
Local Government Committee

HB 1996

Brief Description: Concerning stormwater control facilities and county jurisdiction.

Sponsors: Representative MacEwen.

Brief Summary of Bill

- Prohibits counties from constructing or improving stormwater control facilities within a diking, drainage, or sewerage improvement district without the prior consent of that district.
- Requires stormwater control service charges and rates collected by a county within a diking, drainage, or sewerage improvement district to be given to the district, and allows a district to retroactively collect seven years of service charges and rates from the county.

Hearing Date: 1/26/22

Staff: Kellen Wright (786-7134).

Background:

A stormwater control facility is a facility or improvement that is constructed or acquired to protect life or property from storm, waste, or flood water. Counties may acquire, construct, and improve storm control facilities within the county. This can be done in conjunction with other government agencies.

A county may assess rates and service charges for properties served or benefiting from the stormwater control facility or contributing to surface water runoff. The revenue from the rates and service charges must be placed in a special fund and only used for maintaining, operating, acquiring, constructing, or improving stormwater control facilities.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

When a county proposes to construct or improve a stormwater control facility within a city or town, the county must first obtain the consent of the city. A county and a city may agree that, upon completion, any facility or portion of a facility within the city will be operated and maintained by the city as a part of the city's stormwater control system.

Diking districts, drainage districts, and sewerage improvement districts are special purpose districts. From the end of the 19th century to the 1930s, there were multiple permutations of diking, drainage, or sewerage improvement districts authorized. The various districts were standardized to some extent in the 1980s and 1990s. In general, each type of district has authority to engage in flood control activities, stormwater control, drainage control, and to construct and maintain the facilities necessary to do so. To fund their activities, the districts are authorized to impose rates and charges on property within their districts.

Summary of Bill:

A county may not construct or improve a stormwater control facility within the limits of any diking, drainage, or sewerage improvement districts without the prior consent of the district. The county and district may reach an agreement that, after the construction of a stormwater control facility within the district, the district will maintain and operate the facility and that it will become a part of the district's stormwater control system.

Beginning in the 2023 fiscal year, all service charges and rates collected by a county within a diking, drainage, or sewerage improvement districts must be deposited into the districts account. The district may retroactively collect up to seven years of service and rate charges from the county treasury.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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