

May 17, 2010

S 1168. CREATE AVIATION MANAGEMENT DIVISION. Filed 5/17/10. *TO CREATE THE AVIATION MANAGEMENT DIVISION; TO REQUIRE THE SALE OF CERTAIN STATE AIRCRAFT; TO CONSOLIDATE STATE AIRCRAFT FLEETS; AND TO MAKE CONFORMING STATUTORY CHANGES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE OF THE NORTH CAROLINA GENERAL ASSEMBLY.*

Effective October 1 2010. Renames the Division of Aviation of the Department of Transportation (DOT) as the Aviation Management Division of the DOT. Directs the Revisor of Statutes to update the statutes accordingly.

Enacts new Part 10, Aviation Management Division, of Article 8 of GS Chapter 143B. Establishes within the DOT the Aviation Management Division (AMD). Directs all state agencies (does not include units of local government) to use the AMD to arrange aviation passenger transport services and photogrammetry services. Specifies that *aviation passenger transport services* refer to the use of state-owned aircraft to transport persons and does not include travel on commercial flights.

Delineates the powers and duties of the AMD which include (1) acquiring, operating maintaining, and housing aircraft, (2) adopting guidelines to govern the use of state aircraft for passenger transportation services, and (3) developing a long term fleet management plan. Provides that the AMD may continue to exercise the powers and duties exercised by the Division of Aviation of the DOT before the enactment of the new Part 10.

Provides additional guidelines regarding AMD's acquisition and implementation of an electronic aviation resources management system and for the setting of fees for passenger transport and photogrammetry services. Provides that the setting of fees authorized under new Part 10 is not subject to the Administrative Procedure Act.

Requires the AMD to report annually by December 1 on the cost and efficiency of all state aviation programs to the Joint Legislative Commission on Governmental Operations, the Subcommittees on Transportation of the House of Representatives and Senate Appropriations Committees, and the Fiscal Research Division.

Transfers the Executive Aircraft Division of the Department of Commerce to the AMD of the DOT.

Additionally provides for the sale of specified aircraft. Prescribes guidelines for the transfer of aircraft to the AMD for appraisal and sale of the aircraft. Provides that the net proceeds from the sale of aircraft is to be remitted to the State Treasurer for deposit into the General Fund. Directs the Division of Forest Resources (DFR) in the Department of Environment and Natural Resources (DENR) to implement specified safety recommendations in the housing of its aircraft. Provides for the termination of leases on the sale of hangars, transfer of the NC Area Health Education Program, and economical means of housing DFR aircraft.

Effective July 1, 2010. Appropriates \$51,000 in recurring funds for 2010-2011 from the General Fund to the Division of Forest Resources of DENR to contract for additional aircraft support for fire protection as needed.

Effective October 1, 2011. Amends GS 143B-364.2, as enacted in proposed Part 10 of GS Chapter 143B, Article 8. Provides that the AMD will assume management oversight of non-passenger transport and non-photogrammetry aircraft; however, provides that non-passenger and non-photogrammetry aircraft will continue to be operated under the control of individual state agencies. Enumerates the powers and duties that the AMD will have over these aircraft. Also enumerates the general powers and duties of the AMD with regards to maintaining, developing, and promoting a statewide aviation system. Authorizes the ADM to charge an annual fee not to exceed 3% of the total annual operating cost of the assessed aviation program for the oversight of other aviation programs. Requires state aviation programs to supply any data requested by the AMD to facilitate the AMD's aviation management oversight. Authorizes the AMD to suspend and ground all program aircraft of a state aviation program that (1) fails to supply requested information, or (2) supplies data that indicates that the aviation program is not in compliance with the AMD's policies and procedures providing that suspension will not immediately endanger life or property.

Makes additional conforming changes.

Intro. by Clodfelter.

GS 143B, APPROP

