

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 386
Final Reading

Introduced by Christensen, 44.

Read first time January 18, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to counties; to amend section 39-1802, Reissue
2 Revised Statutes of Nebraska; to require notice of
3 certain maintenance actions as prescribed; and to repeal
4 the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1802, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-1802 The county board shall have the authority to
4 construct, maintain, and improve drainage facilities on the public
5 roads of the county. The county board also shall have the authority
6 to make channel changes, control erosion, and provide stream
7 protection or any other control measures beyond the road right-of-way
8 limits wherever it is deemed necessary in order to protect the roads
9 and drainage facilities from damage. The county board ~~and any person~~
10 ~~acting in its behalf or road overseer~~ shall have the authority to
11 enter upon private or public property for the ~~above purposes listed~~
12 in this section. The county board or road overseer shall make a
13 record of the condition of the premises at the time of entry upon the
14 premises or a record of any claimed encroachment of the road right-
15 of-way that can be used in the event of damages to private property.
16 In case of any damage to the premises, the county board shall pay the
17 record owner of the premises the amount of the damages. Upon failure
18 of the landowner and county board to agree upon the amount of
19 damages, the landowner, in addition to any other available remedy,
20 may file a petition as provided for in section 76-705. The county
21 board or road overseer shall give the record owner of the premises
22 ten days' notice of its intention to enter upon private property for
23 purposes listed in this section or to modify, relocate, remove, or
24 destroy any encroaching private property in the county road right-of-
25 way for such purposes. Upon notice the record owner shall have five

1 days to respond to the county board or road overseer. In the event of
2 an emergency or a threat to public health, safety, or welfare, the
3 notice requirement of this section may be waived.

4 Sec. 2. Original section 39-1802, Reissue Revised
5 Statutes of Nebraska, is repealed.