

LEGISLATIVE BILL 285

Approved by the Governor February 18, 1972

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

AN ACT to amend section 3-128, Reissue Revised Statutes of Nebraska, 1943, relating to aeronautics; to provide for issuing certificates authorizing persons to conduct aerial pesticide operations as prescribed; to provide for revocation of such certificates; 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 3-128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-128. To safeguard and promote the general public interest and safety, the safety of persons receiving instruction concerning or operating, using or traveling in aircraft and of persons and property on the ground, the interest of aeronautical progress requiring that aircraft operated within this state should be airworthy, that airmen and those engaged in air instruction should be properly qualified, that airports, restricted landing areas and navigation facilities should be suitable for the purposes for which they are designed, the purposes of sections 3-101 to 3-154 requiring that the department should be enabled to exercise the powers of supervision herein granted, the advantages of uniform regulations making it desirable that aircraft operated within this state should conform with respect to design, construction and airworthiness to the standards prescribed by the United States government with respect to civil aircraft subject to its jurisdiction and that persons engaging in aeronautics within this state should have the qualifications necessary for obtaining and holding appropriate airman certificates of the United States; the department is authorized:

(1) To require the registration of federal licenses, permits or certificates of civil aircraft engaged in air navigation within this state, of airmen engaged in aeronautics within this state, and of aeronautics instructors giving instruction in flying subjects, and to issue certificates of such registration. Such registration shall be annual. The fee for such registration shall be one dollar annually for each

aircraft. Such certificates of registration shall constitute licenses of such aircraft, airmen and instructors for operations within this state to the extent permitted by the federal licenses, certificates or permits so registered. It may accept, as evidence of the holding of a federal license, certificate or permit, the verified application of the owner of the aircraft, the airman or the instructor, which application shall contain such information as the department may prescribe by rule, regulation or order. In registering aircraft the department shall neither receive nor accept application or registration fee nor issue any certificate of registration for any aircraft, unless the owner shall first exhibit a certificate by the county assessor that such aircraft has been properly assessed for the year in which application for registration is made;

(2) To license the operation of air schools and aeronautics instructors giving instruction in ground subjects in accordance with rules and regulations to be adopted by the department, and to annually renew such licenses;

(3) To approve airport and restricted landing area sites and to license airports, restricted landing areas or other air navigation facilities, in accordance with rules and regulations to be adopted by the department, and to annually renew such licenses. Licenses granted under this subdivision or under any prior law may be annually renewed. It shall make no charge for approval certificates of proposed property acquisition for airport or restricted landing area purposes; and

(4) To issue appropriate certificates authorizing qualified individuals to conduct aerial pesticide application operations in this state. The applicant, or, in case the applicant is not a qualified individual, either the person employed by him in direct charge and supervision of all aerial pesticide applications, or the person employed by him as chief pilot in such applications, or all persons employed by him as pilot in such applications, shall possess the following qualifications: (a) Hold a valid Federal Aviation Administration commercial certificate; (b) have a current medical certificate; (c) have three hundred fifty hours of solo and pilot-in-command logged time; (d) have five hours flight training in simulated aerial pesticide application conducted, and certified to, by an aerial pesticide applicator certificate holder; and (e) have one season's actual experience in aerial pesticide application work under the direct supervision of an aerial pesticide applicator certificate holder, during

which he shall have acquired a minimum of forty hours experience in aerial pesticide application, except that the department may issue a certificate to an applicant who fails to meet the requirements of subdivisions (d) and (e) of this subdivision if, after examination by the department, he demonstrates that he is possessed of the necessary skills. To insure safety, additional training and qualification criteria, financial responsibility requirements, and certificate renewal procedures shall be as prescribed by rules and regulations of the Department of Aeronautics.

(4) (5) To temporarily or permanently revoke any license or certificate of registration of an aircraft, airman, air school, aerial pesticide applicator, or aeronautics instructor, issued by it, or to refuse to issue any such license or certificate of registration, when it shall reasonably determine that any aircraft is not airworthy, or that any airman, air school, aerial pesticide applicator or aeronautics instructor is not qualified, has willfully violated the provisions of sections 3-101 to 3-154, the rules and regulations prescribed pursuant thereto, or any other statute of this state relating to aeronautics, or any act of Congress or any rule or regulation promulgated pursuant thereto, is addicted to the use of narcotics or other habit forming drug or the excessive use of intoxicating liquor, has made any false statement in an application for registration of a federal license certificate or permit, or has been guilty of other conduct, acts or practices dangerous to the public safety and the safety of those engaged in aeronautics.

Sec. 2. That original section 3-128, 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.