

February 8, 1980

LB 648

SENATOR WAGNER: Mr. Speaker, members, LB 648 is intended to allow the Department of Water Resources to use certified mail to send notices of hearings on cancellation annulment of water appropriations to persons owning and controlling water appropriations. The department is now required to deliver such notices personally. The current procedure is that the department in working with this adjudication of water rights...the department employees conduct investigation to determine the uses being made of the existing water appropriations. If the investigations show that an appropriation has not been used for more than three years, a hearing will be scheduled. At least thirty days prior to the hearing the department personally serves notice of the hearing to the owners stating that they will be asked to show why the appropriations should not be cancelled. Following the hearing the department prepares an order announcing whether or not the appropriation has been cancelled. Now the proposed change allows the department to use certified mail instead of personally serving the notices, and in doing so, last year they had 375 adjudication hearings and they spent approximately 25 man days and about 6,000 miles of driving. By going to the certified mail, this will save the Department of Water Resources a lot of time and a lot of expense. Mr. Chairman, I move the advancement of LB 648.

PRESIDENT: The Chair recognizes Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, may I ask Senator Wagner a question, please?

PRESIDENT: Senator Wagner, will you respond to a question from Senator Carsten?

SENATOR WAGNER: Certainly.

SENATOR CARSTEN: Senator Wagner, have they ever used the certified mail process heretofore and if they have I understand that it has been...was it discontinued, and why?

SENATOR WAGNER: I did not hear the first part of your question, Senator Carsten.

SENATOR CARSTEN: Have they ever used certified mail as opposed to personal visitation?

SENATOR WAGNER: In relation to this particular section? No, I don't think so, but there are other sections where they, in another law that I recall they either used registered