

LEGISLATIVE BILL 188

Approved by the Governor February 13, 1997

Introduced by Bromm, 23; Dierks, 40; Elmer, 44; Hudkins, 21; McKenzie, 34; C. Peterson, 35; Schrock, 38

AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend sections 46-656.19 and 46-656.21, Revised Statutes Supplement, 1996; to change provisions relating to notice of controls; to repeal the original sections; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 46-656.19, Revised Statutes Supplement, 1996, is amended to read:

46-656.19. Prior to proceeding toward establishing a management area, a management plan shall have been approved by the Director of Water Resources or the district shall have completed the requirements of section 46-656.15. If necessary to determine whether a management area should be designated, the district may initiate new studies and data-collection efforts and develop computer models. In order to establish a management area, the district shall fix a time and place for a public hearing to consider the management plan information supplied by the director and to hear any other evidence. The hearing shall be located within or in reasonable proximity to the area proposed for designation as a management area.

Notice of the hearing shall be published at the expense of the district in a newspaper published or of general circulation in the area involved at least once each week for three consecutive weeks, the last publication to be not less than seven days prior to the hearing. The notice shall provide a general description of the contents of the plan and of the area which will be considered for inclusion in the management area and ~~shall provide the text a general description of all controls proposed for adoption or amendment by the district and shall identify all locations where a copy of the full text of the proposed controls may be obtained. The full text of all controls shall be available to the public upon request not later than the date of first publication.~~

All interested persons shall be allowed to appear and present testimony. The hearing shall include testimony of a representative of the Department of Water Resources and, if the primary purpose of the proposed management area is protection of water quality, of the Department of Environmental Quality and shall include the results of any studies or investigations conducted by the district.

Sec. 2. Section 46-656.21, Revised Statutes Supplement, 1996, is amended to read:

46-656.21. The district shall cause a copy of any order adopted pursuant to section 46-656.20 to be published once each week for three consecutive weeks in a local newspaper published or of general circulation in the area involved, the last publication of which shall be not less than seven days prior to the date set for the effective date of the order. The publication shall provide a general description of the text of all controls adopted or amended by the district and shall identify all locations where a copy of the full text of the proposed controls may be obtained. The full text of all controls adopted shall be available to the public upon request at least thirty days prior to the effective date of the controls.

Such order shall become effective on the date specified by the district.

Sec. 3. Original sections 46-656.19 and 46-656.21, Revised Statutes Supplement, 1996, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.