

LEGISLATIVE BILL 200

Approved by the Governor April 15, 1981

Introduced by Hefner, 19

AN ACT to amend sections 39-1638, 39-1639, and 39-1642, Reissue Revised Statutes of Nebraska, 1943, relating to rural road improvement districts; to redefine terms; to remove a restriction; to change provisions relating to resolutions; and to repeal the original sections.

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

Section 1. That section 39-1638, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1638. As used in sections 39-1638 to 39-1655, unless the context otherwise requires:

(1) Persons shall include individuals, corporations, and partnerships; ~~or any body capable of owning real property;~~

(2) Board, board of county commissioners, or board of county supervisors shall mean the governing body of the county; ~~having a population of not more than two hundred thousand inhabitants, by whatever name it may be known;~~ and

(3) Improvement shall mean the completed road and all work incidental thereto.

Sec. 2. That section 39-1639, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1639. Any county ~~having a population of not more than two hundred thousand inhabitants;~~ may establish and construct new roads, change or extend existing roads, and improve such roads by grading, surfacing, draining and incidental work by the board on its own initiative declaring the advisability or necessity therefor in a proposed resolution, which resolution shall state (1) the road or roads to be improved, (2) if a new road is contemplated, the general location of the new road or changes in location of an existing road, (3) the general description of the proposed improvement, and if the road is to be surfaced, the materials to be used therefor, (4) a rough estimate of the total cost of the improvement, which may be made by the county surveyor or any engineer

or competent person and need not be based on detailed plans and specifications, (5) proposed method of financing, and (6) the outer boundaries of the district in which it is proposed to levy special assessments.

Sec. 3. That section 39-1642, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1642. If persons owning more than fifty per cent in area of the real property in the proposed district file with the county clerk prior to the time set for hearing written objections to the formation of the district stating the reasons for their objections, the resolution shall not be passed. At the hearing, all persons interested in the proposed improvement shall be given an opportunity to be heard on any matters affecting the formation of the district or the improvements to be made therein. The hearing may be continued from time to time to give opportunity to ascertain all pertinent information. At or following said hearing the board may pass the resolution as proposed, ~~or amend the resolution and pass the amended resolution, or deny passage of the resolution.~~ The amendments may, among other things, exclude any tracts included in the proposed resolution, ~~or include additional property in the district, or otherwise change the boundaries of the proposed district.~~

Sec. 4. That original sections 39-1638, 39-1639, and 39-1642, Reissue Revised Statutes of Nebraska, 1943, are repealed.