

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SPECIAL SESSION

**LEGISLATIVE BILL 29**

Introduced by Day, 49.

Read first time July 26, 2024

Committee:

- 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.