

One Hundred Second Legislature - Second Session - 2012

Introducer's Statement of Intent

LB1052

Chairperson: Senator Deb Fischer

Committee: Transportation and Telecommunications

Date of Hearing: February 06, 2012

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 1052 amends Section 39-1802, which gives authority to the county board to engage in construction and maintenance of county roads and drainage facilities, along with authority to go onto private property, when necessary, to accomplish the construction and maintenance. This section also requires the county to pay for any damage to property outside the right-of-way.

LB1052 seeks to improve the due process in this section to provide proper notification, and to better protect property owners and the county when disagreements arise between them regarding necessary entry onto property and any claimed encroachments into the right-of-way by the county.

The bill would require that a 30-day notice be given to the property owner by the county whenever the county has plans to enter onto property outside the right-of-way for purposes authorized in this section, or if they plan to modify, relocate, remove, or destroy any encroaching private property in the right-of-way during any construction or maintenance of drainage facilities. It also, would require that record of the condition of the premises be made prior to any work done on private property outside of the right-of-way and evidence presented for any claim of encroachment.

In addition, LB1052 would allow, with the property owners written consent, the county to enter onto their premises prior to the end of the 30-days notice. Finally, the bill provides an emergency exemption for the county when imminent risk to public safety exists.

Principal Introducer: _____

Senator Mark Christensen