
Local Government Committee

HB 2623

Brief Description: Exempting owners of farmland from certain storm water charges.

Sponsors: Representatives Hurst and Roach.

Brief Summary of Bill
<ul style="list-style-type: none">Prohibits counties and flood control zone districts from imposing charges relating to storm water management on qualifying properties that are partially or wholly devoted to producing farm products.

Hearing Date: 1/31/08

Staff: Ethan Moreno (786-7386).

Background:

Storm Water Control Facilities

County legislative authorities may fix rates and charges for persons who are receiving or will receive services from a storm water control facility, and for contributing to an increase of surface water runoff. The rates and charges must be established by resolution, but counties may consider specified and discretionary factors when establishing these fees.

The service charges and rates collected must be deposited in a special fund or funds in the county treasury and may be used only for certain purposes, including all or any part of the cost and expense of maintaining and operating storm water control facilities.

Counties are prohibited from imposing storm water control service charges and rates on qualifying forest or timber land.

County Water/Sewer Systems

Counties that operate a system of sewerage and/or water have full authority to manage, regulate, and control these systems. Subject to uniformity requirements and statutory limitations, counties may: establish and control the rates and charges for the availability services and facilities; and levy system connection charges. The service charges and rates must produce sufficient revenue

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for the costs of maintenance and operation, and other charges necessary for the efficient and proper operation of the system.

Flood Control Zone Districts

Flood control zone districts (zones) may be established in a county for the purpose of undertaking, operating, or maintaining flood or storm water control projects that are of special benefit to areas of the county. County commissioners, by virtue of their office, are supervisors of zones created in their county. In any zone with more than 2,000 residents, an election of supervisors, other than the board, may be held.

Subject to statutory requirements, zone supervisors may authorize property tax levies and, under storm water control facility provisions, rates and charges for the furnishing of service to those who are receiving or will receive benefits from storm water control facilities and for contributing to an increase in surface water runoff.

Farmland - Protection Against Nuisance Claims, Definition

In 1992 the legislature enacted legislation to protect agricultural activities conducted on farmland in urbanizing areas from nuisance lawsuits. The legislation defined two relevant terms: agricultural activity and farmland. The original nuisance protection definition of "farmland" has been amended and is now defined as land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquacultural, or other farm products.

Summary of Bill:

Neither counties nor flood control zone districts may impose charges relating to storm water management under county storm water control or water/sewer system provisions. This prohibition is limited to property that is at least 25 percent operating as farmland. For purposes of this prohibition, "farmland" is defined using a nuisance protection definition.

Appropriation: None.

Fiscal Note: Requested on 1/30/2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.