

**ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013**  
**COMMITTEE STATEMENT**  
**LB387**

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**Hearing Date:** Tuesday February 19, 2013  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Christensen  
**One Liner:** Eliminate provisions relating to constructing drainage facilities and taking other control measures on public roads

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

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**Vote Results:**

<b>Aye:</b>	7	Senators Brasch, Dubas, Janssen, McCoy, Price, Smith, Watermeier
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Hadley
<b>Present Not Voting:</b>		

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**Proponents:**  
Senator Mark Christensen

**Representing:**  
Introducer

**Opponents:**  
Larry Dix

**Representing:**  
Nebraska Association of County Officials

**Neutral:**

**Representing:**

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

Outright repeals 39-1802, which states: "The county board shall have the authority to construct, maintain and improve drainage facilities on the public roads of the county. The county board also shall have the authority to make channel changes, control erosion, and provide stream protection or any other control measures beyond the road right-of-way limits wherever it is deemed necessary in order to protect the roads and drainage facilities from damage. The county board and any person acting in its behalf shall have the authority to enter upon private or public property for the above purposes. In case of any damage to the premises, the county board shall pay the owner of the premises the amount of the damages. Upon failure of the landowner and county board to agree upon the amount of damages, the landowner, in addition to any other available remedy, may file a petition as provided for in section 76-705."

The bill was introduced as an alternative to LB386 to resolve an issue with counties giving notice to landowners when taking property for drainage maintenance or repair.

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Annette Dubas, Chairperson