

LEGISLATIVE BILL 189

Approved by the Governor March 13, 1973

Introduced by Duis, 39

AN ACT to amend section 70-667, Reissue Revised Statutes of Nebraska, 1943, relating to public power; to provide additional authority to irrigation divisions of public power and irrigation districts; and to repeal the original section. Be it enacted by the people of the State of Nebraska,

Section 1. That section 70-667, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-667. All power plants and systems, and all irrigation works, constructed or otherwise acquired, or used or operated by any district under the provisions of sections 70-601 to 70-672, or proposed by such district to be so constructed, acquired, owned, used, or operated, are hereby declared to be works of internal improvement. All laws applicable to works of internal improvement, and all provisions of law now applicable to electric light and power corporations, or to irrigation districts, or to privately-owned irrigation corporations, the use and occupation of state and other public lands and highways, the appropriation, or other acquisition, or use of water, water power, water rights, or water diversion or storage rights, for any of the purposes contemplated in such statutory provisions, the manner or method of construction and physical operation of power plants, systems, transmission lines and irrigation works, as herein contemplated, shall be applicable, as nearly as may be, to districts organized under sections 70-601 to 70-672, and in the performance of the duties conferred or imposed upon them under such statutory provisions. Such laws, provisions of law, or statutory provisions are hereby made applicable to all irrigation works and facilities operated by irrigation divisions of public power and irrigation districts under sections 70-601 to 70-672, and shall include, but not be limited to, the right of such district to exercise the powers conferred upon districts by Chapters 46 and 31, relating to operation, maintenance, rehabilitation, construction, reconstruction, repairs, extension, recharge facilities for groundwater, within the irrigation--service--area--of the--district, and surface and subsurface drainage projects, and the assessment of the cost thereof to the lands benefited thereby. The right to exercise the power

of eminent domain is conferred. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 2. That original section 70-667, Reissue Revised Statutes of Nebraska, 1943, is repealed.