



North Dakota Aeronautics Commission

Tuesday, April 9, 2019 – 4:00 PM
Aeronautics Commission Conference Room
Bismarck, ND

Chairperson Kim Kenville called the meeting of the North Dakota Aeronautics Commission to order at 4:00 PM on Tuesday, April 9, 2019.

COMMISSIONERS PRESENT:

Kim Kenville, Chairperson
Cindy Schreiber-Beck, Member
Jay B. Lindquist, Member
Maurice Cook, Member
Warren Pietsch, Member

STAFF PRESENT:

Kyle Wanner, Director
Mike McHugh, Education Coordinator
Nels Lund, Planner
Adam Dillin, Planner
Gaye Niemiller, Admin Officer

OTHERS PRESENT:

Tara Brandner, Office of the ND Attorney General

Kim called the meeting to order at 4:00 p.m. and roll call was made.

Meeting Minutes - There is one change to the February 21, 2019 meeting minutes. The last paragraph refers to the Attorney General as the State's Attorney. The Minutes will stand with correction made to refer to the office as the Attorney General's Office.

Financial Statements - Gaye reviewed the January, 2019 and February, 2019 financial statements. No changes were requested.

Director Monthly Recap - Kyle reviewed and highlighted a few topics from the Director Monthly Recap.

Excise Tax Update - The Attorney General's opinion on the Aeronautics Commission's excise tax question has been released. Tara gave a brief synopsis of the opinion which states that allowing aircraft owners to pay their excise tax on a use basis is not authorized by law and that the original purchase price is the taxable amount.

Now that the opinion has been completed, Kyle would like to move forward to provide notification to all aircraft dealers in the state. Kyle recommends that the Commission allow the current excise tax payment agreements in place to be grandfathered in, but once the aircraft is sold, traded, or moved out of state, that the excise tax would be due in full. Kyle would also upload the newly released Attorney General's opinion to the commission's website.

Cindy made a motion to have Kyle move forward to notify the aircraft owners within the state whom have been paying their excise taxes on a quarterly usage basis that a new attorney general's opinion has been issued regarding the correct application of excise tax collections. The commission requests that the notification

letter and process that the agency utilizes to receive the outstanding excise taxes from those aircraft owner's is approved by the agency's legal counsel. Kim seconded the motion. All yays. Motion passed.

Education grants – Mike discussed the request with the Commission and noted that this request is consistent with past year's requests for Bismarck Career Day transportation. Cindy made a motion for approval of Ed 19-04 – Bismarck Career Day Transportation as requested. Maurice seconded the motion. All yays. Motion passed.

Aerial Applicator Safety Meeting Discussion – Initial discussion on the Aerial Applicator Safety Meeting was to revise the administrative law to remove the Aeronautics Commission requirement for applicators to attend an annual safety meeting. NDAAA would like to work with the Department of Ag to request them to change their admin law to allow a "Pass" requirement annually, due to the professional requirements of their industry. If the Dept of Ag is in favor of the potential change, then NDAAA would be in favor of the Aeronautics Commission to not hold an annual safety meeting. The PASS program could also be held at UMAS each year. Kyle recommends the Commission does not move forward to change the administrative rule at this time. The agency will work with NDAAA and the Dept of Agriculture to further discuss this issue.

Legislative Update – Kyle provided the Commission with a legislative update, including an update to the Prairie dog bill that passed and has been signed.

2019 UMAS Recap – Kyle provided the Commission with a recap of the 2019 UMAS that was held in Bismarck in March.

Portfolio Updates – None

Other Business – In-person Commission meeting in Bismarck on May 23rd, starting at 9:00 a.m. State grant meeting in Bismarck is set for June 6th and that will also start at 9:00 a.m.

Adjournment at 5:15 p.m.