

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

May 3, 1999

LB 870

introduce this amendment to you. It's one that I think helps to clear up a problem that we have where we have DEQ having requirements and then we have the local zoning authority having requirements, and who establishes which of those requirements are satisfied first. And we've kind of created a revolving door of, one says, mine have to be met first, and the other says, but ours have to be. And this, I think, in an attempt to address that and some concerns, puts the responsibility on the applicant. The person who is applying for the permit would have the responsibility of going to the local zoning authority and sign...having them sign off, in effect, that all local zoning ordinances or any local requirements would have been met before the DEQ receives the application. That would be done in a way by the local authority issuing a resolution, in effect saying that, yes, in fact, to the best of our knowledge, all of these requirements have been met at the local level; thus giving DEQ the knowledge that it's been done. But also, they don't then have to use their personnel to try to find out whether or not it's been done, or in some cases where they perhaps don't have enough personnel or they don't have time to go out to each of those local areas to find out whether or not they have complied with those zoning requirements and any other regulations and ordinances that might be in effect at the local level. There certainly could be instances where a requirement may not be able to be met in advance. And so what I have done in the amendment is provide for conditional compliance, so that the local governing authority would then sign off on a conditional compliance that would then be able to be acknowledged at the local level, and DEQ would also understand that until they looked at the permit and they dealt with it, that that particular provision may not be able to be signed off on totally at the local level. But it would, again, allow for the DEQ to be aware of the requirement, and that they would also then have that as something that they could be informed of. So essentially, the amendment has the applicant bear the burden of responsibility rather than the DEQ for getting all of the local compliance issues taken care of, and for getting those local bodies, be it the county board or a planning or zoning commission, to sign off that at the local level that has been met and dealt with. Then, in the event of any of those that perhaps can't be met, there would be the provisional compliance that would be completed, and DEQ would be able to have that. I