

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 87

Introduced by Christensen, 44.

Read first time January 06, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to highways and bridges; to amend section
2 39-1811, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to mowing weeds in ditches as
4 prescribed; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1811, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-1811 (1) Except as provided in subsection (2) of this
4 section:

5 (a) It shall be the duty of ~~the landowners~~ each landowner
6 in this state to mow all weeds that can be mowed with the ordinary
7 farm mower to the middle of all public roads and drainage ditches
8 running along ~~their~~ the landowner's lands at least twice each year,
9 namely, before July 15~~7~~, for the first time and sometime in August for
10 the second time; and -

11 ~~(2)-(b)(i)~~ Whenever a landowner, ~~referred to in~~
12 ~~subsections (1) and (3) of this section,~~ neglects to does not mow the
13 weeds as provided in this section, ~~it shall be the duty of the county~~
14 board shall, on complaint of any resident of the county, ~~to cause the~~
15 such weeds to be mowed or otherwise destroyed; and ~~on neglected~~
16 ~~portions of roads or ditches complained of.~~

17 ~~(3)-(ii)~~ The county board shall ~~cause to be ascertained~~
18 ~~and recorded an accurate account of~~ ascertain and record the cost of
19 mowing or destroying such weeds, ~~as referred to in subsections (1)~~
20 ~~and (2) of this section,~~ in such places, ~~specifying,~~ in such
21 statement or account of costs~~7~~, the description of the land abutting
22 upon each side of the highway where such weeds were mowed or
23 destroyed, and, if known, the name of the owner of such abutting
24 land. The board shall file such statement with the county clerk,
25 together with a description of the lands abutting on each side of the

1 road where such expenses were incurred, and the county board, at the
2 time of the annual tax levy made upon lands and property of the
3 county, ~~may, if it desires,~~ assess such cost upon such abutting land,
4 giving such landowner due notice of such proposed assessment and
5 reasonable opportunity to be heard concerning the proposed assessment
6 before the same is finally made.

7 (2)(a) The electors of any county may vote on the
8 question of requiring the county to mow the weeds in all drainage
9 ditches in such county. The question may be put on the ballot of any
10 statewide general election by resolution of the county board of
11 commissioners or county board of supervisors or by petition as
12 provided in sections 32-628 to 32-632.

13 (b) The electors of any county which has voted pursuant
14 to subdivision (a) of this subsection to require the county to mow
15 the weeds in all drainage ditches may vote on the question of
16 removing such mowing requirement. The question may be put on the
17 ballot of any statewide general election which is held two years or
18 longer after the date of the election at which the electors approved
19 such mowing requirement. The question may be put on such ballot by
20 resolution of the county board of commissioners or county board of
21 supervisors or by petition as provided in section 32-628 to 32-632.

22 Sec. 2. Original section 39-1811, Reissue Revised
23 Statutes of Nebraska, is repealed.