

AMENDMENTS TO LB1016

Introduced by Executive Board

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. The Executive Board of the Legislative Council
4 pursuant to the authority granted in Laws 2012, LB194, section
5 9, commissioned an independent study to enable the Legislature to
6 determine whether the state should purchase or otherwise acquire
7 an aircraft for state purposes and what type of aircraft should
8 be acquired, if any. After completion and review of the study,
9 the Legislature authorizes the Department of Aeronautics to acquire
10 a new aircraft. It is the intent of the Legislature to fund the
11 acquisition with General Funds and other funds. The Legislature
12 also directs the department, upon taking possession of a new
13 aircraft, to sell the state's 1982 Piper Cheyenne aircraft, with
14 the proceeds retained by the department for use for preventive
15 maintenance funding for the new aircraft.

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

18 3-104 There is hereby created the Nebraska Aeronautics
19 Commission which shall consist of five members, who shall be
20 appointed by the Governor. The terms of office of the members
21 of the commission initially appointed shall expire on March 1 of
22 the years 1946, 1947, 1948, 1949, and 1950, as designated by the
23 Governor in making the respective appointments. As the terms of

1 members expire, the Governor shall, on or before March 1 of each
2 year, appoint a member of the commission for a term of five years
3 to succeed the member whose term expires. Each member shall serve
4 until the appointment and qualification of his or her successor. In
5 case of a vacancy occurring prior to the expiration of the term of
6 a member, the appointment shall be made only for the remainder of
7 the term. All members of the commission shall be citizens and bona
8 fide residents of the state and, in making such an appointment,
9 the Governor shall take into consideration the interest or training
10 of the appointee in some one or all branches of aviation. The
11 commission shall, in December of each year, select a chairperson
12 for the ensuing year. The Director of Aeronautics shall serve
13 as secretary as set forth in section 3-127. Three members shall
14 constitute a quorum and no action shall be taken by less than a
15 majority of the commission.

16 The commission shall meet upon the written call of the
17 chairperson, the director, or any two members of the commission.
18 Regular meetings shall be held at the office of the department but,
19 whenever the convenience of the public or of the parties may be
20 promoted or delay or expense may be prevented, it may hold meetings
21 or proceedings at any other place designated by it. All meetings of
22 the commission shall be open to the public. No member shall receive
23 any salary for his or her service, but each shall be reimbursed
24 for actual and necessary expenses incurred by him or her in the
25 performance of his or her duties as provided in sections 81-1174 to
26 81-1177.

27 It shall be the duty of the commission to advise the

1 Governor relative to the appointment of a director and it shall
2 report to the Governor whenever it feels that the director is not
3 properly fulfilling his or her duties. It shall further act in an
4 advisory capacity to the director.

5 The commission shall have, in addition, the following
6 specific duties: (1) To allocate state funds and approve the use
7 of federal funds to be spent for the construction or maintenance
8 of airports; (2) to designate the locations and approve sites of
9 airports; (3) to arrange and authorize the ~~purchase~~ acquisition
10 of aircraft upon behalf of the state; (4) to select and approve
11 pilots to be employed by the state, if any; and (5) to assist the
12 director in formulating the regulations and policies to be carried
13 out by the department under the terms of the State Aeronautics
14 Department Act. The commission may allocate state funds for the
15 promotion of aviation as defined for the purpose of this section by
16 the department by rule and regulation. The director may designate
17 one or more members of the commission to represent the department
18 in conferences with officials of the federal government, of other
19 states, of other agencies or municipalities of this state, or of
20 persons owning privately owned public use airports.

21 Sec. 3. Section 3-106, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 3-106 (1) Suitable offices shall be provided for the
24 department in the State Capitol. It may maintain offices at such
25 other places in the state as it may designate and may incur
26 the necessary expense for office furniture, stationery, printing,
27 and other incidental or necessary expenses for the enforcement of

1 ~~sections 3-101 to 3-154 the State Aeronautics Department Act and~~
2 the general promotion of aeronautics within the state.

3 (2) The department may ~~purchase~~ acquire aircraft for the
4 use of the department. Such state government and may sell any
5 state aircraft that is not needed or suitable for state uses.
6 State aircraft shall be subject at all times to the written orders
7 of the Governor for use and service in any branch of the state
8 government. The department shall establish an hourly rate for use
9 of a state aircraft by a state official or agency. The hourly rate
10 shall not include an amount to recover the cost of acquisition
11 by purchase, but shall include lease payments for acquisition by
12 lease and amounts for items such as variable fuel and oil costs,
13 routine maintenance costs, landing fees, and preventive maintenance
14 reserves. with the expense thereof to be paid by the department. It

15 (3) The department may charter aircraft for use by a
16 state official or agency.

17 (4) The department may employ such clerical and other
18 employees and assistants as it may deem necessary for the proper
19 transaction of its business.

20 Sec. 4. Original sections 3-104 and 3-106, Reissue
21 Revised Statutes of Nebraska, are repealed.

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