

February 8, 1979

LB 13

PRESIDENT LUEDTKE: The Chair recognizes Senator George.

SENATOR GEORGE: Mr. President, I just rise to support LB 13. We had that bill before the Urban Affairs Committee last year. It was killed in committee and the argument at that time was that Scottsbluff could do that by city ordinance. In the meantime there was a request by the city attorney to the Attorney General and the legal opinion now seems to be that they do need a state statute in order to go on with the work that they want to do. Consequently we got the bill back this year and now on the basis of the Attorney General's opinion, we have supported the bill and I hope you can do that too. Thank you.

PRESIDENT LUEDTKE: The Chair recognizes Senator Maresh.

SENATOR MARESH: Mr. President, a question of Senator Nichol. Senator Nichol, suppose these covered irrigation ditches give trouble, say they get blocked up. Who is responsible to maintain them after they are covered?

SENATOR NICHOL: After they are covered? This is in the agreement usually with the ditch company and the city. However, may I point out that once they are covered, you do away with a lot of evils such as weeds along the ditch bank falling in, children falling in the canals to be drowned and so forth, so that actually the public benefits mostly but as far as the liability is concerned, this is worked out between them. There was an amendment which the committee rejected whereby the city would take full responsibility for the ditch company's liability and of course I do not think they are allowed to take this responsibility on, but they do approve of the design. The ditch company does approve of the design of the coverage.

SENATOR MARESH: That will be in the agreement who is going to maintain the ditch then. Correct?

SENATOR NICHOL: Pardon me?

SENATOR MARESH: There is an agreement drawn up before it is covered.

SENATOR NICHOL: I won't say there is an agreement but they do agree as to what should be done and any other problems that they have they agree between them. This bill does not say that the municipality shall accept the liability of the ditch company after they have covered it. It does not say that.