

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1016

Final Reading

Introduced by Krist, 10; Bloomfield, 17.

Read first time January 22, 2014

Committee: Executive Board

A BILL

1 FOR AN ACT relating to state government; to amend section 3-106,
2 Reissue Revised Statutes of Nebraska, and section 84-612,
3 Revised Statutes Supplement, 2013; to direct the purchase
4 and sale of certain aircraft for state government; to
5 provide for an hourly rate for use of a state aircraft;
6 to change powers and duties of the Department of
7 Aeronautics; to state intent; to require reports as
8 prescribed; to provide for a transfer of funds from the
9 Cash Reserve Fund to the General Fund; to repeal the
10 original sections; and to declare an emergency.
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Executive Board of the Legislative Council
2 pursuant to the authority granted in Laws 2013, LB194, section 9,
3 commissioned an independent study to enable the Legislature to
4 determine whether the state should purchase or otherwise acquire an
5 aircraft for state purposes and what type of aircraft should be
6 acquired, if any. After completion and review of the study, the
7 Legislature authorizes the Department of Aeronautics to purchase a
8 new aircraft. It is the intent of the Legislature to fund the
9 purchase with General Funds and other funds. The Legislature also
10 directs the department, upon taking possession of a new aircraft, to
11 sell the state's 1982 Piper Cheyenne aircraft, with the proceeds
12 retained by the department for use for preventive maintenance funding
13 for the new aircraft.

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

16 3-106 (1) Suitable offices shall be provided for the
17 department in the State Capitol. It may maintain offices at such
18 other places in the state as it may designate and may incur the
19 necessary expense for office furniture, stationery, printing, and
20 other incidental or necessary expenses for the enforcement of
21 ~~sections 3-101 to 3-154~~ the State Aeronautics Department Act and the
22 general promotion of aeronautics within the state.

23 (2) The department may purchase aircraft for the use of
24 the department. Such state government and may sell any state aircraft
25 that is not needed or suitable for state uses. State aircraft shall

1 be subject at all times to the written orders of the Governor for use
2 and service in any branch of the state government. The department
3 shall establish an hourly rate for use of a state aircraft by a state
4 official or agency. The hourly rate shall not include an amount to
5 recover the cost of acquisition by purchase, but shall include
6 amounts for items such as variable fuel and oil costs, routine
7 maintenance costs, landing fees, and preventive maintenance reserves.
8 ~~with the expense thereof to be paid by the department. It~~

9 (3) The department may employ such clerical and other
10 employees and assistants as it may deem necessary for the proper
11 transaction of its business.

12 (4) It is the intent of the Legislature that the use of
13 state-owned, chartered, or rented aircraft by the department shall be
14 for the sole purpose of state business. The department shall
15 electronically file with the Clerk of the Legislature a quarterly
16 report on the department's use of all state-owned, chartered, or
17 rented aircraft that includes the following information for each
18 trip: The name of the agency or other entity traveling; the name of
19 each individual passenger; all purposes of the trip; the destination
20 and intermediate stops; the miles flown; and the duration of the
21 trip.

22 Sec. 3. Section 84-612, Revised Statutes Supplement,
23 2013, is amended to read:

24 84-612 (1) There is hereby created within the state
25 treasury a fund known as the Cash Reserve Fund which shall be under

1 the direction of the State Treasurer. The fund shall only be used
2 pursuant to this section.

3 (2) The State Treasurer shall transfer funds from the
4 Cash Reserve Fund to the General Fund upon certification by the
5 Director of Administrative Services that the current cash balance in
6 the General Fund is inadequate to meet current obligations. Such
7 certification shall include the dollar amount to be transferred. Any
8 transfers made pursuant to this subsection shall be reversed upon
9 notification by the Director of Administrative Services that
10 sufficient funds are available.

11 (3) In addition to receiving transfers from other funds,
12 the Cash Reserve Fund shall receive federal funds received by the
13 State of Nebraska for undesignated general government purposes,
14 federal revenue sharing, or general fiscal relief of the state.

15 (4) On July 7, 2009, the State Treasurer shall transfer
16 five million dollars from the Cash Reserve Fund to the Roads
17 Operations Cash Fund. The Department of Roads shall use such funds to
18 provide the required state match for federal funding made available
19 to the state through congressional earmarks.

20 (5) The State Treasurer shall transfer a total of thirty-
21 seven million dollars from the Cash Reserve Fund to the General Fund
22 on or before June 30, 2012, on such dates and in such amounts as
23 directed by the budget administrator of the budget division of the
24 Department of Administrative Services.

25 (6) The State Treasurer shall transfer a total of sixty-

1 eight million dollars from the Cash Reserve Fund to the General Fund
2 on or before June 30, 2013, on such dates and in such amounts as
3 directed by the budget administrator of the budget division of the
4 Department of Administrative Services.

5 (7) The State Treasurer, at the direction of the budget
6 administrator of the budget division of the Department of
7 Administrative Services, shall transfer not to exceed twelve million
8 dollars in total between July 1, 2011, and November 30, 2012, from
9 the Cash Reserve Fund to the Ethanol Production Incentive Cash Fund,
10 for ethanol production incentive credits, on such dates and in such
11 amounts as certified by the Tax Commissioner.

12 (8) The State Treasurer, at the direction of the budget
13 administrator of the budget division of the Department of
14 Administrative Services, shall transfer an amount equal to the total
15 amount transferred pursuant to subsection (7) of this section from
16 the Ethanol Production Incentive Cash Fund to the Cash Reserve Fund
17 in such amounts as certified by the Tax Commissioner on or before
18 November 30, 2012.

19 (9) The State Treasurer, at the direction of the budget
20 administrator of the budget division of the Department of
21 Administrative Services, shall transfer eighty million dollars from
22 the Cash Reserve Fund to the Nebraska Capital Construction Fund on or
23 before August 15, 2012.

24 (10) The State Treasurer, at the direction of the budget
25 administrator of the budget division of the Department of

1 Administrative Services, shall transfer one million dollars from the
2 Cash Reserve Fund to the Affordable Housing Trust Fund on or before
3 August 15, 2012.

4 (11) The State Treasurer shall transfer ten million
5 dollars from the Cash Reserve Fund to the General Fund on or before
6 June 30, 2013, on such date as directed by the budget administrator
7 of the budget division of the Department of Administrative Services.

8 (12) The State Treasurer, at the direction of the budget
9 administrator of the budget division of the Department of
10 Administrative Services, shall transfer not to exceed forty-three
11 million fifteen thousand four hundred fifty-nine dollars in total
12 from the Cash Reserve Fund to the Nebraska Capital Construction Fund
13 between July 1, 2013, and June 30, 2017.

14 (13) The State Treasurer, at the direction of the budget
15 administrator of the budget division of the Department of
16 Administrative Services, shall transfer three million six hundred
17 thousand dollars from the Cash Reserve Fund to the General Fund on or
18 before June 30, 2014.

19 Sec. 4. Original section 3-106, Reissue Revised Statutes
20 of Nebraska, and section 84-612, Revised Statutes Supplement, 2013,
21 are repealed.

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