

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1132

Introduced by

Government and Veterans Affairs Committee

(At the request of the North Dakota Aeronautics Commission)

1 A BILL for an Act to amend and reenact sections 2-05-03, 2-05-04, 2-05-05, and 2-05-06.5,
2 subsection 3 of section 2-05-11.1, and sections 2-05-11.3 and 57-43.3-06 of the North Dakota
3 Century Code, relating to the powers and duties of the aeronautics commission and the
4 distribution of aviation fuel tax revenue; to repeal sections 2-05-06.4, 2-05-08, 2-05-12, 2-05-15,
5 2-05-15.1, 2-05-16, and 2-05-17 of the North Dakota Century Code, relating to the powers and
6 duties of the aeronautics commission; and to declare an emergency.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 2-05-03 of the North Dakota Century Code is amended
9 and reenacted as follows:

10 **2-05-03. Powers and duties of director.**

11 The director shall be the executive officer of the commission. The director shall attend all
12 meetings of the commission, but has no voting power. At the direction of the commission, the
13 director shall, together with the chairman of the commission, execute all contracts entered into
14 by the commission which are legally authorized. The director shall appoint, subject to the
15 approval of the commission, such employees as may be necessary for the proper discharge of
16 the functions of the commission. The director shall act as the agent of the tax commissioner for
17 purposes of enforcement of chapter 57-40.5. ~~Whenever requested by the director of the~~
18 ~~department of transportation as provided in section 24-02-01.3, the director shall report~~
19 ~~administratively concerning all activities of the aeronautics commission.~~

20 **SECTION 2. AMENDMENT.** Section 2-05-04 of the North Dakota Century Code is amended
21 and reenacted as follows:

22 **2-05-04. Commission ~~organization~~ - ~~Reports~~reports - Offices.**

23 ~~Within thirty days after its appointment, the commission shall organize and adopt rules for~~
24 ~~its administration as it may determine to be expedient.~~ The commission may submit a biennial

1 report to the governor and the secretary of state in accordance with section 54-06-04. The
2 commission shall maintain its office in the state capitol or as authorized under section 54-21-24.

3 **SECTION 3. AMENDMENT.** Section 2-05-05 of the North Dakota Century Code is amended
4 and reenacted as follows:

5 **2-05-05. Duty of commission in development of aeronautics.**

6 The commission shall have general supervision over aeronautics within this state and shall:

- 7 1. Encourage the establishment of airports and air navigation facilities;
- 8 2. Cooperate with and assist the federal government, the municipalities of this state, and
9 other persons in the development and coordination of all aeronautical activities;
- 10 3. Represent the state in aeronautical matters before state and federal agencies; and
- 11 4. Participate as party plaintiff or defendant or as intervener on behalf of the state or any
12 municipality ~~or citizen thereof~~ in any controversy which involves the interest of the
13 state in aeronautics;
- 14 5. Establish or promote with the public sector or private sector, or both, and provide
15 financing, in whole or in part, of aeronautical educational programs and support of the
16 educational programs of aeronautical museums in the state; and
- 17 6. Establish or promote with the public sector or private sector, or both, and provide
18 financing, in whole or in part, of programs informing the public of commercial and
19 general aviation services available in the state.

20 **SECTION 4. AMENDMENT.** Section 2-05-06.5 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **2-05-06.5. State assistance for airports.**

23 Each public airport owned or operated by a public entity and each airport operated by an
24 airport authority in this state which is served by at least one airline which is certified by the
25 federal aviation administration or was at one time served by an airline certified by the federal
26 aviation administration, ~~but is served by a scheduled commuter airline certified by the North~~
27 ~~Dakota aeronautics commission~~ may be provided assistance according to guidelines
28 established by the commission by rule, within the limits of legislative appropriations. The
29 governing body or airport authority which operates an airport that receives assistance under this
30 section shall deposit the moneys received in the same account or accounts as other airport

1 funds are deposited and may expend the moneys as provided by law for other airport funds,
2 including matching any funds made available by the United States.

3 **SECTION 5. AMENDMENT.** Subsection 3 of section 2-05-11.1 of the North Dakota Century
4 Code is amended and reenacted as follows:

5 3. "Warbird aircraft" means ~~an~~military aircraft ~~built before January 1, 1948, expressly for~~
6 ~~the purpose of~~no longer in military service.

7 **SECTION 6. AMENDMENT.** Section 2-05-11.3 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **2-05-11.3. Fee for a permanent registration - Issuance of registration decal -**
10 **Disposition of fee.**

11 The fee for a permanent registration under section 2-05-11.2 is eighty-five dollars. The
12 commission shall prepare a distinctive decal denoting permanent registration under section
13 2-05-11.2. ~~That decal must be displayed in the aircraft in the same manner required for the~~
14 ~~registration decal otherwise issued under this chapter.~~ The fee must be deposited in the
15 aeronautics commission special fund.

16 **SECTION 7. AMENDMENT.** Section 57-43.3-06 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **~~57-43.3-06. (Effective through June 30, 2011) Distribution of revenue.~~**

19 The tax collected by the commissioner pursuant to section 57-43.3-04 must be deposited by
20 the commissioner in the office of the state treasurer, who shall deposit such moneys in a special
21 fund known as the state aeronautics commission special fund. These funds are appropriated to
22 the commission, and must be disbursed by warrant-check prepared by the office of
23 management and budget upon vouchers submitted by the commission and approved by the
24 office of management and budget, for commission administration and the purpose of providing
25 up to ninety percent of the project costs if the political subdivision or airport authority is not
26 qualified for or does not receive any funds under section 2-05-06.5. These funds must be used
27 for airport construction or improvement projects, including airport administration and terminal
28 buildings, hangars, landing strips for aircraft, and purchase of sites for airports or landing fields
29 and easements and for maintenance and maintenance equipment, clearing of sites, marking,
30 lighting, and engineering and navigational aids, all related to aeronautics in amounts as the
31 commission may determine and upon projects as the commission may approve.

1 ~~(Effective after June 30, 2011) Distribution of revenue.~~ The tax collected by the
2 commissioner pursuant to section 57-43.3-04 must be deposited by the commissioner in the
3 office of the state treasurer, who shall deposit such moneys in a special fund known as the state
4 aeronautics commission special fund. These funds are appropriated to the commission, and
5 must be disbursed by warrant check prepared by the office of management and budget upon
6 vouchers submitted by the commission and approved by the office of management and budget,
7 for commission administration and the purpose of matching of any funds made available by
8 political subdivisions or airport authorities of this state, the state, or the United States, only if the
9 political subdivision or airport authority is not qualified for or does not receive any funds under
10 section 2-05-06.5. These funds must be used for airport construction or improvement projects,
11 including airport administration and terminal buildings, hangars, landing strips for aircraft, and
12 purchase of sites for airports or landing fields and easements and for maintenance, clearing of
13 sites, marketing, lighting, and engineering and navigational aids, all related to aeronautics in
14 amounts as the commission may determine and upon projects as the commission may approve.

15 **SECTION 8. REPEAL.** Sections 2-05-06.4, 2-05-08, 2-05-12, 2-05-15, 2-05-15.1, 2-05-16,
16 and 2-05-17 of the North Dakota Century Code are repealed.

17 **SECTION 9. EMERGENCY.** Section 7 of this Act is declared to be an emergency measure.