

# **One Hundred Third Legislature - First Session - 2013**

## **Introducer's Statement of Intent**

### **LB386**

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**Chairperson: Senator Annette Dubas**

**Committee: Transportation and Telecommunications**

**Date of Hearing: February 19, 2013**

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

Legislative Bill 386 amends Section 39-1802, which gives authority to the county board or road overseer 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 maintenance. This section also requires the county to pay for any damage to property outside the right-of-way.

LB 386 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 10-day notice be given to the record property owner by the county or road overseer 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. Upon notice, it would allow the record owner 5-days to respond to the county board or road overseer.

In addition, it would require 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.

**Principal Introducer:** \_\_\_\_\_

**Senator Mark Christensen**

