

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SPECIAL SESSION

LEGISLATIVE BILL 29

Introduced by Day, 49.

Read first time July 26, 2024

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to aircraft; to amend sections 3-104, 3-106,
- 2 and 3-159, Reissue Revised Statutes of Nebraska; to provide for the
- 3 sale of certain state-owned aircraft; to prohibit the purchase,
- 4 lease, rental, ownership, providing of maintenance for, or
- 5 contribution to the maintenance of any aircraft that is or will be
- 6 used by the Governor or the Governor's staff; to repeal the original
- 7 sections; and to declare an emergency.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 3-104, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 3-104 (1) There is hereby created the Nebraska Aeronautics
4 Commission which shall consist of five members, who shall be appointed by
5 the Governor. The terms of office of the members of the commission
6 initially appointed shall expire on March 1 of the years 1946, 1947,
7 1948, 1949, and 1950, as designated by the Governor in making the
8 respective appointments. As the terms of members expire, the Governor
9 shall, on or before March 1 of each year, appoint a member of the
10 commission for a term of five years to succeed the member whose term
11 expires. Each member shall serve until the appointment and qualification
12 of his or her successor. In case of a vacancy occurring prior to the
13 expiration of the term of a member, the appointment shall be made only
14 for the remainder of the term. All members of the commission shall be
15 citizens and bona fide residents of the state and, in making such an
16 appointment, the Governor shall take into consideration the interest or
17 training of the appointee in some one or all branches of aviation. The
18 commission shall, in December of each year, select a chairperson for the
19 ensuing year. The Director of Aeronautics shall serve as secretary as set
20 forth in section 3-127. Three members shall constitute a quorum, and no
21 action shall be taken by less than a majority of the commission.

22 (2) The commission shall meet upon the written call of the
23 chairperson, the director, or any two members of the commission. Regular
24 meetings shall be held at the office of the division but, whenever the
25 convenience of the public or of the parties may be promoted or delay or
26 expense may be prevented, the commission may hold meetings or proceedings
27 at any other place designated by it. All meetings of the commission shall
28 be open to the public. No member shall receive any salary for his or her
29 service, but each shall be reimbursed for expenses incurred by him or her
30 in the performance of his or her duties as provided in sections 81-1174
31 to 81-1177.

1 (3)(a) The commission shall advise the Director-State Engineer
2 relative to the appointment of the Director of Aeronautics, and the
3 commission shall report to the Director-State Engineer whenever the
4 commission feels that the Director of Aeronautics is not properly
5 fulfilling his or her duties. The commission shall also advise the
6 Governor on the general status and state of aviation in Nebraska.

7 (b) The commission shall further act in an advisory capacity to the
8 Director of Aeronautics and Director-State Engineer.

9 (4) The commission shall have, in addition, the following specific
10 duties: (a) To allocate state funds and approve the use of federal funds
11 to be spent for the construction or maintenance of airports; (b) to
12 designate the locations and approve sites of airports; (c) to arrange and
13 authorize the purchase of aircraft upon behalf of the state, except when
14 the use of such aircraft will be for the Governor or the Governor's
15 staff; (d) to select and approve pilots to be employed by the state, if
16 any; and (e) to assist the Director of Aeronautics in formulating the
17 regulations and policies to be carried out by the division under the
18 terms of the State Aeronautics Act. The commission may allocate state
19 funds for the promotion of aviation as defined for the purpose of this
20 section by the division. The director may designate one or more members
21 of the commission to represent the division in conferences with officials
22 of the federal government, of other states, of other agencies or
23 municipalities of this state, or of persons owning privately owned public
24 use airports.

25 Sec. 2. Section 3-106, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 3-106 (1)(a) (1) The division may:

28 (i) Purchase ~~purchase~~ aircraft for the use of state government,
29 except when the use of such aircraft will be for the Governor or the
30 Governor's staff; and ~~may~~

31 (ii) Sell ~~sell~~ any state aircraft that is not needed or suitable for

1 state uses. ~~State aircraft shall be subject at all times to the written~~
2 ~~orders of the Governor for use and service in any branch of the state~~
3 ~~government.~~

4 (b) The division shall establish an hourly rate for use of a state
5 aircraft by a state official or agency, other than the Governor or the
6 Governor's staff. The hourly rate shall not include an amount to recover
7 the cost of acquisition by purchase, but shall include amounts for items
8 such as variable fuel and oil costs, routine maintenance costs, landing
9 fees, and preventive maintenance reserves. Such funds shall only be
10 expended for the purposes provided for by this section.

11 (2)(a) Except as provided in subdivision (b) of this subsection, it
12 ~~(2)~~ ~~It~~ is the intent of the Legislature that the use of state-owned,
13 chartered, or rented aircraft by the division shall be for the sole
14 purpose of state business. The division shall electronically file with
15 the Clerk of the Legislature a quarterly report on the use of all state-
16 owned, chartered, or rented aircraft by the division that includes the
17 following information for each trip: The name of the agency or other
18 entity traveling; the name of each individual passenger; all purposes of
19 the trip; the destination and intermediate stops; the miles flown; and
20 the duration of the trip.

21 (b) It is the intent of the Legislature that, in order to save money
22 for property tax relief, neither the Governor or the Governor's staff
23 shall travel by aircraft when such travel relates to or is in the
24 furtherance of conducting state business, except when such state business
25 relates to an immediate response to a natural disaster or military
26 emergency.

27 Sec. 3. Section 3-159, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 3-159 (1) The Legislature finds that the State of Nebraska owning
30 an aircraft for use by the Governor or the Governor's staff is a property
31 tax burden and that the state should sell any such aircraft and

1 contribute the proceeds and monetary savings that result from not owning
2 such an aircraft to the General Fund to aid in property tax relief.

3 (2) The Executive Board of the Legislative Council pursuant to the
4 authority granted in Laws 2013, LB194, section 9, commissioned an
5 independent study to enable the Legislature to determine whether the
6 state should purchase or otherwise acquire an aircraft for state purposes
7 and what type of aircraft should be acquired, if any. After completion
8 and review of the study, the Legislature authorized the Department of
9 Aeronautics shall sell the to purchase a new aircraft purchased by the
10 state in 2014, and any subsequently purchased replacement aircraft. The
11 department shall remit the money from the sale of such aircraft to the
12 State Treasurer for credit to the General Fund. It is the intent of the
13 Legislature to fund the purchase with General Funds and other funds. The
14 Legislature also directed the department, upon taking possession of a new
15 aircraft, to sell the state's 1982 Piper Cheyenne aircraft, with the
16 proceeds retained for use for preventive maintenance funding for the new
17 aircraft.

18 (3) For the purpose of aiding property tax relief, except as
19 provided in subdivision (2)(b) of section 3-106, the state shall not
20 purchase, lease, rent, own, provide maintenance for, or contribute to the
21 maintenance of any aircraft that is or will be used by the Governor or
22 the Governor's staff.

23 Sec. 4. Original sections 3-104, 3-106, and 3-159, Reissue Revised
24 Statutes of Nebraska, are repealed.

25 Sec. 5. Since an emergency exists, this act takes effect when
26 passed and approved according to law.