

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 874

Introduced by Friesen, 34.

Read first time January 07, 2022

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the State Aeronautics Act; to amend
2 sections 3-101 and 3-154, Revised Statutes Cumulative Supplement,
3 2020; to define a term; to require approval by the Director-State
4 Engineer of a fee imposed by certain airport authorities as
5 prescribed; to provide duties; to harmonize provisions; to repeal
6 the original sections; and to declare an emergency.

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

1 Section 1. Section 3-101, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 3-101 For purposes of the State Aeronautics Act and the laws of this
4 state relating to aeronautics, the following words, terms, and phrases
5 shall have the meanings given in this section, unless otherwise
6 specifically defined or unless another intention clearly appears or the
7 context otherwise requires:

8 (1) Aeronautics means transportation by aircraft; the operation,
9 construction, repair, or maintenance of aircraft, aircraft power plants,
10 and accessories, including the repair, packing, and maintenance of
11 parachutes; and the design, establishment, construction, extension,
12 operation, improvement, repair, or maintenance of airports, restricted
13 landing areas, or other air navigation facilities, and air instruction;

14 (2) Aircraft means any contrivance now known, hereafter invented,
15 used, or designed for navigation of or flight in the air;

16 (3) Airport means (a) any area of land or water, except a restricted
17 landing area, which is designed for the landing and takeoff of aircraft,
18 whether or not facilities are provided for the sheltering, servicing, or
19 repairing of aircraft or for receiving or discharging passengers or
20 cargo, (b) all appurtenant areas used or suitable for airport buildings
21 or other airport facilities, and (c) all appurtenant rights-of-way,
22 whether heretofore or hereafter established;

23 (4) Air navigation facility means any facility, other than one owned
24 or controlled by the federal government, used in, available for use in,
25 or designed for use in aid of air navigation, including airports,
26 restricted landing areas, and any structures, mechanisms, lights,
27 beacons, marks, communicating systems, or other instrumentalities or
28 devices used or useful as an aid or constituting an advantage or
29 convenience to the safe takeoff, navigation, and landing of aircraft, or
30 the safe and efficient operation or maintenance of an airport or
31 restricted landing area and any combination of any or all of such

1 facilities;

2 (5) Air navigation means the operation or navigation of aircraft in
3 the air space over this state or upon any airport or restricted landing
4 area within this state;

5 (6) Airman means any individual who engages, as the person in
6 command, or as pilot, mechanic, or member of the crew, in the navigation
7 of aircraft while under way and (excepting individuals employed outside
8 the United States, any individual employed by a manufacturer of aircraft,
9 aircraft engines, propellers, or appliances to perform duties as
10 inspector or mechanic in connection therewith, and any individual
11 performing inspection or mechanical duties in connection with aircraft
12 owned or operated by him or her) any individual who is directly in charge
13 of the inspection, maintenance, overhauling, or repair of aircraft
14 engines, propellers, or appliances and any individual who serves in the
15 capacity of aircraft dispatcher or air traffic control-tower operator;

16 (7) Air instruction means the imparting of aeronautical information
17 by any aeronautics instructor or in or by any air school or flying club;

18 (8) Aeronautics instructor means any individual engaged in giving
19 instruction, or offering to give instruction, in aeronautics, either in
20 flying or ground subjects, or both, for hire or reward, without
21 advertising such occupation, without calling his or her facilities an air
22 school or anything equivalent thereto, and without employing or using
23 other instructors. It does not include any instructor in any public
24 school or university of this state or any institution of higher learning
25 duly accredited and approved for carrying on collegiate work while
26 engaged in his or her duties as such instructor;

27 (9) Airport protection privileges means easements through or other
28 interests in air space over land or water, interests in airport hazards
29 outside the boundaries of airports or restricted landing areas, and other
30 protection privileges, the acquisition or control of which is necessary
31 to insure safe approaches to the landing areas of airports and restricted

1 landing areas and the safe and efficient operation thereof;

2 (10) Airport hazard means any structure, object of natural growth,
3 or use of land which obstructs the air space required for the flight of
4 aircraft in landing or taking off at any airport or restricted landing
5 area or is otherwise hazardous to such landing or taking off;

6 (11) Civil aircraft means any aircraft other than a public aircraft;

7 (12) Commission means the Nebraska Aeronautics Commission;

8 (13) Director means the Director of Aeronautics;

9 (14) Division means the Division of Aeronautics of the Department of
10 Transportation;

11 (15) Flying club means any person, other than an individual, who,
12 neither for profit nor reward, owns, leases, or uses one or more aircraft
13 for the purpose of instruction or pleasure or both;

14 (16) Ground transportation provider means any person who transports
15 passengers to or from an airport (a) for hire or for compensation by
16 taxi, limousine, bus, or van or by personal vehicle operated under the
17 authority of a transportation network company as defined in section
18 75-323 or (b) by hotel shuttle, parking shuttle, or other shuttle
19 transporting hotel guests, parking customers, or other passengers on a
20 courtesy basis;

21 (17) ~~(16)~~ Location means the general vicinity to be served by a
22 specific airport;

23 (18) ~~(17)~~ Municipality means any county, city, village, or town of
24 this state and any other political subdivision, public corporation,
25 authority, or district in this state which is or may be authorized by law
26 to acquire, establish, construct, maintain, improve, and operate airports
27 and other air navigation facilities;

28 (19) ~~(18)~~ Navigable air space means air space above the minimum
29 altitudes of flight prescribed by the laws of this state or by the rules
30 and regulations adopted and promulgated by the division consistent
31 therewith;

1 ~~(20)~~ ~~(19)~~ Operation of aircraft or operate aircraft means the use of
2 aircraft for the purpose of air navigation and includes the navigation or
3 piloting of aircraft. Any person who causes or authorizes the operation
4 of aircraft, whether with or without the right of legal control, in the
5 capacity of owner, lessee, or otherwise, of the aircraft, shall be deemed
6 to be engaged in the operation of aircraft within the meaning of the
7 statutes of this state;

8 ~~(21)~~ ~~(20)~~ Privately owned public use airport means any airport owned
9 by a person which is primarily engaged in the business of providing
10 necessary services and facilities for the operation of civil aircraft and
11 which (a) has at least one paved runway, (b) is engaged in the retail
12 sale of aviation gasoline or aviation jet fuel, and (c) possesses
13 facilities for the sheltering, servicing, or repair of aircraft;

14 ~~(22)~~ ~~(21)~~ Public aircraft means an aircraft used exclusively in the
15 service of any government or of any political subdivision thereof,
16 including the government of any state, territory, or possession of the
17 United States or the District of Columbia, but not including any
18 government-owned aircraft engaged in carrying persons or property for
19 commercial purposes;

20 ~~(23)~~ ~~(22)~~ Restricted landing area means any area of land, water, or
21 both, which is used or is made available for the landing and takeoff of
22 aircraft, the use of which shall, except in case of emergency, be only as
23 provided from time to time by the commission;

24 ~~(24)~~ ~~(23)~~ Site means the specific land area to be used as an
25 airport; and

26 ~~(25)~~ ~~(24)~~ State airway means a route in the navigable air space over
27 and above the lands or waters of this state, designated by the division
28 as a route suitable for air navigation.

29 Sec. 2. (1) Any airport authority created by a city of the
30 metropolitan class shall not impose any fee on a ground transportation
31 provider unless the imposition of such fee is first approved by the

1 Director-State Engineer. To obtain such approval, the board of any such
2 authority shall file a request for approval of such fee with the Director
3 of Aeronautics on a form prescribed by the division. The board shall post
4 notice of the filed request on the website of the airport authority. The
5 Director of Aeronautics may consider any public input received regarding
6 such filed request. The Director-State Engineer, on the recommendation of
7 the Director of Aeronautics, shall approve or deny the request within
8 thirty days after the request is filed. The Director of Aeronautics shall
9 only recommend approval if the fee is (a) assessed in the same manner as
10 fees imposed on other ground transportation providers and (b) not based
11 on the gross receipts of the ground transportation provider. The airport
12 authority may appeal a decision of the Director-State Engineer, and such
13 appeal shall be in accordance with the Administrative Procedure Act.

14 (2) The collection of any fee described in subsection (1) of this
15 section which was imposed on or after July 1, 2021, shall be suspended on
16 the effective date of this act until such time as the fee is approved by
17 the Director-State Engineer after a request for approval of such fee is
18 filed pursuant to this section. If the fee is approved, such fee may only
19 be imposed after approval is granted and collection shall not resume from
20 the date of suspension. If the fee is not approved, any fees collected
21 prior to suspension may be retained by the airport authority.

22 (3) The division may adopt and promulgate rules and regulations to
23 carry out this section.

24 Sec. 3. Section 3-154, Revised Statutes Cumulative Supplement, 2020,
25 is amended to read:

26 3-154 Sections 3-101 to 3-164 and section 2 of this act shall be
27 known and may be cited as the State Aeronautics Act.

28 Sec. 4. Original sections 3-101 and 3-154, Revised Statutes
29 Cumulative Supplement, 2020, are repealed.

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