

AMENDMENTS TO LB 814

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. The Legislature declares that:

4 (1) In order to protect the watercourses and bodies of
5 water of the state, under requirements and mandates of state and
6 federal law relating to storm water management programs, and to
7 meet local storm water needs, certain municipalities, counties, and
8 natural resources districts are responsible to develop and
9 implement storm water management programs; and

10 (2) The costs to implement storm water management
11 programs are significant, current funding sources and methods may
12 be inadequate, and authority is necessary to develop a system of
13 charges which may be imposed to carry out the storm water
14 management programs. Charges collected shall be used only for
15 storm water management programs.

16 Sec. 2. For purposes of sections 1 to 13 of this act,
17 the definitions found in sections 3 to 7 of this act shall be used.

18 Sec. 3. Agricultural and horticultural land means
19 agricultural and horticultural lands as defined in section 77-1359.

20 Sec. 4. Impervious surface area means the plane area of
21 a parcel of real property which exhibits a comparatively low rate
22 of absorption of storm water or a high rate of runoff per unit of
23 surface area.

24 Sec. 5. Municipality means any city of the first class

1 which is required by federal law to have a storm water management
2 program, any city of the primary class, or any city of the
3 metropolitan class.

4 Sec. 6. Process of development means grading and other
5 activities performed in preparation for residential, commercial, or
6 industrial uses.

7 Sec. 7. Storm water management programs means those
8 programs, practices, and projects necessary to meet (1) state and
9 federal requirements and mandates and (2) locally established needs
10 and priorities for surface water quality and quantity.

11 Sec. 8. Each municipality may, by ordinance of its
12 governing body, establish storm water management programs in any
13 area within its corporate limits and within its zoning
14 jurisdiction. For the purpose of funding capital improvements and
15 paying the operational costs of storm water management programs,
16 the municipality may establish a system of charges against all land
17 within such areas including, with the consent of the governing body
18 of a county, any area within such municipality's zoning
19 jurisdiction, to be paid for storm water management programs as
20 authorized by sections 18-503 and 18-509. The system of charges to
21 be paid for storm water management programs shall be as established
22 by a separate ordinance of the governing body of the municipality.
23 Such ordinance shall provide for an appeals process for aggrieved
24 parties. Such charges shall be proportionate to the storm water
25 contribution and based upon sound engineering principles and may
26 include factors such as impervious surface area and land uses.
27 Such charges shall be collected in the same manner as municipality

1 property taxes, or in such other manner as determined appropriate
2 by the governing body, and shall not be deemed to constitute
3 special benefit assessments.

4 Sec. 9. A natural resources district containing a
5 municipality, by resolution of its board of directors, may
6 establish and implement storm water management programs in any area
7 within the district. For the purpose of funding capital
8 improvements and paying the operational costs of storm water
9 management programs within such areas, a district, by resolution of
10 its board of directors, may establish a system of charges against
11 all land within such areas, including, with the consent of the
12 governing body of a municipality or of a county containing a
13 municipality, any area within such county or within such
14 municipality or its zoning jurisdiction, and may issue revenue
15 bonds repayable from the proceeds of such charges, all upon such
16 terms as the board of directors may determine reasonable. Such
17 charges shall be proportionate to the storm water contribution and
18 based upon sound engineering principles and may include factors
19 such as impervious surface area and land uses. Such charges shall
20 be collected in the same manner as district property taxes, or in
21 such other manner as determined appropriate by the board of
22 directors, and shall not be deemed to constitute special benefit
23 assessments. Such resolution shall provide for an appeals process
24 for aggrieved parties.

25 Sec. 10. A county containing a municipality, by
26 resolution of its county board, may establish and implement storm
27 water management programs in any area within the county. For the

1 purpose of funding capital improvements and paying the operational
2 costs of storm water management programs within such areas, a
3 county, by resolution of its governing board, may establish a
4 system of charges against all land within such areas, including,
5 with the consent of the governing body of a municipality, any area
6 within such municipality or within its zoning jurisdiction, and may
7 issue revenue bonds repayable from the proceeds of such charges,
8 all upon such terms as the board may determine reasonable. Such
9 charges shall be proportionate to the storm water contribution and
10 based upon sound engineering principles and may include factors
11 such as impervious surface area and land uses. Such charges shall
12 be collected in the same manner as county property taxes, or in
13 such other manner as determined appropriate by the county board,
14 and shall not be deemed to constitute special benefit assessments.
15 Such resolution shall provide for an appeals process for aggrieved
16 parties.

17 Sec. 11. The plan and budget for the operational costs
18 and capital improvements that comprise a storm water management
19 program shall be prepared on an annual basis. Each municipality,
20 county, and natural resources district shall hold a public hearing
21 prior to: (1) Approving the annual operating budget and capital
22 improvements program; (2) adopting storm water management program
23 charges; and (3) amending such charges. A municipality, county, or
24 natural resources district shall not impose storm water management
25 program charges for any period against land that is subject to
26 similar charges imposed by another such entity or by a sanitary and
27 improvement district for such period.

1 Sec. 12. The powers granted by sections 8 to 13 of this
2 act are independent of and in addition to all other grants of
3 powers on the same or related subjects, but may be exercised
4 jointly with other governmental agencies by entering into an
5 agreement pursuant to the Interlocal Cooperation Act or
6 supplemented by the powers granted by any existing law. Nothing in
7 such sections shall be construed as limiting the powers of sanitary
8 and improvement districts relating to matters of drainage as
9 provided for in the laws governing sanitary and improvement
10 districts.

11 Sec. 13. A municipality, county, or natural resources
12 district shall adopt procedures for exemption of agricultural and
13 horticultural lands that are in compliance with the Erosion and
14 Sediment Control Act and are not in the process of development from
15 storm water management program charges.

16 Sec. 14. Section 2-1575, Revised Statutes Supplement,
17 2000, is amended to read:

18 2-1575. Sections 2-1575 to 2-1585 and section 16 of this
19 act shall be known and may be cited as the Nebraska Soil and Water
20 Conservation Act.

21 Sec. 15. Section 2-1576, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 2-1576. The Legislature recognizes and hereby declares
24 that it is the public policy of this state to properly conserve,
25 protect, and utilize the water and related land resources of the
26 state, to better utilize surface waters and available
27 precipitation, to encourage ground water recharge to protect the

1 state's dwindling ground water supply, to protect the quality of
2 surface water and ground water resources, and to reduce soil
3 erosion and sediment damages. The Legislature further declares
4 that it is in the public interest of this state to financially
5 assist in encouraging water and related land resource conservation
6 and protection measures on privately owned ~~agricultural,~~
7 ~~horticultural, or silvicultural~~ land and that this will produce
8 long-term benefits for the general public.

9 Sec. 16. Payments may be made from the Nebraska Soil and
10 Water Conservation Fund to owners of private land which is being
11 converted to urban use for the purpose of controlling erosion and
12 sediment loss from construction and development. As a condition
13 for receiving any funds pursuant to this section, the landowner
14 shall agree in writing that the erosion and sediment control
15 practices will be installed prior to the land-disturbing activity,
16 when possible, and that the practices will be adequately maintained
17 or replaced at the landowner's expense until ninety-five percent of
18 the site is permanently stabilized. Payments made pursuant to this
19 section shall be in accordance with and conditional upon such terms
20 as are established by the commission. Such terms may be different
21 from those established by section 2-1579 for payments relating to
22 other types of projects and practices.

23 Sec. 17. Section 18-503, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 18-503. The governing body of ~~such~~ a municipality may
26 make all necessary rules and regulations governing the use,
27 operation, and control ~~thereof~~ of a disposal plant and sewerage

1 system, including any storm sewer system, pursuant to section
2 18-501. The governing body may establish just and equitable rates
3 or charges to be paid to it for the use of such disposal plant and
4 sewerage system, including any storm sewer system, by each person,
5 firm, or corporation whose premises are served thereby. If the
6 service charge so established is not paid when due, such sum may be
7 recovered by the municipality in a civil action, or it may be
8 certified to the tax assessor and assessed against the premises
9 served, and collected or returned in the same manner, as other
10 municipal taxes are certified, assessed, collected, and returned.
11 Charges to be paid for use of a storm sewer system shall be
12 proportionate to the storm water contribution and based upon sound
13 engineering principles and may include factors such as impervious
14 land surfaces and land uses.

15 Sec. 18. Section 18-509, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 18-509. (1) The mayor and city council of any city or
18 the board of trustees of any village, in addition to other sources
19 of revenue available to the city or village, may by ordinance set
20 up a rental or use charge, to be collected from users of any system
21 of sewerage, including any storm sewer system, and provide methods
22 for collection thereof. The charges shall be charged to each
23 property served by the sewerage system or storm sewer system, shall
24 be a lien upon the property served, and may be collected either
25 from the owner or the person, firm, or corporation requesting the
26 service. Charges to be paid for use of a storm sewer system shall
27 be proportionate to the storm water contribution and based upon

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1 sound engineering principles and may include factors such as
2 impervious surface areas and land uses.

3 (2) All money raised from the charges, referred to in
4 subsection (1) of this section, shall be used for maintenance or
5 operation of the existing system, for payment of principal and
6 interest on bonds issued as is provided for in section 17-925,
7 18-502, 18-506, or 19-1305, or to create a reserve fund for the
8 purpose of future maintenance or construction of a new sewer system
9 for the city or village or to develop and implement storm water
10 management programs. Any funds raised from this charge shall be
11 placed in a separate fund or funds based on the source of such
12 funds and not be used for any other purpose or diverted to any
13 other fund.

14 Sec. 19. If any section in this act or any part of any
15 section is declared invalid or unconstitutional, the declaration
16 shall not affect the validity or constitutionality of the remaining
17 portions.

18 Sec. 20. Original sections 2-1576, 18-503, and 18-509,
19 Reissue Revised Statutes of Nebraska, and section 2-1575, Revised
20 Statutes Supplement, 2000, are repealed."