



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 102

Hearing Date: January 19, 2005
Committee On: Natural Resources

Introducer(s): (Natural Resources Committee, Beutler, Preister)
Title: Authorize natural resources districts, counties, and certain cities to establish and fund storm water management areas

Roll Call Vote – Final Committee Action:

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

Vote Results:

7	Yes	Senators Hudkins, Kopplin, Kremer, Louden, McDonald, Schrock, Stuhr
0	No	
0	Present, not voting	
1	Absent	Senator Smith

Proponents:

Jody Gittins
 Jay Ringenberg
 Diane Huffman
 David Cozad
 Nicole Fleck-Tooze
 Steve Oltmans

Lance Hedquist
 Steve Riehle
 Lynn Garton
 Fred Uhe
 Robert Sink
 Ken Winston
 Gary Troutman

Opponents:

Larry Ruth

 Korby Gilbertson

Representing:

Introducer
 Department of Environmental Quality
 Environmental Protection Agency, Region 7
 Environmental Protection Agency, Region 7
 City of Lincoln
 Papio Missouri River NRD; Lower Platte South NRD; Nebraska Association of Resources Districts
 City of South Sioux City
 City of Grand Island
 City of Scottsbluff; Village of Terrytown
 Sarpy County Board of Commissioners
 City of Omaha
 Nebraska Chapter, Sierra Club
 City of Bellevue

Representing:

Nebraska Association of Commercial Property Owners
 Alltel Communications; Girls and Boys Town;

Jim Otto	Boys Town National Research Hospital; Lincoln Public Schools; Nebraska Cable Communications Association; Nebraska Health Care Association; Nebraska Medical Center; Nebraska Realtors Association; Nebraska State Home Builders Association
Randy Lenhoff	Nebraska Retail Federation
John Bonaiuto	Nebraska Association of Commercial Property Owners
Robert Hallstrom	Nebraska Association of School Boards
	Nebraska Bankers Association; National Federation of Independent Business; Nebraska Pharmacists Association; Friends of Nebraska Non-profit Hospitals
Loy Todd	Nebraska New Car and Truck Dealers Association
Ron Sedlacek	Nebraska Chamber of Commerce
Alice Licht	Nebraska Agri-Business Association; Nebraska Hotel and Motel Association; Automotive Recycling Industry of Nebraska
Tim Keigher	Nebraska Petroleum Marketers and Convenience Stores Association
James Cunningham	Nebraska Catholic Conference
Ed Woeppel	Nebraska Cooperative Council
Kathy Siefken	Nebraska Grocery Industry Association
Bruce Bohrer	Lincoln Chamber of Commerce
Roger Keetle	Nebraska Hospital Association
Dennis Baack	Nebraska Community College Association
Tip O'Neill	Association of Independent Colleges; University of Nebraska
Mike Hybl	Nebraska Trucking Association
Len Schropfer	Self
Jeff Quist	Self

Neutral:
None

Representing:

Summary of purpose and/or changes:

LB 102 does the following:

Wherever the word municipality appeared in the existing statute, it has been changed to “city or village”.

Section 1 Includes storm sewer system as a system above or below ground which has for its purpose the removal, discharge, conduction, carrying, treatment, purification, storage, or disposal of liquid and solid waste, night soil and storm water of a city or village.

Section 2 Allows a city or village to own, construct, equip, and operate, a storm sewer system, including natural drainage components of such system, and to establish storm water management programs.

Section 3 Allows a city or village to issue revenue bonds for establishing storm water management programs and improvements, with the interest to be set by the governing body of such city or village.

Section 4 Allows a city or village to make rules and regulations governing the use, operation, and control of a disposal plant and sewerage system, including any storm sewer system.

Charges for the use of a storm sewer system shall be proportionate to the storm water contribution of the premises served and based upon sound engineering principles, and may include allowances or adjustments for impervious land surfaces and land uses and credits for storm water quantity and quality best management practices. The city may also establish a system of exemptions from storm water charges for property exempt from property taxes.

Section 5 Part of the charges will be required to be set aside for payment of the interest on any bonds used for the storm sewer system.

Requires the city or village to charge rates for the storm sewer system to pay the cost of operation and maintenance, to pay the principal and interest upon revenue bonds issued, and to pay the cost of development, establishment, and implementation of storm water management programs.

Section 6 Allows the city or village to enter into a contract with any corporation to provide storm sewer system programs, and to authorize the corporation to charge the owners of the premises served a use rate determined by the governing body to be just and reasonable or a flat rate for the services out of its general fund or tax levy applicable to the contract; or assess the owners of the property served a reasonable charge to be collected to defray such contract charges.

Section 7 Requires the governing body to place into its minutes its order for the installation, improvement or extension of an existing system, including a storm sewer system, and to include a requirement that the plans and specifications for such system be prepared.

Section 8 Amends existing law to include storm sewer system as a program that would be allowed by the city or village to extend beyond the city limits, under the same conditions as nearly may be as within such city limits and to charge to users of its services reasonable and fair rates consistent with those charges that occur within the city limits.

Section 9 Requires that storm sewer system charges be proportionate to the storm water contribution of the premises served, be based upon sound engineering principles, as established by the city or village, and may include allowances or adjustments for impervious land surfaces and land uses and credits for storm water quantity and quality best management practices.

Allows a city or village to establish a system of exemption from storm water charges for property exempt from property taxes.

Requires all storm sewer system charges be used to develop, establish and implement storm water management programs.

Section 10 Restricts the creation of storm sewer system charges to those cities which are required by federal law to develop, establish, and implement storm water management programs and secure a storm water discharge permit under the National Pollutant Discharge Elimination System.

Section 11 Allows the counties to establish a storm water management program in storm water management areas in the same manner and with the same restrictions as cities.

Section 12 Allows the natural resources district to establish storm water management areas and programs within the district. It also allows the district to establish charges if the district encompasses a city as described in section 10 of this bill. It also requires that the board of directors of the district provide an appeals process. It prohibits a district from imposing charges against real property that is being charged with storm water management charges or charges for the use of a storm water system by a county or city described in section 10 or a county encompassing such city. Requires any funds collected under this section to be placed in a separate fund and used only for storm water management programs.

Section 13 Severability clause.

Section 14 Repealer.

Explanation of amendments, if any:

None

Senator Ed Schrock, Chairperson