

**SECOND ENGROSSMENT
with Senate Amendments
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 of airplanes; to provide for
3 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. Unless waived by the department, each agency using air transportation
17 services from the department shall pay a user charge determined by the department of
18 transportation which must be based upon the actual cost of operating the aircraft. The
19 department shall give priority to requests for air transportation services from the attorney
20 general's office when the request is for law enforcement purposes. The director of the
21 department of transportation shall allow employees of other state agencies to operate the
22 department's airplanes for official purposes if the employee is properly licensed and has the
23 proper rating and type endorsement to operate the 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 remitted to the state
5 treasurer for deposit in the general fund. After June 30, 2014, the department may not use any
6 funds appropriated by the legislative assembly to maintain or operate the department's 1977
7 piper cheyenne airplane or the department's 1975 cessna skymaster airplane.

8 **SECTION 4. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - AIRPLANE**

9 **REPLACEMENT - BUDGET SECTION APPROVAL - ADVISORY COMMITTEE.** There is
10 appropriated out of any moneys in the general fund in the state treasury, not otherwise
11 appropriated, the sum of \$4,500,000, or so much of the sum as may be necessary, to the
12 department of transportation for the purpose of purchasing replacement airplanes for the
13 department's airplane fleet, for the biennium beginning July 1, 2013, and ending June 30, 2015.
14 The department of transportation must receive budget section approval prior to expending any
15 funds appropriated under this section in excess of \$4,000,000. The funding provided in this
16 section is considered a one-time funding item.

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

- 21 1. The director of the department of transportation or the director's designee who shall
22 serve as chairman;
- 23 2. The director of the aeronautics commission or the director's designee;
- 24 3. The director of the office of management and budget or the director's designee; and
- 25 4. Two members of the legislative assembly appointed by the chairman of the legislative
26 management.

27 The committee shall meet at the call of the chairman. The members of the committee who are
28 members of the legislative assembly are entitled to receive compensation and expense
29 reimbursement as provided under section 54-03-20 and reimbursement for mileage as provided
30 by law for state officers. The legislative council shall pay the compensation and expense
31 reimbursement for the legislative members.