

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB53

Hearing Date: Thursday February 14, 2019

Committee On: Natural Resources

Introducer: Scheer

One Liner: Change and provide duties for landowners or their tenants relating to removal of a blockage or obstruction in a watercourse and provide for court costs and attorney's fees

Roll Call Vote - Final Committee Action:

Indefinitely postponed

Vote Results:

Aye: 8 Senators Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Senator Jim Scheer
Louis Pofahl

Representing:

Introducer
self

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 53 would expand the obligations of landowners and tenants regarding the cleaning of watercourses, drains, and ditches.

The bill would amend section 31-226 to require landowners or tenants in possession of land to clean a watercourse, slough, drainage ditch or drainage course running through his or her land, by adding that such watercourse, drain or ditch be cleaned to its natural depth and width when any blockage or obstruction is caused by the landowner or tenant. Cleaning is to be done once a year between March 1 and April 15. New language adds that a cleaning must be done any time between April 15 and the following March 1 within thirty days of notification by a landowner or tenant having the same watercourse, drain or ditch of a blockage or obstruction.

The bill would amend 31-226, which provides penalties for failure to clear a watercourse, drain or ditch, by adding liability for court costs and reasonable attorney's fees, and clarifying that a landowner or tenant has failed to comply if notice was received at least 10 days before a complaint is filed or if notice was provided at least 10 days before a complaint filed, but after the 30 day period allowed in 31-224.

Dan Hughes, Chairperson