

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE BILL NO. 1132
(Government and Veterans Affairs Committee)
(At the request of the North Dakota Aeronautics Commission)

AN ACT to amend and reenact sections 2-05-03, 2-05-04, 2-05-05, and 2-05-06.5, subsection 3 of section 2-05-11.1, and sections 2-05-11.3 and 57-43.3-06 of the North Dakota Century Code, relating to the powers and duties of the aeronautics commission and the distribution of aviation fuel tax revenue; to repeal sections 2-05-06.4, 2-05-08, 2-05-12, 2-05-15, 2-05-15.1, 2-05-16, and 2-05-17 of the North Dakota Century Code, relating to the powers and duties of the aeronautics commission; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2-05-03 of the North Dakota Century Code is amended and reenacted as follows:

2-05-03. Powers and duties of director.

The director shall be the executive officer of the commission. The director shall attend all meetings of the commission, but has no voting power. At the direction of the commission, the director shall, together with the chairman of the commission, execute all contracts entered into by the commission which are legally authorized. The director shall appoint, subject to the approval of the commission, such employees as may be necessary for the proper discharge of the functions of the commission. The director shall act as the agent of the tax commissioner for purposes of enforcement of chapter 57-40.5. ~~Whenever requested by the director of the department of transportation as provided in section 24-02-01.3, the director shall report administratively concerning all activities of the aeronautics commission.~~

SECTION 2. AMENDMENT. Section 2-05-04 of the North Dakota Century Code is amended and reenacted as follows:

2-05-04. Commission ~~organization~~ - ~~Reports~~reports - Offices.

~~Within thirty days after its appointment, the commission shall organize and adopt rules for its administration as it may determine to be expedient.~~ The commission may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. The commission shall maintain its office in the state capitol or as authorized under section 54-21-24.

SECTION 3. AMENDMENT. Section 2-05-05 of the North Dakota Century Code is amended and reenacted as follows:

2-05-05. Duty of commission in development of aeronautics.

The commission shall have general supervision over aeronautics within this state and shall:

1. Encourage the establishment of airports and air navigation facilities;
2. Cooperate with and assist the federal government, the municipalities of this state, and other persons in the development and coordination of all aeronautical activities;
3. Represent the state in aeronautical matters before state and federal agencies; ~~and~~

4. Participate as party plaintiff or defendant or as intervener on behalf of the state or any municipality ~~or citizen thereof~~ in any controversy which involves the interest of the state in aeronautics;
5. Establish or promote with the public sector or private sector, or both, and provide financing, in whole or in part, of aeronautical educational programs and support of the educational programs of aeronautical museums in the state; and
6. Establish or promote with the public sector or private sector, or both, and provide financing, in whole or in part, of programs informing the public of commercial and general aviation services available in the state.

SECTION 4. AMENDMENT. Section 2-05-06.5 of the North Dakota Century Code is amended and reenacted as follows:

2-05-06.5. State assistance for airports.

Each public airport owned or operated by a public entity and each airport operated by an airport authority in this state which is served by at least one airline which is certified by the federal aviation administration or was at one time served by an airline certified by the federal aviation administration, ~~but is served by a scheduled commuter airline certified by the North Dakota aeronautics commission~~ may be provided assistance according to guidelines established by the commission by rule, within the limits of legislative appropriations. The governing body or airport authority which operates an airport that receives assistance under this section shall deposit the moneys received in the same account or accounts as other airport funds are deposited and may expend the moneys as provided by law for other airport funds, including matching any funds made available by the United States.

SECTION 5. AMENDMENT. Subsection 3 of section 2-05-11.1 of the North Dakota Century Code is amended and reenacted as follows:

3. "Warbird aircraft" means an military aircraft built before January 1, 1948, expressly for the purpose of no longer in military service.

SECTION 6. AMENDMENT. Section 2-05-11.3 of the North Dakota Century Code is amended and reenacted as follows:

2-05-11.3. Fee for a permanent registration - Issuance of registration decal - Disposition of fee.

The fee for a permanent registration under section 2-05-11.2 is eighty-five dollars. The commission shall prepare a distinctive decal denoting permanent registration under section 2-05-11.2. ~~That decal must be displayed in the aircraft in the same manner required for the registration decal otherwise issued under this chapter.~~ The fee must be deposited in the aeronautics commission special fund.

SECTION 7. AMENDMENT. Section 57-43.3-06 of the North Dakota Century Code is amended and reenacted as follows:

57-43.3-06. (Effective through June 30, 2011) Distribution of revenue.

The tax collected by the commissioner pursuant to section 57-43.3-04 must be deposited by the commissioner in the office of the state treasurer, who shall deposit such moneys in a special fund known as the state aeronautics commission special fund. These funds are appropriated to the commission, and must be disbursed by warrant-check prepared by the office of management and budget upon vouchers submitted by the commission and approved by the office of management and budget, for commission administration and the purpose of providing up to ninety percent of the project costs if the political subdivision or airport authority is not qualified for or does not receive any funds under section 2-05-06.5. These funds must be used for airport construction or improvement projects, including airport administration and terminal buildings, hangars, landing strips for aircraft, and purchase

of sites for airports or landing fields and easements and for maintenance and maintenance equipment, clearing of sites, marking, lighting, and engineering and navigational aids, all related to aeronautics in amounts as the commission may determine and upon projects as the commission may approve.

~~(Effective after June 30, 2011) Distribution of revenue.~~ The tax collected by the commissioner pursuant to section 57-43.3-04 must be deposited by the commissioner in the office of the state treasurer, who shall deposit such moneys in a special fund known as the state aeronautics commission special fund. These funds are appropriated to the commission, and must be disbursed by warrant check prepared by the office of management and budget upon vouchers submitted by the commission and approved by the office of management and budget, for commission administration and the purpose of matching of any funds made available by political subdivisions or airport authorities of this state, the state, or the United States, only if the political subdivision or airport authority is not qualified for or does not receive any funds under section 2-05-06.5. These funds must be used for airport construction or improvement projects, including airport administration and terminal buildings, hangars, landing strips for aircraft, and purchase of sites for airports or landing fields and easements and for maintenance, clearing of sites, marketing, lighting, and engineering and navigational aids, all related to aeronautics in amounts as the commission may determine and upon projects as the commission may approve.

SECTION 8. REPEAL. Sections 2-05-06.4, 2-05-08, 2-05-12, 2-05-15, 2-05-15.1, 2-05-16, and 2-05-17 of the North Dakota Century Code are repealed.

SECTION 9. EMERGENCY. Section 7 of this Act is declared to be an emergency measure.

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-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1132 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 92 Nays 0 Absent 2

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,
at _____ o'clock _____ M.

Secretary of State