

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 822

Introduced by Hughes, 44.

Read first time January 04, 2018

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to the Department of Natural Resources; to
- 2 amend section 61-206, Reissue Revised Statutes of Nebraska; to
- 3 change provisions relating to duties of the department; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 61-206, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 61-206 (1) The Department of Natural Resources is given jurisdiction
4 over all matters pertaining to water rights for irrigation, power, or
5 other useful purposes except as such jurisdiction is specifically limited
6 by statute. Such department shall adopt and promulgate rules and
7 regulations governing matters coming before it. It may refuse to allow
8 any water to be used by claimants until their rights have been determined
9 and made of record. It may request information relative to irrigation and
10 water power works from any county, irrigation, or power officers and from
11 any other persons. It may have hearings on complaints, petitions, or
12 applications in connection with any of such matters. Such hearings shall
13 be had at the time and place designated by the department. The department
14 shall have power to certify official acts, compel attendance of
15 witnesses, take testimony by deposition as in suits at law, and examine
16 books, papers, documents, and records of any county, party, or parties
17 interested in any of the matters mentioned in this section or have such
18 examinations made by its qualified representative and shall make and
19 preserve a true and complete transcript of its proceedings and hearings.
20 If a final decision is made without a hearing, a hearing shall be held at
21 the request of any party to the proceeding if the request is made within
22 thirty days after the decision is rendered. If a hearing is held at the
23 request of one or more parties, the department may require each such
24 requesting party and each person who requests to be made a party to such
25 hearing to pay the proportional share of the cost of such transcript.
26 Upon any hearing, the department shall receive any evidence relevant to
27 the matter under investigation and the burden of proof shall be upon the
28 person making the complaint, petition, and application. After such
29 hearing and investigation, the department shall render a decision in the
30 premises in writing and shall issue such order or orders duly certified
31 as it may deem necessary.

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

4 (3) The department shall:

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

9 (b) Keep the supervisors or directors of each such subdivision
10 informed of the activities and experience of all other such subdivisions
11 and facilitate cooperation and an interchange of advice and experience
12 between such subdivisions;

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

15 (d) Secure the cooperation and assistance of the United States, any
16 of its agencies, and any agency or agencies of this state in the work of
17 such subdivisions;

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

20 (f) Plan, develop, and promote the implementation of a comprehensive
21 program of resource development, conservation, and utilization for the
22 soil and water resources of this state in cooperation with other local,
23 state, and federal agencies and organizations;

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

26 (h) Assist such local governmental organizations as villages,
27 cities, counties, and natural resources districts in securing, planning,
28 and developing information on flood plains to be used in developing
29 regulations and ordinances on proper use of these flood plains.

30 Sec. 2. Original section 61-206, Reissue Revised Statutes of
31 Nebraska, is repealed.