

**HOUSE BILL NO. 1033**

Introduced by

Legislative Management

(Government Services Committee)

1 A BILL ~~for an Act to provide for the creation of a central aircraft management system for~~  
2 ~~state-owned or state-leased aircraft and to create a central aircraft management fund; and to~~  
3 ~~provide for the transfer of aircraft to the central aircraft management system.~~for an Act to  
4 require authorization of the purchase or lease of aircraft; to provide for the use of department of  
5 transportation airplanes; to provide for the sale of airplanes; and to provide an appropriation.

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

7 ~~SECTION 1.~~

8 ~~Definitions.~~

9 ~~As used in this chapter unless the context otherwise requires:~~

10 ~~1. "Aircraft" means an airplane or a helicopter.~~

11 ~~2. "Department" means the department of transportation.~~

12 ~~3. "Director" means the director of the department of transportation or the director's~~  
13 ~~designee.~~

14 ~~4. "State agency" means an agency, board, bureau, commission, department, institution,~~  
15 ~~office, or any other entity of the executive branch of state government, excluding:~~

16 ~~a. The office of the adjutant general; and~~

17 ~~b. Entities under the control of the state board of higher education.~~

18 ~~**Central aircraft management system for state-owned aircraft.**~~

19 ~~1. The director shall establish within the department a central aircraft management~~  
20 ~~system to regulate the operation, maintenance, and management of all aircraft owned~~  
21 ~~or leased by the state for use by state agencies subject to this chapter. The director~~  
22 ~~shall provide a uniform method of recording and reporting the utilization, aircraft hours,~~  
23 ~~and other costs of operating the aircraft. The director, within legislative authorizations,~~  
24 ~~may employ personnel necessary to carry out the duties prescribed by this Act. The~~

1 ~~director shall advise the director of the office of management and budget regarding the~~  
2 ~~need to acquire or dispose of system aircraft.~~

3 ~~2. Every state agency must use the central aircraft management system for air-related~~  
4 ~~transportation or other aircraft operations. However, a state agency may authorize an~~  
5 ~~officer or employee to use a private passenger airplane pursuant to section 54-06-09~~  
6 ~~or a commercial air service. Upon agreement between a state agency and the director,~~  
7 ~~the director may purchase or lease specialized aircraft for use by the agency that~~  
8 ~~meets specifications set by the agency. The director shall enter agreements with the~~  
9 ~~highway patrol, aeronautics commission, and game and fish department regarding the~~  
10 ~~exclusive use of specialized aircraft operated by these agencies.~~

11 ~~**User charges - Incidental revenues.**~~

12 ~~Each agency using the central aircraft management system shall pay a user charge to the~~  
13 ~~director. The director shall determine the user charge which must be based upon the actual cost~~  
14 ~~of operating the aircraft, including applicable pilot costs and other operational costs,~~  
15 ~~depreciation costs, and estimated aircraft replacement costs. The user charges and any~~  
16 ~~proceeds from insurance claims, aircraft sales, commercial refunds or rebates, or similarly~~  
17 ~~derived proceeds must be remitted to the state treasurer for deposit in the central aircraft~~  
18 ~~management fund.~~

19 ~~**Central aircraft management fund.**~~

20 ~~The central aircraft management fund is a special fund in the state treasury. Moneys in the~~  
21 ~~fund are available, subject to legislative appropriations, to the department of transportation for~~  
22 ~~expenses related to the operation of the central aircraft management system.~~

23 ~~**SECTION 2. TRANSFER OF STATE-OWNED OR STATE-LEASED AIRCRAFT.** The title or~~  
24 ~~other documents representing ownership of aircraft owned or leased by a state agency subject~~  
25 ~~to section 1 of this Act must be transferred to the director of the department of transportation on~~  
26 ~~July 1, 2013.~~

27 **SECTION 1.**

28 **Authorization to purchase or lease aircraft - Legislative assembly or budget section**  
29 **approval.**

30 **A state agency or other entity of state government may not purchase or lease an aircraft**  
31 **without specific authorization from the legislative assembly or the budget section of the**

1 legislative management if the legislative assembly is not in session. This section does not apply  
2 to aircraft purchased or leased by the office of the adjutant general or the university of North  
3 Dakota school of aviation.

4 **SECTION 2.**

5 **Use of department of transportation airplanes.**

6 Upon request, the department of transportation shall provide air transportation services to  
7 other state agencies. Each agency using air transportation services from the department shall  
8 pay a user charge determined by the department of transportation which must be based upon  
9 the actual cost of operating the aircraft. The department shall give priority to requests for air  
10 transportation services from the attorney general's office when the request is for law  
11 enforcement purposes. The director of the department of transportation shall allow employees  
12 of other state agencies to operate the department's airplanes for official purposes if the  
13 employee is properly licensed and has the proper rating and type endorsement to operate the  
14 requested airplane.

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

16 **AIRPLANES.** The director of the department of transportation shall sell or dispose of the  
17 department's 1977 piper cheyenne airplane and the department's 1975 cessna skymaster  
18 airplane. The proceeds from the sale or disposal of the airplanes must be used for replacement  
19 airplane purchases as provided in section 6 of this Act. After June 30, 2014, the department  
20 may not use any funds appropriated by the legislative assembly to maintain or operate the  
21 department's 1977 piper cheyenne airplane or the department's 1975 cessna skymaster  
22 airplane.

23 **SECTION 4. DISPOSAL OF ATTORNEY GENERAL'S OFFICE AIRPLANE.** The attorney

24 general's office shall sell or dispose of the office's 1965 beechcraft baron airplane. The  
25 proceeds from the sale of the airplane must be retained by the attorney general's office and  
26 used in accordance with the agreement entered by the office to obtain the airplane. After  
27 June 30, 2014, the office may not use any funds appropriated by the legislative assembly to  
28 maintain or operate the airplane.

29 **SECTION 5. NORTH DAKOTA STATE UNIVERSITY AIRPLANE.** After June 30, 2014,

30 North Dakota state university may not use any funds appropriated by the legislative assembly,

1 including funds from continuing appropriations authorized by the legislative assembly, for the  
2 purpose of leasing an airplane.

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

4 **REPLACEMENT.** There is appropriated out of any moneys in the general fund in the state  
5 treasury, not otherwise appropriated, the sum of \$4,500,000, or so much of the sum as may be  
6 necessary, to the department of transportation for the purpose of purchasing replacement  
7 airplanes for the department's airplane fleet, for the biennium beginning July 1, 2013, and  
8 ending June 30, 2015. The appropriation provided in this section must be reduced by an  
9 amount equal to the total proceeds received from the sale or disposal of department airplanes  
10 as provided in section 3 of this Act. The funding provided in this section is considered a  
11 one-time funding item.