

**ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022**  
**COMMITTEE STATEMENT**  
**LB806**

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**Hearing Date:** Friday January 28, 2022  
**Committee On:** Natural Resources  
**Introducer:** Bostelman  
**One Liner:** Change provisions relating to drainage of land by the landowner

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	6	Senators Bostelman, Cavanaugh, J., Gragert, Hughes, Moser, Wayne
<b>Nay:</b>		
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Aguilar

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**Oral Testimony:**

**Proponents:**

Bruce Bostelman  
Don Blankenau  
Lumir Jedlicka  
Joe Heavican

**Representing:**

Introducer  
Self  
Self  
Self

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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

LB806 amends section 31-201 to prohibit the use of a pump drain system to discharge water off of land if that use of the system would cause injury or damage to another. LB806 retains the right of a landowner to discharge water from his or her land by constructing an open ditch or tile drain system wholly on his or her own land to discharge the water into any natural water course or any natural depression or draw.

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**Explanation of amendments:**

AM1979 is a white copy amendment that acts to clarify the difference between the practice of constructing an open ditch or tile drain for aiding in natural water drainage from constructing a drainage system constructed with a pump or powered system that can potentially increase drainage flow to the point of causing harm to a neighboring property.

Section-by-section description

Sec. 1 Amends Section 31-201 to include subsection (1) that describes the traditional and acceptable practice of constructing an open ditch or tile drain system wholly on a landowner's property to drain water into any natural watercourse of natural depression; adds subsection (2) prohibits the use of a pump or powered drainage system if the increased flow

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over another's land would cause injury or harm.

Sec. 2 Repeals the original section.

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Bruce Bostelman, Chairperson