

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB386

Hearing Date: Tuesday February 19, 2013
Committee On: Transportation and Telecommunications
Introducer: Christensen
One Liner: Require notice of road maintenance by counties as prescribed

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

Vote Results:

Aye: 8 Senators Brasch, Dubas, Hadley, Janssen, McCoy, Price, Smith, Watermeier
Nay:
Absent:
Present Not Voting:

Proponents:

Senator Mark Christensen
Larry Dix

Representing:

Introducer
Nebraska Association of County Officials

Opponents:

Representing:

Neutral:

John Hynes

Representing:

Self

Summary of purpose and/or changes:

LB386 adds a notice provision to 39-1802 and clarifies the process counties use to construct, maintain, and improve drainage facilities on public roads to protect private property owners' interests.

Section-by-section description:

Section 1 amends 39-1802, which deals with County Roads and Maintenance of Highways and Bridges.

Replaces "any person acting in the county boards behalf" with "road overseer".

Adds requirement for the county board or road overseer to 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.

Clarifies the county board pays damages to the record owner.

Adds requirement for the county board or road overseer to give notice of its intention to enter upon private property. Upon notice the record owner shall have 5 days to respond.

Section 2 repeals original section.

Explanation of amendments:

AM275 adds an exemption to the notice requirement in case of emergency or threat to public health, safety, or welfare.

Annette Dubas, Chairperson