

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 874**

Introduced by Friesen, 34.

Read first time January 07, 2022

Committee:

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.