

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 747

Introduced by Friesen, 34.

Read first time January 05, 2022

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to aeronautics; to amend sections 3-103 and
2 11-201, Revised Statutes Cumulative Supplement, 2020; to remove a
3 requirement that the appointment of the Director of Aeronautics be
4 subject to confirmation by the Legislature; to eliminate obsolete
5 provisions; to harmonize provisions; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 3-103, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 3-103 ~~(1)~~The Division of Aeronautics shall be a division of the
4 Department of Transportation. ~~The (2)(a) Until December 31, 2017, the~~
5 ~~chief administrative officer of the division shall be the director, to be~~
6 ~~known as the Director of Aeronautics, and shall be appointed by the~~
7 ~~Governor, subject to confirmation by the Legislature, with due regard to~~
8 ~~his or her fitness through aeronautical education and by knowledge of and~~
9 ~~recent practical experience in aeronautics. The director shall devote~~
10 ~~full time to the performance of his or her official duties and shall not~~
11 ~~have any pecuniary interest in, stock in, or bonds of any civil~~
12 ~~aeronautics enterprise. The director shall, before assuming the duties of~~
13 ~~the office, take and subscribe an oath, such as is required by state~~
14 ~~officers. The director shall be bonded or insured as required by section~~
15 ~~11-201. The director shall receive such compensation as the Governor,~~
16 ~~with the approval of the commission, shall determine, subject to the~~
17 ~~provisions of the legislative appropriations bill. (b) Beginning January~~
18 ~~1, 2018, the chief administrative officer of the division shall be the~~
19 ~~Director of Aeronautics who shall be appointed by and report directly to~~
20 ~~the Director-State Engineer, subject to confirmation by the Legislature,~~
21 ~~with due regard to his or her fitness through aeronautical education and~~
22 ~~by knowledge of and recent practical experience in aeronautics. The~~
23 ~~director shall report directly to the Director-State Engineer, shall~~
24 ~~devote full time to the performance of his or her official duties, and~~
25 ~~shall not have any pecuniary interest in, stock in, or bonds of any civil~~
26 ~~aeronautics enterprise. The director shall, before assuming the duties of~~
27 ~~the office, take and subscribe an oath, such as is required by state~~
28 ~~officers.~~

29 Sec. 2. Section 11-201, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 11-201 It shall be the duty of the Risk Manager:

1 (1) To prescribe the amount, terms, and conditions of any bond or
2 equivalent commercial insurance when the amount or terms are not fixed by
3 any specific statute. The Risk Manager, in prescribing the amount,
4 deductibles, conditions, and terms, shall consider the type of risks, the
5 relationship of the premium to risks involved, the past and projected
6 trends for premiums, the ability of the Tort Claims Fund, the State Self-
7 Insured Property Fund, and state agencies to pay the deductibles, and any
8 other factors the manager may, in his or her discretion, deem necessary
9 in order to accomplish the provisions of sections 2-1201, ~~3-103~~, 8-104,
10 8-105, 9-807, 11-119, 11-121, 11-201, 11-202, 37-110, 48-158, 48-609,
11 48-618, 48-804.03, 53-109, 54-191, 55-123, 55-126, 55-127, 55-150,
12 57-917, 60-1303, 60-1502, 71-222.01, 72-1241, 77-366, 80-401.02, 81-111,
13 81-151, 81-5,167, 81-8,128, 81-8,141, 81-1108.14, 81-2002, 83-128,
14 84-106, 84-206, and 84-801;

15 (2) To pass upon the sufficiency of and approve the surety on the
16 bonds or equivalent commercial insurance of all officers and employees of
17 the state, when approval is not otherwise prescribed by any specific
18 statute;

19 (3) To arrange for the writing of corporate surety bonds or
20 equivalent commercial insurance for all the officers and employees of the
21 state who are required by statute to furnish bonds;

22 (4) To arrange for the writing of the blanket corporate surety bond
23 or equivalent commercial insurance required by this section; and

24 (5) To order the payment of corporate surety bond or equivalent
25 commercial insurance premiums out of the State Insurance Fund created by
26 section 81-8,239.02.

27 All state employees not specifically required to give bond by
28 section 11-119 shall be bonded under a blanket corporate surety bond or
29 insured under equivalent commercial insurance for faithful performance
30 and honesty in an amount determined by the Risk Manager.

31 The Risk Manager may separately bond any officer, employee, or group

1 thereof under a separate corporate surety bond or equivalent commercial
2 insurance policy for performance and honesty pursuant to the standards
3 set forth in subdivision (1) of this section if the corporate surety or
4 commercial insurer will not bond or insure or excludes from coverage any
5 officer, employee, or group thereof under the blanket bond or commercial
6 insurance required by this section, or if the Risk Manager finds that the
7 reasonable availability or cost of the blanket bond or commercial
8 insurance required under this section is adversely affected by any of the
9 following factors: The loss experience, types of risks to be bonded or
10 insured, relationship of premium to risks involved, past and projected
11 trends for premiums, or any other factors.

12 Surety bonds of collection agencies, as required by section 45-608,
13 and detective agencies, as required by section 71-3207, shall be approved
14 by the Secretary of State. The Attorney General shall approve all bond
15 forms distributed by the Secretary of State.

16 Sec. 3. Original sections 3-103 and 11-201, Revised Statutes
17 Cumulative Supplement, 2020, are repealed.