

# ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014

## COMMITTEE STATEMENT

### LB845

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**Hearing Date:** Friday February 07, 2014  
**Committee On:** Government, Military and Veterans Affairs  
**Introducer:** Schilz  
**One Liner:** Provide for regulation of meteorological evaluation towers

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**Roll Call Vote - Final Committee Action:**

Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 7 Senators Avery, Bloomfield, Garrett, Karpisek, Scheer, Murante, Wallman  
**Nay:**  
**Absent:** 1 Senator Lautenbaugh  
**Present Not Voting:**

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**Proponents:**

Senator Ken Schilz  
Tom May  
David Levy  
Rodney Storm

Richard Lombardi

**Representing:**

Introducer  
Nebraska Aviation Trades Association  
Bluestem; Sandhills Wind Energy; Geronimo Energy  
Blair Airport Authority; Nebraska Association of Airport Officials  
The Wind Coalition

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 845 requires a meteorological evaluation tower, the height of which is at least 50 feet but not more than 200 feet above the surface of the ground at point of installation, to be marked as follows:

- Painted in bands of aviation orange and white;
- Have two or more marker balls attached to each outer guy wire; and
- Have a yellow safety sleeve installed on each outer guy wire.

These provisions only apply to a tower located outside the corporate limits of a municipality.

The owner of a meteorological evaluation tower will, not less than 10 business days prior to erecting the tower, register with the Department of Aeronautics the name of the owner, height and location, and any other information deemed necessary. The owner will also report removal of the tower not more than 30 days after removal.

If a meteorological evaluation tower was erected prior to the effective date of this act, the owner will mark the tower as prescribed within one year. The owner will register the tower within 15 business days of the effective date of the act.

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The Department of Aeronautics may adopt rules and regulations to carry out the purposes of this section.

The bill outright repeals section 66-1901 dealing with registration of wind measurement equipment with the Department of Aeronautics.

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**Explanation of amendments:**

The committee amendment makes several changes to the bill.

The committee amendment requires meteorological evaluation towers (METs) that are at least 50 feet above the surface to comply with the provisions of LB 845.

The amendment changes several of the marking requirements for METs. With the amendment, only the top half of the tower needs to be painted. Also, spherical marker balls attached to each outer guy wire will be no further than 20 feet from the top wire connection. The tower will have yellow safety sleeves installed on each outer guy wire extending at least 14 feet above the anchor point of the guy wire.

Also, an owner of a tower erected prior to the effective date of this act which is either lighted, marked with balls, painted, or modified in some manner so it is recognizable during daylight hours from a distance of not less than 2000 feet, will mark the tower within two years after the effective date of this act or at such time the tower is taken down for maintenance or other purposes, whichever occurs first. The owner of a tower erected prior to the effective date of this act which is not lighted, marked, painted or modified will mark the tower as required by this act within 90 days after the effective date of this act.

The registration requirements will be performed by the owner of a tower erected prior to the effective date of this act within 15 business days after the effective date of this act.

A material failure to comply with the marking and registration requirements of this section will be admissible as evidence of negligence on the part of the owner of a MET in an action in tort for property damage, bodily injury, or death resulting from an aerial collision with the unmarked or unregistered tower.

Finally, the amendment adds an e-clause.

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Bill Avery, Chairperson