

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1033

Introduced by

Legislative Management

(Government Services Committee)

1 A BILL for an Act to require authorization of the purchase or lease of aircraft; to provide for the
2 use of department of transportation airplanes; to provide for the sale of airplanes; to provide
3 legislative intent; to provide for budget section approval; and to provide an appropriation.

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

5 **SECTION 1.**

6 **Authorization to purchase or lease aircraft - Legislative assembly or budget section**
7 **approval.**

8 A state agency or other entity of state government may not purchase or lease an aircraft
9 without specific authorization from the legislative assembly or the budget section of the
10 legislative management if the legislative assembly is not in session. This section does not apply
11 to aircraft purchased or leased by the office of the adjutant general or the university of North
12 Dakota school of aviation.

13 **SECTION 2.**

14 **Use of department of transportation airplanes.**

15 Upon request, the department of transportation shall provide air transportation services to
16 other state agencies. Each agency using air transportation services from the department shall
17 pay a user charge determined by the department of transportation which must be based upon
18 the actual cost of operating the aircraft. The department shall give priority to requests for air
19 transportation services from the attorney general's office when the request is for law
20 enforcement purposes. The director of the department of transportation shall allow employees
21 of other state agencies to operate the department's airplanes for official purposes if the
22 employee is properly licensed and has the proper rating and type endorsement to operate the
23 requested airplane.

1 **SECTION 3. SALE OR DISPOSAL OF DEPARTMENT OF TRANSPORTATION**

2 **AIRPLANES.** The director of the department of transportation shall sell or dispose of the
3 department's 1977 piper cheyenne airplane and the department's 1975 cessna skymaster
4 airplane. The proceeds from the sale or disposal of the airplanes must be ~~used for replacement~~
5 ~~airplane purchases as provided in section 6 of this Act~~ remitted to the state treasurer for deposit
6 in the general fund. After June 30, 2014, the department may not use any funds appropriated by
7 the legislative assembly to maintain or operate the department's 1977 piper cheyenne airplane
8 or the department's 1975 cessna skymaster airplane.

9 **SECTION 4. LEGISLATIVE INTENT - DISPOSAL OF ATTORNEY GENERAL'S OFFICE**

10 **AIRPLANE.** ~~The~~ It is the intent of the sixty-third legislative assembly that the attorney general's
11 office shall ~~sell or~~ dispose of the office's 1965 beechcraft baron airplane or transfer the title of
12 the airplane to an eligible entity in accordance with the agreement entered by the office to
13 obtain the airplane. ~~The proceeds from the sale of the airplane must be retained by the attorney~~
14 ~~general's office and used in accordance with the agreement entered by the office to obtain the~~
15 ~~airplane. After June 30, 2014, the office may not use any funds appropriated by the legislative~~
16 ~~assembly to maintain or operate the airplane.~~

17 **SECTION 5. NORTH DAKOTA STATE UNIVERSITY AIRPLANE.** After June 30, 2014,
18 North Dakota state university may not use any funds appropriated by the legislative assembly,
19 including funds from continuing appropriations authorized by the legislative assembly, for the
20 purpose of leasing an airplane.

21 **SECTION 6. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - AIRPLANE**

22 **REPLACEMENT - BUDGET SECTION APPROVAL - ADVISORY COMMITTEE.** There is
23 appropriated out of any moneys in the general fund in the state treasury, not otherwise
24 appropriated, the sum of \$4,500,000, or so much of the sum as may be necessary, to the
25 department of transportation for the purpose of purchasing replacement airplanes for the
26 department's airplane fleet, for the biennium beginning July 1, 2013, and ending June 30, 2015.
27 ~~The appropriation provided in this section must be reduced by an amount equal to the total~~
28 ~~proceeds received from the sale or disposal of department airplanes as provided in section 3 of~~
29 ~~this Act.~~ The department of transportation must receive budget section approval prior to
30 expending any funds appropriated under this section in excess of \$4,000,000. The funding
31 provided in this section is considered a one-time funding item.

1 During the biennium beginning July 1, 2013, and ending June 30, 2015, the department of
2 transportation shall establish an airplane replacement advisory committee to advise the
3 department of transportation regarding the purchase of replacement airplanes authorized under
4 this section. The members of the advisory committee include:

5 1. The director of the department of transportation or the director's designee who shall
6 serve as chairman;

7 2. The director of the aeronautics commission or the director's designee;

8 3. The director of the office of management and budget or the director's designee; and

9 4. Two members of the legislative assembly appointed by the chairman of the legislative
10 management.

11 The committee shall meet at the call of the chairman. The members of the committee who are
12 members of the legislative assembly are entitled to receive compensation and expense
13 reimbursement as provided under section 54-03-20 and reimbursement for mileage as provided
14 by law for state officers. The legislative council shall pay the compensation and expense
15 reimbursement for the legislative members.