



Ninety-Eighth Legislature - First Session - 2003
Committee Statement
LB 32

Hearing Date: January 29, 2003
Committee On: Natural Resources

Introducer(s): (Schrock, Thompson)

Title: Authorize storm water management programs for certain political subdivisions as prescribed

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senators Hudkins, Jones, Kremer, Louden, Preister, Schrock, Stuhr
1	No	Senator Friend
0	Present, not voting	
0	Absent	

Proponents:

Jody Gittins
Steven Sedgwick

Natalie Fleek-Tooze
Bob Sink
Lance Hedquist
Gary Krumland
Steve Oltmans

Ken Winston
Bruce Kevil

Opponents:

Virgil Horne
Loy Todd

Tom Monke
John Bonaiuto
Ron Withem

Representing:

Introducer
Cities of Lincoln and Omaha; Papio Missouri River Natural Resources District
City of Lincoln
City of Omaha
City of South Sioux City
League of Nebraska Municipalities
Papio Missouri River Natural Resources; Papio Watershed Partnership; Nebraska Association of Resources Districts
Nebraska Sierra Club
Nebraska State Home Builders Association

Representing:

Lincoln Public Schools
Nebraska New Car and Truck Dealers Association
Nebraska Agri-Business Association
Nebraska Association of School Boards
University of Nebraska

Jim Cunningham
Roger Keetle
Tim Keigher

Randy Lenhoff
Jim Otto
Elizabeth Eynon-Kokrda
Korby Gilbertson

Nebraska Catholic Conference
Nebraska Hospital Association
Nebraska Petroleum Marketers and Convenience
Store Association
Seldin Company
Nebraska Retail Federation
Omaha Public Schools
Nebraska Realtors Association

Neutral:
None

Representing:

Summary of purpose and/or changes:

LB 32 does the following:

- Section 1. Includes “storm sewer system” as one of the ways the removal, discharge, conduction, carrying, treatment, purification, storage, or disposal of liquid and solid waste, night soil and storm water of a municipality can be done.
- Section 2. Technical change from “without” to “outside”;
Authorizes any city or village to own, construct, equip, and operate either within or outside its corporate limits a storm sewer system, including the natural drainage components of such a system, and to establish a storm water management program.
Includes storm sewer system as a system that would be eligible for a tax of seven cents per hundred dollars of valuation if the system does not comply with the provisions of any other law relating to such a system. This tax would be in effect until sufficient funds are available for the financing of a system in compliance with the law.
- Section 3. Allows a municipality to issue revenue bonds to establish storm water management programs and improvements.
- Section 4. Allows a municipality to make the rules and regulations governing the use, operation, and control of a disposal plant and sewerage system, including any storm sewer system.
Allows a municipality to establish charges for the use of a storm sewer system so long as those charges are proportionate to the storm water contribution of the premises served and based on sound engineering principles, as determined by the municipality, and may include such factors as impervious land surfaces and land uses. Credit against these charges shall be given for properly designed, installed, and maintained storm water quantity and quality best management practices.
- Section 5. Requires that the use rate charged be sufficient to pay the cost of development, establishment and implementation of storm water engagement programs.
- Section 6. Allows the municipality to contract for any storm sewer system; and to establish a just and reasonable use rate to be charged against the premises served.
- Section 7. Requires the governing body to include the order of the installation of a storm sewer system in the official minutes of the governing body.

- Section 8. Allows a storm sewer system to be extended beyond the limits of the city or village, under the same conditions as nearly as may be within such corporate limits and to charge to users of its services reasonable and fair rates consistent with those charged or which might be charged within such corporate limits and consistent with the expense of extending and maintaining the same for the users thereof outside such corporate limits.
- Section 9. Allows a municipality to set a use charge and collect the charge for a storm sewer system. Charges paid shall be proportionate to the storm water contribution of the premises served and based upon sound engineering principles, and may include factors such as impervious land surfaces and land uses. Credit against the use charges shall be given for properly designed, installed and maintained storm water quantity and quality best management practices.
Requires the money raised by this fee be placed in a separate fund, and used only to develop, establish and implement a storm water management program.
- Section 10. Provides that a storm water management program is applicable to only cities of the metropolitan, primary or first class which are required by federal law to (1) develop, establish, and implement storm water management programs and secure a storm water discharge permit under the National Pollutant Discharge Elimination System and (2) establish a credit against such charges based on properly designed, installed, and operating storm water quantity and quality best management practices.
- Section 11. Allows a county board to establish storm water management areas and implement storm water management programs within the county.
Allows a county board to establish charges, issue revenue bonds or refunding bonds, and establish a credit against the charges.
Allows the county to collect those charges in the same manner as ad valorem taxes or in any other manner the county selects and shall not be deemed special benefit assessments.
Requires the county to establish an appeals process.
Prohibits the county from charging storm sewer management charges or charges for the use of a storm sewer system by a city of the metropolitan, primary or first class that is required by federal law to develop, establish and implement its own storm water management programs and secure a storm water discharge permit under the National Pollutant Discharge Elimination System.
- Section 12. Allows a natural resources district to establish storm water management areas and implement storm water management programs within the district; establish charges for use of the system and requires the placement of those charges which are collected to be placed in a separate fund and used only for the storm water management program.
Prohibits the natural resources district from charging storm sewer management charges against real property that is already charged by either a municipality or county that is required by federal law to develop, establish and implement its own storm water management programs and secure a storm water discharge permit under the National Pollutant Discharge Elimination System.
- Section 13. Exempts agricultural land from the imposition of charges for the use of a storm sewer system when such charges are based upon impervious land surfaces, land

uses, and storm water quantity and quality best management practices under the Act.

Section 14. Severability clause.

Section 15. Repealer.

Explanation of amendments, if any:

The Committee amendment adds the following new sections to the bill:

Section 14. Requires that the state of Nebraska pay any storm water management fee that may be required by either a municipality or a county or a natural resources district on property owned or leased by the state of Nebraska, but not including political subdivisions. This payment is not to be charged back to the budget of the state entity owning or leasing such property.

Section 15. Allows each municipality, county or natural resources district to subsidize all or a portion of storm water fees for public properties through an alternative method of funding.

Section 16. Requires that if a storm water fee is imposed, it must be based upon a unit which is generally equivalent to the square footage of impervious surface area of the average single-family residential home as estimated by each municipality, county or natural resources district. Beginning on the date that any such fees are implemented and continuing for a period of five years, the maximum storm water management fee per unit cannot exceed fifty dollars per year. If at the time of implementation the fee is less than the maximum, the rate can only increase up to six percent from the previous year.

There is also a technical change on page 9, line 18 and line 21. This change was needed because the federal law does not require that a credit against any storm water management fee be given.

Senator Ed Schrock, Chairperson