

LEGISLATIVE BILL 386

Approved by the Governor May 7, 2013

Introduced by Christensen, 44.

FOR AN ACT relating to counties; to amend section 39-1802, Reissue Revised Statutes of Nebraska; to require notice of certain maintenance actions as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

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

39-1802 The county board shall have the authority to construct, maintain, and improve drainage facilities on the public roads of the county. The county board also shall have the authority to make channel changes, control erosion, and provide stream protection or any other control measures beyond the road right-of-way limits wherever it is deemed necessary in order to protect the roads and drainage facilities from damage. The county board and any person acting in its behalf or road overseer shall have the authority to enter upon private or public property for the above purposes listed in this section. The county board or road overseer shall make a record of the condition of the premises at the time of entry upon the premises or a record of any claimed encroachment of the road right-of-way that can be used in the event of damages to private property. In case of any damage to the premises, the county board shall pay the record owner of the premises the amount of the damages. Upon failure of the landowner and county board to agree upon the amount of damages, the landowner, in addition to any other available remedy, may file a petition as provided for in section 76-705. The county board or road overseer shall give the record owner of the premises ten days' notice of its intention to enter upon private property for purposes listed in this section or to modify, relocate, remove, or destroy any encroaching private property in the county road right-of-way for such purposes. Upon notice the record owner shall have five days to respond to the county board or road overseer. In the event of an emergency or a threat to public health, safety, or welfare, the notice requirement of this section may be waived.

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 Original section 39-1802, Reissue Revised Statutes of Nebraska, is repealed.