

LEGISLATIVE BILL 32

Approved by the Governor April 14, 2011

Introduced by Langemeier, 23.

FOR AN ACT relating to water; to amend section 46-1654, Reissue Revised Statutes of Nebraska; to change provisions relating to dam and appropriation application approval; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 46-1654, Reissue Revised Statutes of Nebraska, is amended to read:

46-1654 (1) Approval of applications for which approval under sections 46-233 to 46-242 is not required shall be issued within ninety days after receipt of the completed application plus any extensions of time required to resolve matters diligently pursued by the applicant. At the discretion of the department, one or more public hearings may be held on an application.

(2) Approval of applications under the Safety of Dams and Reservoirs Act, for which approval under sections 46-233 to 46-242 is required, shall not be issued until all pending matters before the department under the Safety of Dams and Reservoirs Act or such sections have been resolved and approved. ~~Approval under the act and approval under such sections shall be issued simultaneously.~~

(3) Application approval shall be granted with terms, conditions, and limitations necessary to safeguard life and property.

(4) If actual construction, reconstruction, enlargement, alteration, breach, removal, or abandonment of the dam is not commenced within the time established by the department, the application approval becomes void, except that the department may, upon written application and for good cause shown, extend the time for commencing construction, reconstruction, enlargement, alteration, breach, removal, or abandonment. If approval under sections 46-233 to 46-242 is also required, the department may not extend the time for commencing construction without following the procedures and granting a similar extension under subsection (2) of section 46-238.

(5) Written notice shall be provided to the department at least ten days before construction, reconstruction, enlargement, alteration, breach, removal, or abandonment is to begin and such other notices shall be given to the department as it may require.

Sec. 2. Original section 46-1654, Reissue Revised Statutes of Nebraska, is repealed.