

LEGISLATIVE BILL 5

Approved by the Governor February 3, 2003

Introduced by Executive Board: Engel, 17, Chairperson

AN ACT relating to airports; to amend section 3-201, Reissue Revised Statutes of Nebraska, and sections 3-501, 3-508, and 3-513, Revised Statutes Supplement, 2002; to correct internal references to the Cities Airport Authorities Act; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 3-201, Reissue Revised Statutes of Nebraska, is amended to read:

3-201. For the purpose of ~~sections 3-201 to 3-238 and 18-1502~~ the Revised Airports Act, unless herein specifically otherwise provided, the definitions of words, terms, and phrases appearing in the State Aeronautics Department Act of this state are hereby adopted. The following words, terms, and phrases shall in ~~sections 3-201 to 3-238 and 18-1502~~ the act have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires: (1) Municipality means any county, city, or village ~~or authority~~, of this state, or any city airport authority established pursuant to the Cities Airport Authorities Act and (2) airport purposes means and includes airport, restricted landing area, and other air navigation facility purposes.

Sec. 2. Section 3-501, Revised Statutes Supplement, 2002, is amended to read:

3-501. As used in ~~sections 3-201 and 3-239~~ and the Cities Airport Authorities Act, unless the context otherwise requires:

(1) Authority means an airport authority which shall be a body politic and corporate organized pursuant to section 3-502;

(2) City means any city or village of the State of Nebraska;

(3) Bonds means bonds issued by the authority pursuant to the provisions of the Cities Airport Authorities Act;

(4) Board means the members of the authority;

(5) Mayor and city council means, in the case of a village, the chairperson of the board of trustees and the board of trustees, respectively;

(6) Real property means lands, structures, and interests in land, including lands under water and riparian rights, and any and all things and rights usually included within the term real property, including not only fee simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest, or right, legal or equitable, pertaining to real property; and

(7) Project means any airport operated by the authority, including all real and personal property, structures, machinery, equipment, and appurtenances or facilities which are part of such airport or used or useful in connection therewith either as ground facilities for the convenience of handling aviation equipment, passengers, and freight or as part of aviation operation, air navigation, and air safety operation.

Sec. 3. Section 3-508, Revised Statutes Supplement, 2002, is amended to read:

3-508. The State of Nebraska does covenant and agree with the holders of bonds issued by an authority that the state will not limit or alter the rights hereby vested in an authority to acquire, maintain, construct, reconstruct, and operate projects, to establish and collect such rates, rentals, tolls, charges, license fees, and other fees as may be convenient or necessary to produce sufficient revenue to meet the expense of maintenance and operation of such projects and to fulfill the terms of any agreements made with holders of bonds of the authority. The state will also not in any way impair the rights and remedies of the bondholders until the bonds together with interest thereon and with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders, are fully met and discharged. The provisions of ~~sections 3-201 and section 3-239~~ and the Cities Airport Authorities Act and of the proceedings authorizing bonds thereby shall constitute a contract with the holders of the bonds.

Sec. 4. Section 3-513, Revised Statutes Supplement, 2002, is amended to read:

3-513. Insofar as the provisions of ~~sections 3-201 and section~~

3-239 and the Cities Airport Authorities Act are inconsistent with the provisions of any other act or of any city charter, if any, the provisions of ~~sections 3-201 and~~ section 3-239 and the Cities Airport Authorities Act shall be controlling.

Sec. 5. Original section 3-201, Reissue Revised Statutes of Nebraska, and sections 3-501, 3-508, and 3-513, Revised Statutes Supplement, 2002, are repealed.