

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 53

Introduced by Scheer, 19.

Read first time January 10, 2019

Committee:

1 A BILL FOR AN ACT relating to water drainage; to amend sections 31-224
2 and 31-226, Reissue Revised Statutes of Nebraska; to change and
3 provide duties for landowners or their tenants relating to removal
4 of a blockage or an obstruction in a watercourse, slough, or
5 drainage ditch or drainage course; to change provisions relating to
6 failure to clear after notice; to provide for court costs and
7 attorney's fees; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 31-224, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 31-224 (1) It shall be the duty of landowners in this state, or
4 tenants of such landowners when in possession, owning or occupying lands
5 through which a watercourse, slough, drainage ditch or drainage course
6 lies, runs, or has its course, to clean such watercourse, slough,
7 drainage ditch or drainage course to its natural depth and width by
8 removing all rubbish, weeds, or other items blocking or otherwise
9 obstructing the flow of the water in such watercourse, slough, drainage
10 ditch or drainage course, whenever such blockage or obstruction is caused
11 by any of the acts of such landowner or tenant or with his or her
12 knowledge or consent:

13 ~~(a) At at least once a year, between March 1 and April 15, of all~~
14 ~~rubbish, weeds or other substance blocking or otherwise obstructing the~~
15 ~~flow of the water in such watercourse, slough, drainage ditch or drainage~~
16 ~~course, whenever such obstruction is caused by any of the acts of said~~
17 ~~owner or tenant, or with his knowledge or consent; and~~

18 (b) At any time between April 15 and the following March 1 within
19 thirty days after notification of such blockage or obstruction by a
20 landowner or tenant having the same watercourse, slough, drainage ditch
21 or drainage course running through the land owned or occupied by such
22 landowner or tenant.

23 (2) This section ~~Provided, however, this~~ and sections 31-225 and
24 31-226 shall not apply to drainage ditches under control of any drainage
25 company or corporation.

26 Sec. 2. Section 31-226, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 31-226 Any person or individual violating any provisions of sections
29 31-224 and 31-225 shall be guilty of a misdemeanor and upon conviction be
30 fined not more than ten dollars and be liable for all damages caused by
31 reason of such obstruction, including court costs and reasonable

1 attorney's fees, if:

2 ~~(1) Such person or individual was , and who shall have been~~ notified
3 by an owner or tenant having the same watercourse, slough, drainage ditch
4 or drainage course running through the land owned or occupied by such
5 person or individual, ~~at least ten days before the filing of a complaint,~~
6 to remove an obstruction in such watercourse, slough, drainage ditch or
7 drainage course;

8 (a) At least ten days before the filing of a complaint for a
9 violation of subdivision (1)(a) of section 31-224 or section 31-225; or

10 (b) At least ten days before the filing of a complaint but after the
11 thirty-day period provided under subdivision (1)(b) of section 31-224 for
12 a violation of such subdivision; and

13 ~~(2) Failed , and who shall fail~~ to comply with such notice, ~~shall be~~
14 ~~deemed guilty of a misdemeanor, and upon conviction shall be fined not~~
15 ~~more than ten dollars and be liable for all damages caused by reason of~~
16 ~~such obstruction.~~

17 Sec. 3. Original sections 31-224 and 31-226, Reissue Revised
18 Statutes of Nebraska, are repealed.