

Sixty-third
Legislative Assembly
of North Dakota

REENGROSSED 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~~disposition of airplanes; to
3 provide legislative intent; to provide for budget section approval; to provide for a report to the
4 sixty-fourth legislative assembly; and to provide an appropriation.

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

6 **SECTION 1.**

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

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

14 **SECTION 2.**

15 **Use of department of transportation airplanes.**

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

1 **SECTION 3. SALE OR DISPOSAL**DISPOSITION OF DEPARTMENT OF
2 **TRANSPORTATION AIRPLANES.** The director of the department of transportation shall ~~sell or~~
3 dispose of, by sale or trade, the department's 1977 piper cheyenne airplane and the
4 department's 1975 cessna skymaster airplane. ~~The~~if the airplanes are sold, the proceeds from
5 the sale ~~or disposal~~ of the airplanes must be remitted to the state treasurer for deposit in the
6 general fund. After June 30, 2014, the department may not use any funds appropriated by the
7 legislative assembly to maintain or operate the department's 1977 piper cheyenne airplane or
8 the department's 1975 cessna skymaster airplane.

9 ~~— SECTION 4. LEGISLATIVE INTENT - DISPOSAL OF ATTORNEY GENERAL'S OFFICE~~
10 ~~AIRPLANE. It is the intent of the sixty-third legislative assembly that the attorney general's~~
11 ~~office shall dispose of the office's 1965 beechcraft baron airplane or transfer the title of the~~
12 ~~airplane to an eligible entity in accordance with the agreement entered by the office to obtain~~
13 ~~the airplane.~~

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

18 **SECTION 4. LEGISLATIVE INTENT - NORTH DAKOTA STATE UNIVERSITY AIRPLANE**
19 **LEASE - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** It is the intent of the
20 sixty-third legislative assembly that before June 30, 2017, North Dakota state university
21 discontinue the lease entered by the university for a KingAir B200 airplane and that North
22 Dakota state university provide a report to the appropriations committees of the sixty-fourth
23 legislative assembly regarding the status of its KingAir B200 airplane lease and efforts to utilize
24 other air transportation services.

25 **SECTION 5. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - AIRPLANE**
26 **REPLACEMENT - BUDGET SECTION APPROVAL - ADVISORY COMMITTEE.** There is
27 appropriated out of any moneys in the general fund in the state treasury, not otherwise
28 appropriated, the sum of \$4,500,000, or so much of the sum as may be necessary, to the
29 department of transportation for the purpose of purchasing replacement airplanes for the
30 department's airplane fleet, for the biennium beginning July 1, 2013, and ending June 30, 2015.
31 The department of transportation must receive budget section approval prior to expending any

1 funds appropriated under this section in excess of \$4,000,000. The funding provided in this
2 section is considered a one-time funding item.

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

- 7 1. The director of the department of transportation or the director's designee who shall
8 serve as chairman;
- 9 2. The director of the aeronautics commission or the director's designee;
- 10 3. The director of the office of management and budget or the director's designee; and
- 11 4. Two members of the legislative assembly appointed by the chairman of the legislative
12 management.

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