

LEGISLATIVE BILL 164

Approved by the Governor February 24, 1971

Introduced by Richard Maresh, 32nd District; Terry Carpenter, 48th District

AN ACT to amend section 3-502, Reissue Revised Statutes of Nebraska, 1943, relating to airport authorities; to eliminate the requirement for owning or operating an airport as a prerequisite for forming an airport authority; to repeal the original section; and to declare an emergency.

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

Section 1. That section 3-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-502. Any city ~~now--or--hereafter--owning--or--operating--an--airport~~ is hereby authorized to create an airport authority to be managed and controlled by a board, which board, when and if appointed, shall have full and exclusive jurisdiction and control over all facilities owned or thereafter acquired by such city for the purpose of aviation operation, air navigation, and air safety operation; Provided, that this act shall not become operative as to any city unless the mayor and city council in their discretion shall activate the airport authority by the mayor appointing and the council approving the board members as hereinafter provided. Each such board shall be a body corporate and politic, constituting a public corporation and an agency of the city for which such board is established. Each board in cities of the primary, first, and second classes and in villages shall consist of five members to be selected as follows: (1) (a) The mayor, with the approval of the city council, shall appoint one member who shall serve until his successor, elected at the first general city election following such appointment, shall qualify and take office, (b) the mayor, with the approval of the city council, shall appoint two members who shall serve until their successors, elected at the second general city election following such appointment, shall qualify and take office, and (c) the mayor, with the approval of the city council, shall appoint two members who shall serve until their successors, elected at the third general city election following such appointment, shall qualify and take office; and (2) upon the expiration of the terms of such appointed officers,

members of the board shall be nominated and elected in the manner provided by law for the election of officers of the city concerned and shall take office at the same time as the officers of such city. Members of such board shall be residents of the city for which such authority is created, and, except for members initially appointed, shall serve for a term of six years. In the event authorities were activated prior to November 18, 1965, and where there are three members to be elected in 1967, two members shall be elected for a term of six years and one member for a term of four years in 1967, and two members shall be elected for a term of six years in 1969, and thereafter the members shall, as their terms expire, be elected for a term of six years; and where there are two members to be elected in 1967, two members shall be elected for a term of six years in 1967, and two members elected for a term of six years and one member for a term of two years in 1969, and thereafter the members shall, as their terms expire, be elected for a term of six years. Any vacancy on such board, resulting other than from expiration of a term of office, shall be filled by temporary appointment by the mayor until a successor can be elected, at the next general city election, to serve the unexpired portion, if any, of the term. A member of such board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the city council, in the district court of the county in which such city is located.

Each board in cities of the metropolitan class shall consist of five members to be selected as follows:

The mayor, with the approval of the city council, shall appoint one member in 1966, for a term of five years, and one member for a term of four years, in 1968, he shall with the approval of the city council, appoint one member for a term of four years, and in 1969, he shall with the approval of the city council, appoint one member for a term of five years and one member for a term of four years; and upon the expiration of the terms of such appointed officers, members of the board shall be nominated by the mayor and approved by the city council, and shall serve for a term of five years. Any vacancy on such board, resulting other than from expiration of a term of office, shall be filled by the mayor, with the approval of the city council, and such appointee shall serve the unexpired portion, if any, of the term of the member whose office was vacated. Any member of such board may be removed from office by the mayor, for incompetence, neglect of duty, or

malfeasance in office, with the consent and approval of the city council.

The members of the board hereby created shall not be entitled to compensation for their services, but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon them by the provisions of this act to be paid as herein provided. A majority of the members of the board then in office shall constitute a quorum. The board may delegate to one or more of the members, or to its officers, agents, and employees, such powers and duties as it may deem proper. The board and its corporate existence shall continue only for a period of twenty years from the date of appointment of the members thereof and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities and bonds have otherwise been discharged. When all liabilities incurred by the authority of every kind and character have been met and all its bonds have been paid in full, or such liabilities and bonds have otherwise been discharged, all rights and properties of the authority shall pass to and be vested in the city. The authority shall have and retain full and exclusive jurisdiction and control over all projects under its jurisdiction, with the right and duty to charge and collect revenue therefrom, for the benefit of the holders of any of its bonds or other liabilities. Upon the authority's ceasing to exist all its remaining rights and properties shall pass to and vest in the city.

Sec. 2. That original section 3-502, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.