

AMENDMENTS TO LB469
(Amendments to AM833)

Introduced by Schilz, 47.

1 1. Insert the following new sections:

2 Sec. 5. Section 3-402, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 3-402 As used in sections 3-401 to 3-409 and section 6 of this act,
5 unless the context otherwise requires:

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

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

14 (3 2) Obstruction means ~~shall mean~~ any structure which obstructs the
15 air space required for the flight of aircraft and in the landing and
16 taking off of aircraft at any airport or restricted landing area; and

17 (4 3) Person means ~~shall mean~~ any public utility, public district,
18 or other governmental division or subdivision or any person, corporation,
19 partnership, or limited liability company.

20 Sec. 6. (1) A meteorological evaluation tower, the height of which
21 is at least fifty feet above the surface of the ground at point of
22 installation, shall be marked according to subsection (2) of this
23 section. This section applies to a meteorological evaluation tower that
24 is located outside the corporate limits of a city or village.

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

1 registration requirements of subsection (3) of this section shall be
2 performed by the owner of a tower erected prior to the operative date of
3 this section within fifteen business days after the operative date of
4 this section.

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

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

13 Sec. 7. Section 3-408, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 3-408 Any person, firm, or corporation (1) violating any of the
16 provisions of sections 3-401 to 3-409 and section 6 of this act, (2)
17 submitting false information in the application for a permit, (3)
18 violating any rule or regulation adopted and promulgated by the
19 Department of Aeronautics pursuant to sections 3-401 to 3-409 and section
20 6 of this act hereto, as authorized by section 3-407, (4) failing to do
21 and perform any act required by sections 3-401 to 3-409 and section 6 of
22 this act hereby, or (5) violating the terms of any permit issued pursuant
23 to the provisions of sections 3-401 to 3-409 and section 6 of this act,
24 shall be guilty of a Class III misdemeanor. Each day any violation
25 continues or any structure erected in violation of the provisions of
26 sections 3-401 to 3-409 and section 6 of this act shall continue in
27 existence, shall constitute a separate offense.

28 Sec. 15. The Revisor of Statutes shall assign section 6 of this act
29 within sections 3-401 to 3-409.

30 Sec. 16. Sections 1 to 4, 8 to 14, and 18 of this act become
31 operative three calendar months after adjournment of this legislative

1 session. The other sections of this act become operative on their
2 effective date.

3 Sec. 17. Original sections 3-402 and 3-408, Reissue Revised
4 Statutes of Nebraska, are repealed.

5 Sec. 19. The following section is outright repealed: Section
6 66-1901, Revised Statutes Cumulative Supplement, 2014.

7 Sec. 20. Since an emergency exists, this act takes effect when
8 passed and approved according to law.

9 2. Renumber the remaining sections and correct internal references
10 accordingly.