

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 727**

Introduced by Natural Resources Committee: Louden, 49, Chairperson;  
Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43;  
Hudkins, 21; Kopplin, 3; Wallman, 30.

Read first time January 09, 2008

Committee: Natural Resources

A BILL

- 1 FOR AN ACT relating to natural resources; to amend section 61-206,  
2 Revised Statutes Cumulative Supplement, 2006; to change  
3 provisions relating to hearing requests; and to repeal  
4 the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 61-206, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           61-206 (1) The Department of Natural Resources is given  
4 jurisdiction over all matters pertaining to water rights for  
5 irrigation, power, or other useful purposes except as such  
6 jurisdiction is specifically limited by statute. Such department  
7 shall adopt and promulgate rules and regulations governing matters  
8 coming before it. It may refuse to allow any water to be used  
9 by claimants until their rights have been determined and made  
10 of record. It may request information relative to irrigation and  
11 water power works from any county, irrigation, or power officers  
12 and from any other persons. It may have hearings on complaints,  
13 petitions, or applications in connection with any of such matters.  
14 Such hearings shall be had at the time and place designated by  
15 the department. The department shall have power to certify official  
16 acts, compel attendance of witnesses, take testimony by deposition  
17 as in suits at law, and examine books, papers, documents, and  
18 records of any county, party, or parties interested in any of  
19 the matters mentioned in this section or have such examinations  
20 made by its qualified representative and shall make and preserve  
21 a true and complete transcript of its proceedings and hearings.  
22 If a final decision is made without a hearing, a hearing shall  
23 be held at the request of any party to the proceeding if the  
24 request is made within ~~fifteen~~ thirty days after the decision is  
25 rendered. If a hearing is held at the request of one or more

1 parties, the department may require each such requesting party and  
2 each person who requests to be made a party to such hearing to  
3 pay the proportional share of the cost of such transcript. Upon  
4 any hearing, the department shall receive any evidence relevant to  
5 the matter under investigation and the burden of proof shall be  
6 upon the person making the complaint, petition, and application.  
7 After such hearing and investigation, the department shall render a  
8 decision in the premises in writing and shall issue such order or  
9 orders duly certified as it may deem necessary.

10 (2) The department shall serve as the official agency  
11 of the state in connection with water resources development, soil  
12 and water conservation, flood prevention, watershed protection, and  
13 flood control.

14 (3) The department shall:

15 (a) Offer assistance as appropriate to the supervisors or  
16 directors of any subdivision of government with responsibilities in  
17 the area of natural resources conservation, development, and use in  
18 the carrying out of any of their powers and programs;

19 (b) Keep the supervisors or directors of each such  
20 subdivision informed of the activities and experience of all other  
21 such subdivisions and facilitate cooperation and an interchange of  
22 advice and experience between such subdivisions;

23 (c) Coordinate the programs of such subdivisions so far  
24 as this may be done by advice and consultation;

25 (d) Secure the cooperation and assistance of the United

1 States, any of its agencies, and agencies of this state in the work  
2 of such subdivisions;

3 (e) Disseminate information throughout the state  
4 concerning the activities and programs of such subdivisions;

5 (f) Plan, develop, and promote the implementation of a  
6 comprehensive program of resource development, conservation, and  
7 utilization for the soil and water resources of this state in  
8 cooperation with other local, state, and federal agencies and  
9 organizations;

10 (g) When necessary for the proper administration of the  
11 functions of the department, rent or lease space outside the State  
12 Capitol; and

13 (h) Assist such local governmental organizations as  
14 villages, cities, counties, and natural resources districts in  
15 securing, planning, and developing information on flood plains to  
16 be used in developing regulations and ordinances on proper use of  
17 these flood plains.

18 Sec. 2. Original section 61-206, Revised Statutes  
19 Cumulative Supplement, 2006, is repealed.