

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1033
(Legislative Management)
(Government Services Committee)

AN ACT to require authorization of the purchase or lease of aircraft; to provide for the use of department of transportation airplanes; to provide for the disposition of airplanes; to provide legislative intent; to provide for budget section approval; to provide for a report to the sixty-fourth legislative assembly; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1.

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

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

SECTION 2.

Use of department of transportation airplanes.

Upon request, the department of transportation shall provide air transportation services to other state agencies. Unless waived by the department, each agency using air transportation services from the department shall pay a user charge determined by the department of transportation. The department shall give priority to requests for air transportation services from the attorney general's office when the request is for law enforcement purposes. The director of the department of transportation shall allow employees of other state agencies to operate the department's airplanes for official purposes if the employee is properly licensed and has the proper rating and type endorsement to operate the requested airplane.

SECTION 3. DISPOSITION OF DEPARTMENT OF TRANSPORTATION AIRPLANES. The director of the department of transportation shall dispose of, by sale or trade, the department's 1977 piper cheyenne airplane and the department's 1975 cessna skymaster airplane. If the airplanes are sold, the proceeds from the sale of the airplanes must be remitted to the state treasurer for deposit in the general fund. After June 30, 2014, the department may not use any funds appropriated by the legislative assembly to maintain or operate the department's 1977 piper cheyenne airplane or the department's 1975 cessna skymaster airplane.

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

SECTION 5. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - AIRPLANE REPLACEMENT - BUDGET SECTION APPROVAL - ADVISORY COMMITTEE. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,500,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of purchasing replacement airplanes for the department's airplane fleet, for the biennium

beginning July 1, 2013, and ending June 30, 2015. The department of transportation must receive budget section approval prior to expending any funds appropriated under this section in excess of \$4,000,000. The funding provided in this section is considered a one-time funding item.

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

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1033.

House Vote: Yeas 68 Nays 22 Absent 4

Senate Vote: Yeas 43 Nays 2 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State