

Senate Bill 339

By: Senators Miller of the 49th, Williams of the 19th, Mullis of the 53rd, Hill of the 32nd,
Millar of the 40th and others

AS PASSED

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 provide for the transfer of certain personnel, aircraft,
3 and other assets from the Georgia Aviation Authority to the Department of Natural
4 Resources, the State Forestry Commission, and the Department of Transportation; to provide
5 for related matters; to amend Title 12 of the Official Code of Georgia Annotated, relating to
6 conservation and natural resources, so as to transfer certain personnel, assets, and liabilities
7 of the Georgia Aviation Authority to the Department of Natural Resources and the State
8 Forestry Commission; to provide the Department of Natural Resources and the State Forestry
9 Commission with certain authority and duties with regard to aviation; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**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 Code Section 6-5-4, relating to the purpose of
15 the authority, powers, support, and annual audits, as follows:

16 "6-5-4.

17 (a)(1)(A) The general purpose of the authority shall be to acquire, operate, maintain,
18 house, and dispose of all state aviation assets, ~~except those aviation assets of the~~
19 ~~Department of Public Safety~~, to provide aviation services and oversight of state aircraft
20 and aviation operations to ensure the safety of state air travelers and aviation property,
21 to achieve policy objectives through aviation missions, and to provide for the efficient
22 operation of state aircraft.

23 (B) This Code section shall not diminish those powers and duties of the Department
24 of Natural Resources under Code Section 12-2-11, the State Forestry Commission
25 under Code Section 12-6-25, or the Department of Public Safety under Code Section
26 35-2-140.

27 (2)(A) All aircraft previously transferred to the authority by the Department of Public
 28 Safety and associated parts and equipment and a percentage of the budgeted operating
 29 funds associated with such aircraft shall be transferred on September 1, 2011, back to
 30 the custody and control of the Department of Public Safety; provided, however, that this
 31 chapter shall have no application to aircraft owned or operated by the Department of
 32 Defense.

33 (B) All aircraft under the custody and control of the authority as of June 30, 2012,
 34 which were previously transferred to the authority by the Department of Natural
 35 Resources and associated parts and equipment and any budgeted operating funds
 36 associated with such aircraft shall be transferred on July 1, 2012, back to the custody
 37 and control of the Department of Natural Resources.

38 (C) All aircraft under the custody and control of the authority as of June 30, 2012,
 39 which were previously transferred to the authority by the State Forestry Commission
 40 and associated parts and equipment and any budgeted operating funds associated with
 41 such aircraft shall be transferred on July 1, 2012, back to the custody and control of the
 42 State Forestry Commission.

43 (D) For purposes of aerial aviation photography, the King Air 90 aircraft that was
 44 specially equipped and adapted to perform essential aerial photography under the
 45 custody and control of the authority as of June 30, 2012, which was previously
 46 transferred to the authority by the Department of Transportation, and associated parts
 47 and equipment specific to that aircraft shall be transferred on July 1, 2012, back to the
 48 custody and control of the Department of Transportation. The Department of
 49 Transportation shall have the authority to own, operate, maintain, and dispose of
 50 aircraft to support the aerial photography mission needs of the department.

51 (3) On and after July 1, 2009, or a later date determined by the Governor, no other entity
 52 of state government, ~~other than the Department of Public Safety,~~ shall acquire, lease, or
 53 charter any aircraft other than through the authority.

54 (4)(A) Any person who is employed by an entity of state government as a pilot and
 55 who is required by the terms of his or her employment to comply with the
 56 requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and
 57 Training Act,' may remain in the employment of the employing agency but shall be
 58 transferred for administrative purposes only to the authority on July 1, 2009, in
 59 compliance with subsection (c) of Code Section 6-5-3; ~~provided, however, that those~~

60 (B) The provisions of subparagraph (A) of this paragraph notwithstanding:

61 (i) Those persons who are employed by the Department of Public Safety who are
 62 assigned for administrative purposes only to the authority shall be transferred back to

63 the Department of Public Safety on September 1, 2011, and shall no longer be under
64 the administration or direction of the authority.

65 (ii) Any persons who as of June 30, 2012, were employed by the authority pursuant
66 to previous transfer from the Department of Natural Resources to the authority shall
67 be transferred back to the Department of Natural Resources on July 1, 2012, and shall
68 no longer be under the administration or direction of the authority.

69 (iii) Any persons who as of June 30, 2012, were employed by the authority pursuant
70 to previous transfer from the State Forestry Commission to the authority shall be
71 transferred back to the State Forestry Commission on July 1, 2012, and shall no
72 longer be under the administration or direction of the authority.

73 (5)(A)(i) All state aircraft required for the proper conduct of the business of the
74 several administrative departments, boards, bureaus, commissions, authorities,
75 offices, or other agencies of Georgia and authorized agents of the General Assembly,
76 or either branch thereof, and department owned airfields and their appurtenances shall
77 be managed and maintained by the authority; ~~provided, however, that all~~

78 (ii) The provisions of division (i) of this subparagraph notwithstanding:

79 (I) All airfields and appurtenances, including hangars, previously transferred by the
80 Department of Public Safety to the authority shall be transferred back to the
81 Department of Public Safety on September 1, 2011.

82 (II) All airfields and appurtenances, including hangars, previously transferred by
83 the Department of Natural Resources to the authority shall be transferred back to the
84 Department of Natural Resources on July 1, 2012.

85 (III) All airfields and appurtenances, including hangars, previously transferred by
86 the State Forestry Commission to the authority shall be transferred back to the State
87 Forestry Commission on July 1, 2012.

88 (B) The cost for the use of such state aircraft shall be charged by the authority to the
89 using state entity. The amount of such charge shall be determined by the authority.

90 (6)(A) The authority shall be authorized to dispose of any state aircraft and apply the
91 proceeds derived therefrom to the purchase of replacement aviation assets.

92 (B) This paragraph shall not apply to state aircraft assigned to the Department of Public
93 Safety, the Department of Natural Resources, or the State Forestry Commission.

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

95 (1) ~~Organize, staff,~~ Hire, organize, and train personnel to operate, maintain, house,
96 purchase, and dispose of aviation assets;

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

- 99 (3) Develop operating, maintenance, safety, security, training, education, and scheduling
 100 standards for state aviation operations and conduct inspections, audits, and other similar
 101 oversight to determine practices and compliance with such standards;
- 102 (4) Develop an accountability system for state aviation operations and activities;
- 103 (5) Identify the costs associated with the training, education, and purchase, operation,
 104 maintenance, and administration of state aircraft and aviation operations and related
 105 facilities; ~~training, and education~~, develop an appropriate billing structure; and charge
 106 agencies and other state entities for the costs of state aircraft and aviation operations;
 107 provided, however, that any billing to an agency by the authority shall be suspended
 108 whenever the Governor declares a state of emergency on any cost associated with aircraft
 109 used during and in response to the state of emergency;
- 110 (6) Retain appropriate external consulting and auditing expertise;
- 111 (7) Engage aviation industry representatives to ensure best practices for state aviation
 112 assets;
- 113 (8) Delegate certain powers pursuant to this chapter to other state entities; and
- 114 (9) Otherwise implement appropriate and efficient management practices for state
 115 aviation operations.
- 116 (c)(1) The authority shall provide priority support for those state agencies and
 117 departments, including local and state public safety and law enforcement entities, whose
 118 operations require aviation operations when requested.
- 119 ~~(2)(A) No state entity other than the authority and the Department of Public Safety~~
 120 ~~shall be authorized without the approval of the authority to expend state funds to~~
 121 ~~purchase, lease, rent, charter, maintain, or repair state aircraft to be used in connection~~
 122 ~~with state business or to employ a person whose official duties consist of piloting state~~
 123 ~~aircraft without the approval of the authority.~~
- 124 (B) This paragraph shall not apply to the Department of Public Safety, the Department
 125 of Natural Resources, or the State Forestry Commission.
- 126 (d) The funds and assets of the authority, as well as the performance of the authority, its
 127 services, and equipment, shall be audited annually by the state auditor. ~~The initial audit~~
 128 ~~shall be concluded no later than December 30, 2010.~~ The results of such audit shall be
 129 open to inspection at reasonable times by any person. A copy of the audit report shall be
 130 sent to the state accounting officer. The authority shall also provide the Governor, the
 131 Speaker of the House, the President of the Senate, the chairperson of the House Committee
 132 on Public Safety and Homeland Security, the chairperson of the Senate Public Safety
 133 Committee, the chairperson of the Senate Veterans, Military and Homeland Security
 134 Committee, the chairperson of the House Committee on Transportation, and the
 135 chairperson of the Senate Transportation Committee with a copy of the state audit report

136 which shall include a full report of the activities and services of the authority. The
137 performance audit report shall be provided no later than December 31, 2013.

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

141 **SECTION 2.**

142 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
143 resources, is amended in Article 1 of Chapter 2, relating to general provisions relative to the
144 Department of Natural Resources, by adding a new Code section to read as follows:

145 "12-2-11.

146 (a)(1) The department shall be authorized to acquire, operate, maintain, house, and
147 dispose of all state aviation assets assigned to the department, to provide aviation services
148 and oversight of such state aircraft and aviation operations for the mission of the
149 department and legitimate state business purposes, to achieve policy objectives through
150 aviation missions, and to provide for the efficient operation of such state aircraft.

151 (2) All aircraft under the custody and control of the Georgia Aviation Authority as of
152 June 30, 2012, which were previously transferred to the authority by the department and
153 associated parts and equipment and any budgeted operating funds associated with such
154 aircraft shall be transferred on July 1, 2012, back to the custody and control of the
155 department.

156 (3) Any persons who as of June 30, 2012, were employed by the Georgia Aviation
157 Authority pursuant to previous transfer from the department to the authority shall be
158 transferred back to the department on July 1, 2012, and shall no longer be under the
159 administration or direction of the authority.

160 (4) All airfields and appurtenances, including hangars, previously transferred to the
161 Georgia Aviation Authority by the department and all accounts receivable, budgeted
162 operating funds, other funds, contracts, liabilities, and obligations associated with the
163 aircraft being transferred back to the department as of July 1, 2012, shall become the
164 property, accounts receivable, budgeted operating funds, other funds, contracts, liabilities,
165 and obligations of the department on such date.

166 (5) The department shall be responsible for providing aviation services in support of the
167 mission of the department. The department shall be authorized to dispose of any state
168 aircraft assigned to the department and apply the proceeds derived therefrom to the
169 purchase of replacement aviation assets.

170 (b) The department shall have the power to:

- 171 (1) Hire, organize, and train personnel to operate, maintain, house, purchase, and dispose
 172 of aviation assets;
- 173 (2) Purchase, lease, maintain, develop, and modify facilities to support aviation assets
 174 and operations;
- 175 (3) Develop operating, maintenance, safety, security, training, education, and scheduling
 176 standards for department aviation operations and conduct inspections, audits, and other
 177 similar oversight to determine practices and compliance with such standards;
- 178 (4) Develop an accountability system for department aviation operations and activities;
- 179 (5) Identify the costs associated with training, education, and the purchase, operation,
 180 maintenance, and administration of state aircraft assigned to the department and aviation
 181 operations and related facilities;
- 182 (6) In conjunction with the Georgia Aviation Authority, develop an appropriate joint
 183 billing structure for passenger transportation where the aircraft is designated and operated
 184 as a 'civil aircraft' under Part 91 of the Federal Aviation Regulations and charge agencies
 185 and other state entities for the full variable hourly costs for the operation of each type of
 186 aircraft, evaluated annually and adjusted as necessary based upon the price of fuel,
 187 maintenance, and other fees that are a direct result of flying the aircraft on that specific
 188 trip; provided, however, that any billing to an agency by the department shall be
 189 suspended whenever the Governor declares a state of emergency on any cost associated
 190 with aircraft used during and in response to such state of emergency;
- 191 (7) Retain appropriate external consulting and auditing expertise;
- 192 (8) Engage aviation industry representatives to ensure best practices for department
 193 aviation assets;
- 194 (9) Delegate certain powers pursuant to this article to other state entities;
- 195 (10) Otherwise implement appropriate and efficient management practices for
 196 department aviation operations; and
- 197 (11) Enter into agreements with the Georgia Aviation Authority for mutual use of state
 198 airfields and appurtenances, including aircraft hangars."

199 **SECTION 3.**

200 Said title is further amended in Part 1 of Article 1 of Chapter 6, relating to the State Forestry
 201 Commission, by adding a new Code section to read as follows:

202 "12-6-25.

203 (a)(1) The commission shall be authorized to acquire, operate, maintain, house, and
 204 dispose of all state aviation assets assigned to the commission, to provide aviation
 205 services and oversight of such state aircraft and aviation operations for the mission of the

206 commission and legitimate state business purposes, to achieve policy objectives through
207 aviation missions, and to provide for the efficient operation of such state aircraft.

208 (2) All aircraft under the custody and control of the Georgia Aviation Authority as of
209 June 30, 2012, which were previously transferred to the authority by the commission and
210 associated parts and equipment and any budgeted operating funds associated with such
211 aircraft shall be transferred on July 1, 2012, back to the custody and control of the
212 commission.

213 (3) Any persons who as of June 30, 2012, were employed by the Georgia Aviation
214 Authority pursuant to previous transfer from the commission to the authority shall be
215 transferred back to the commission on July 1, 2012, and shall no longer be under the
216 administration or direction of the authority.

217 (4) All airfields and appurtenances, including hangars, previously transferred to the
218 Georgia Aviation Authority by the commission and all accounts receivable, budgeted
219 operating funds, other funds, contracts, liabilities, and obligations associated with the
220 aircraft being transferred back to the commission as of July 1, 2012, shall become the
221 property, accounts receivable, budgeted operating funds, other funds, contracts, liabilities,
222 and obligations of the commission on such date.

223 (5) The commission shall be responsible for providing aviation services in support of the
224 mission of the commission. The commission shall be authorized to dispose of any state
225 aircraft assigned to the commission and apply the proceeds derived therefrom to the
226 purchase of replacement aviation assets.

227 (b) The commission shall have the power to:

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

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

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

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

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

239 (6) In conjunction with the Georgia Aviation Authority, develop an appropriate joint
240 billing structure for passenger transportation where the aircraft is designated and operated
241 as a 'civil aircraft' under Part 91 of the Federal Aviation Regulations and charge agencies
242 and other state entities for the full variable hourly costs for the operation of each type of

243 aircraft, evaluated annually and adjusted as necessary based upon the price of fuel,
244 maintenance, and other fees that are a direct result of flying the aircraft on that specific
245 trip; provided, however, that any billing to an agency by the commission shall be
246 suspended whenever the Governor declares a state of emergency on any cost associated
247 with aircraft used during and in response to such state of emergency;

248 (7) Retain appropriate external consulting and auditing expertise;

249 (8) Engage aviation industry representatives to ensure best practices for commission
250 aviation assets;

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

252 (10) Otherwise implement appropriate and efficient management practices for
253 commission aviation operations; and

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

256

SECTION 4.

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