

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 683
Final Reading

Introduced by Scheer, 19.

Read first time January 08, 2014

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to storm water management; to amend section
2 46-2,139, Reissue Revised Statutes of Nebraska; to change
3 a reference to federal rules and regulations; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 46-2,139, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 46-2,139 The Storm Water Management Plan Program is
4 created. The purpose of the program is to facilitate and fund the
5 duties of cities and counties under the federal Clean Water Act, 33
6 U.S.C. 1251 et seq., as such act existed on January 1, 2006,
7 regarding storm water runoff under the National Pollutant Discharge
8 Elimination System requirements. The Storm Water Management Plan
9 Program shall function as a grant program administered by the
10 Department of Environmental Quality, using funds appropriated for the
11 program. The department shall deduct from funds appropriated amounts
12 sufficient to reimburse itself for its costs of administration of the
13 grant program. Any city or county when applying for a grant under the
14 program shall have a storm water management plan approved by the
15 department which meets the requirements of the National Pollutant
16 Discharge Elimination System. Grant applications shall be made to the
17 department on forms prescribed by the department. Grant funds shall
18 be distributed by the department as follows:

19 (1) Not less than eighty percent of the funds available
20 for grants under this section shall be provided to cities and
21 counties in urbanized areas, as identified in ~~64 Federal Register~~
22 ~~68822, 77 Federal Register 18652-18669,~~ that apply for grants and
23 meet the requirements of this section. Grants made pursuant to this
24 subdivision shall be distributed proportionately based on the
25 population of applicants within such category, as determined by the

1 most recent federal census update or recount certified by the United
2 States Department of Commerce, Bureau of the Census. For the purpose
3 of distributing grant funds to a county pursuant to this subdivision,
4 the proportion shall be based on the county population, less the
5 population of city applicants within that county. Any funds available
6 for grants under this subdivision and not awarded by the end of a
7 calendar year shall be available for grants in the following year;
8 and

9 (2) Not more than twenty percent of the funds available
10 for grants under this section shall be provided to cities and
11 counties outside of urbanized areas, as identified in ~~64 Federal~~
12 ~~Register 68822, 77 Federal Register 18652-18669,~~ with populations
13 greater than ten thousand inhabitants as determined by the most
14 recent federal census update or recount certified by the United
15 States Department of Commerce, Bureau of the Census, that apply for
16 grants and meet the requirements of this section. Grants under this
17 subdivision shall be distributed proportionately based on the
18 population of applicants within this category as determined by the
19 most recent federal census update or recount certified by the United
20 States Department of Commerce, Bureau of the Census. For the purpose
21 of distributing grant funds to a county pursuant to this subdivision,
22 the proportion shall be based on the county population, less the
23 population of city applicants within that county. Any funds available
24 for grants pursuant to this subdivision which have not been awarded
25 at the end of each calendar year shall be available for awarding

1 grants pursuant to subdivision (1) of this section.

2 Any city or county receiving a grant under subdivision
3 (1) or (2) of this section shall contribute matching funds equal to
4 twenty percent of the grant amount.

5 Sec. 2. Original section 46-2,139, Reissue Revised
6 Statutes of Nebraska, is repealed.