

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB176

Hearing Date: Thursday January 26, 2017
Committee On: Natural Resources
Introducer: Bostelman
One Liner: Eliminate obsolete provisions related to milldams

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Albrecht, Bostelman, Geist, Hughes, Kolowski, Quick, Walz, McCollister
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Bruce Bostelman
Jeff Fassett

Representing:

Introducer
Department of Natural Resources

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 176 would repeal sections of statute related to milldams, which are obsolete. The Chapter 56 statutes on milldams were originally enacted in the late 1800s, long before the passage of current statutes on eminent domain and water rights. Most of the Chapter 56 sections were repealed in 1951, more in 1980, leaving just six sections that this bill would eliminate.

Section 1 repeals the following sections from the statutes on milldams:

- * 56-101: authorizes the use of eminent domain for certain landowners building milldams;
 - * 56-115: provides for damages caused by milldams;
 - * 56-124: allows a right of entry on adjoining lands to repair milldams to prevent breakthroughs;
 - * 56-125: allows such adjoining landowners to recover for damages;
 - * 56-126: allows mill owners to recover for damages to their milldams; and
 - * 56-127: authorizes municipalities to acquire milldams in certain circumstances.
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Dan Hughes, Chairperson