derived therefrom to the purchase of replacement aviation assets.

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

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

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

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

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

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

(6) Retain appropriate external consulting and auditing expertise;

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

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

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

(c) The authority shall provide priority support for those state agencies and departments, including local and state public safety and law enforcement entities, whose operations require aviation operations when requested. No state entity other than the authority and the Department of Public Safety 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 without the approval of the authority.

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

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

SECTION 3.

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

"6-5-10.

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

SECTION 4.

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

"ARTICLE 7

35-2-140.

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

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

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

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

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

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

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

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

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

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

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

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

as a 'civil aircraft' under Part 91 of the Federal Aviation Regulations and charge agencies and other state entities for the full variable hourly costs for the operation of each type aircraft, evaluated annually and adjusted as necessary based upon the price of fuel, maintenance, and other fees that are a direct result of flying the aircraft on that specific trip; provided, however, that any billing to an agency by the department shall be suspended whenever the Governor declares a state of emergency on any cost associated with aircraft used during and in response to such state of emergency;

(7) Retain appropriate external consulting and auditing expertise;

(8) Engage aviation industry representatives to ensure best practices for state aviation assets;

(9) Delegate certain powers pursuant to this article to other state entities;

(10) Otherwise implement appropriate and efficient management practices for state aviation operations; and

(11) Enter into agreements with the Georgia Aviation Authority for mutual use of state airfields and appurtenances, including aircraft hangars."

SECTION 5.

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

SECTION 6.

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