

AMENDMENTS TO LB205

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 3-402, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 3-402 As used in sections 3-401 to 3-409 and section 2 of this act,
6 unless the context otherwise requires:

7 (1) Structure means ~~shall mean~~ any manmade object which is built,
8 constructed, projected, or erected upon, from, and above the surface of
9 the earth, including, but not limited to, towers, antennas, buildings,
10 wires, cables, and chimneys;

11 (2) Meteorological evaluation tower means an anchored structure,
12 including all guy wires and accessory facilities, on which one or more
13 meteorological instruments are mounted for the purpose of meteorological
14 data collection;

15 (3 2) Obstruction means ~~shall mean~~ any structure which obstructs the
16 air space required for the flight of aircraft and in the landing and
17 taking off of aircraft at any airport or restricted landing area; and

18 (4 3) Person means ~~shall mean~~ any public utility, public district,
19 or other governmental division or subdivision or any person, corporation,
20 partnership, or limited liability company.

21 Sec. 2. (1) A meteorological evaluation tower, the height of which
22 is at least fifty feet above the surface of the ground at point of
23 installation, shall be marked according to subsection (2) of this
24 section. This section applies to a meteorological evaluation tower that
25 is located outside the corporate limits of a city or village.

26 (2) A meteorological evaluation tower described in subsection (1) of
27 this section shall: (a) Be painted in seven equal-width and alternating

1 bands of aviation orange and white beginning with orange at the top of
2 the tower and ending with orange at the base; (b) have two or more
3 spherical marker balls at least twenty-one inches in diameter that are
4 aviation orange in color and attached to each outer guy wire connected to
5 the tower with the top ball no further than twenty feet from the top wire
6 connection and the remaining ball or balls at or below the mid-point of
7 the tower on the outer guy wires; and (c) have yellow safety sleeves
8 installed on each outer guy wire extending at least fourteen feet above
9 the anchor point of the guy wire.

10 (3) The owner of a meteorological evaluation tower subject to this
11 section shall, not less than ten business days prior to erecting the
12 tower, register with the Department of Aeronautics the name and address
13 of the owner, the height and location of the tower, and any other
14 information that the department deems necessary for aviation safety. The
15 owner of a tower subject to this section shall also report the removal of
16 the tower to the department not more than thirty business days after its
17 removal. The department shall make the information received pursuant to
18 this subsection available to the public within five business days.

19 (4) The owner of a tower described in subsection (1) of this section
20 that was erected prior to the effective date of this act and which is
21 either lighted, marked with balls at least twenty-one inches in diameter,
22 painted, or modified in some other manner so it is recognizable in clear
23 air during daylight hours from a distance of not less than two thousand
24 feet, shall mark the tower as required by subsection (2) of this section
25 within two years after the effective date of this act or at such time the
26 tower is taken down for maintenance or other purposes, whichever comes
27 first, except that the owner of a tower erected prior to the effective
28 date of this act which is not lighted, marked, painted, or modified as
29 described in this subsection shall mark such tower as required by
30 subsection (2) of this section within ninety days after the effective
31 date of this act. The registration requirements of subsection (3) of this

1 section shall be performed by the owner of a tower erected prior to the
2 effective date of this act within fifteen business days after the
3 effective date of this act.

4 (5) A material failure to comply with the marking and registration
5 requirements of this section shall be admissible as evidence of
6 negligence on the part of an owner of a meteorological evaluation tower
7 in an action in tort for property damage, bodily injury, or death
8 resulting from an aerial collision with such unmarked or unregistered
9 tower.

10 (6) The department may adopt and promulgate rules and regulations
11 for carrying out the purposes of this section.

12 Sec. 3. The Revisor of Statutes shall assign section 2 of this act
13 within sections 3-401 to 3-409.

14 Sec. 4. Original section 3-402, Reissue Revised Statutes of
15 Nebraska, is repealed.

16 Sec. 5. The following section is outright repealed: Section
17 66-1901, Revised Statutes Cumulative Supplement, 2014.

18 Sec. 6. Since an emergency exists, this act takes effect when
19 passed and approved according to law.