

**HOUSE BILL NO. 1230**

Introduced by

Representatives Schreiber-Beck, D. Anderson, Hatlestad, Roers Jones, Zubke

Senators Klein, Kreun, J. Roers

1 A BILL for an Act to amend and reenact section 54-06-37 of the North Dakota Century Code,  
2 relating to the lease of ~~a manned~~ aircraft ~~in an emergency~~.

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

4 **SECTION 1. AMENDMENT.** Section 54-06-37 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **54-06-37. Authorization to purchase or lease aircraft - Legislative assembly or budget**  
7 **section approval - Exception.**

8 A

9 1. As used in this section, ~~"airworthy"~~:

10 a. "Aircraft" means a device weighing more than fifty-five pounds which is used or  
11 intended to be used for flight in the air.

12 b. "Airworthy" means an aircraft conforms to its type design and is in a condition for  
13 safe operation.

14 2. Except as otherwise provided in subsections 3 and 4, a state agency or other entity of  
15 state government may not purchase or lease ~~an a-manned~~ aircraft without specific  
16 authorization from the legislative assembly or the budget section of the legislative  
17 management if the legislative assembly is not in session.

18 3. In an emergency circumstance, a state agency, department, or institution may lease ~~a~~  
19 ~~manned~~ an aircraft without approval from the legislative assembly or the budget  
20 section if an aircraft currently leased or owned by the state agency, department, or  
21 institution is not airworthy. The emergency lease under this subsection may extend  
22 only until the aircraft deemed not airworthy is determined to be airworthy.

23 4. A state agency, department, or institution may purchase a replacement aircraft without  
24 approval from the legislative assembly or the budget section if an aircraft is destroyed

- 1            beyond repair and only insurance proceeds are used for the purchase of the  
2            replacement aircraft. If the purchase price of a replacement aircraft exceeds the  
3            insurance proceeds, the state agency, department, or institution must receive  
4            authorization in accordance with subsection 2.
- 5            5. This section does not apply to aircraft purchased or leased by the office of the adjutant  
6            general or the university of North Dakota school of aviation.