

**SECOND ENGROSSMENT  
with Conference Committee 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 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. Unless waived by the department, each agency using air transportation  
18 services from the department shall pay a user charge determined by the department of  
19 transportation. The department shall give priority to requests for air transportation services from  
20 the attorney general's office when the request is for law enforcement purposes. The director of  
21 the 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. DISPOSITION OF DEPARTMENT OF TRANSPORTATION AIRPLANES.** The  
2 director of the department of transportation shall dispose of, by sale or trade, the department's  
3 1977 piper cheyenne airplane and the department's 1975 cessna skymaster airplane. If the  
4 airplanes are sold, the proceeds from the sale 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. LEGISLATIVE INTENT - NORTH DAKOTA STATE UNIVERSITY AIRPLANE**  
9 **LEASE - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** It is the intent of the  
10 sixty-third legislative assembly that before June 30, 2017, North Dakota state university  
11 discontinue the lease entered by the university for a KingAir B200 airplane and that North  
12 Dakota state university provide a report to the appropriations committees of the sixty-fourth  
13 legislative assembly regarding the status of its KingAir B200 airplane lease and efforts to utilize  
14 other air transportation services.

15       **SECTION 5. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - AIRPLANE**  
16 **REPLACEMENT - BUDGET SECTION APPROVAL - ADVISORY COMMITTEE.** There is  
17 appropriated out of any moneys in the general fund in the state treasury, not otherwise  
18 appropriated, the sum of \$4,500,000, or so much of the sum as may be necessary, to the  
19 department of transportation for the purpose of purchasing replacement airplanes for the  
20 department's airplane fleet, for the biennium beginning July 1, 2013, and ending June 30, 2015.  
21 The department of transportation must receive budget section approval prior to expending any  
22 funds appropriated under this section in excess of \$4,000,000. The funding provided in this  
23 section is considered a one-time funding item.

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

- 28       1. The director of the department of transportation or the director's designee who shall  
29       serve as chairman;
- 30       2. The director of the aeronautics commission or the director's designee;
- 31       3. The director of the office of management and budget or the director's designee; and

Sixty-third  
Legislative Assembly

- 1           4.   Two members of the legislative assembly appointed by the chairman of the legislative  
2                   management.
- 3   The committee shall meet at the call of the chairman. The members of the committee who are  
4   members of the legislative assembly are entitled to receive compensation and expense  
5   reimbursement as provided under section 54-03-20 and reimbursement for mileage as provided  
6   by law for state officers. The legislative council shall pay the compensation and expense  
7   reimbursement for the legislative members.