

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 577**

Introduced by Wightman, 36; Carlson, 38.

Read first time January 19, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to aeronautics; to amend section 3-404, Reissue  
2 Revised Statutes of Nebraska, and section 3-126, Revised  
3 Statutes Cumulative Supplement, 2010; to provide for an  
4 application fee for the construction of certain  
5 structures; to harmonize provisions; to provide an  
6 operative date; to repeal the original sections; and to  
7 declare an emergency.  
8 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 3-126, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3                   3-126 The Department of Aeronautics Cash Fund is created.  
4 All money received by the department pursuant to the State  
5 Aeronautics Department Act and section 3-404 shall be remitted to the  
6 State Treasurer for credit to the fund. The department is authorized,  
7 whether acting for this state, as the agent of any of its  
8 municipalities, or as the agent of any person owning a privately  
9 owned public use airport, or when requested by the United States  
10 Government or any agency or department thereof, to disburse such  
11 money. Transfers may be made from the fund to the General Fund at the  
12 direction of the Legislature through June 30, 2011. Any money in the  
13 Department of Aeronautics Cash Fund available for investment shall be  
14 invested by the state investment officer pursuant to the Nebraska  
15 Capital Expansion Act and the Nebraska State Funds Investment Act.

16                   Sec. 2. Section 3-404, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18                   3-404 The application for the permit~~7~~ required by section  
19 3-403~~7~~, shall be made in writing on forms prescribed by the Department  
20 of Aeronautics and shall contain or be accompanied by details as to  
21 the location, construction, height, and dimensions of the proposed  
22 structure, the nature of its intended use, and such other information  
23 as the Director of Aeronautics may require. The applicant shall  
24 submit with the application a fee of seventy-five dollars. The  
25 director shall remit such fee to the State Treasurer for credit to

1 the Department of Aeronautics Cash Fund. Upon the filing of such  
2 application the director shall make an investigation and an  
3 aeronautical study of such proposed construction and its effect, if  
4 any, upon air navigation, and the health, welfare, and safety of the  
5 public. If the director, upon such investigation, ~~shall determine~~  
6 determines that such proposed structure will not constitute a hazard  
7 to air navigation and will not interfere unduly with the public right  
8 of freedom of transit in commerce through the air space affected  
9 thereby, he shall issue to the applicant a permit, required by  
10 section 3-403, authorizing the erection and construction of such  
11 structure, subject to ~~such~~ conditions as to marking and lighting as  
12 the department may prescribe by its rules and regulations, ~~authorized~~  
13 by adopted and promulgated pursuant to section 3-407. If he or she  
14 does not so determine, he or she shall deny the application. In  
15 making such investigation, aeronautical study, and determination, the  
16 director shall consider (1) the character of flying operations  
17 expected to be conducted in the area concerned, (2) the nature of the  
18 terrain, (3) the character of the neighborhood, (4) the uses to which  
19 the property concerned is devoted or adaptable, (5) the proximity to  
20 existing airports, airways, control areas, and control zones, (6) the  
21 height of existing, adjacent structures, and (7) all the facts and  
22 circumstances existing. He or she shall impose only such restrictions  
23 or requirements as may be reasonably necessary to effectuate the  
24 purpose of sections 3-401 to 3-409.

25           Sec. 3. This act becomes operative on July 1, 2011.

1                   Sec. 4. Original section 3-404, Reissue Revised Statutes  
2 of Nebraska, and section 3-126, Revised Statutes Cumulative  
3 Supplement, 2010, are repealed.

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