

Senate File 455

H-8004

1 Amend Senate File 455, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, by striking lines 4 through 9 and inserting:

4 <(1) "*Construction site*" means the same as defined in a
5 storm water general permit adopted by rule pursuant to section
6 455B.103A.

7 (2) "*Topsoil*" means the same as defined in a storm water
8 general permit adopted by rule pursuant to section 455B.103A.>

9 2. Page 1, after line 31 by inserting:

10 <(3) A county may impose a storm water runoff requirement
11 that is more restrictive than what is allowed or required by
12 federal or state law at the construction site if the county
13 meets all of the following conditions:

14 (a) The county pays for all study, design, and engineering
15 costs for implementing the more restrictive storm water
16 runoff requirement that includes an analysis by a licensed
17 professional engineer of the difference in costs between the
18 federal or state law and the more restrictive county storm
19 water runoff requirement.

20 (b) The county pays for the difference of costs between
21 the federal or state requirement and the more restrictive
22 requirement imposed by the county for installation of equipment
23 or practices required for a property owner to comply with the
24 storm water runoff requirement.

25 (c) If the storm water runoff requirement results in the
26 county using a person's private property, whether by easement
27 or otherwise taking an interest in the property, the county
28 pays the property owner the fair market value of the property
29 taken for any additional land required beyond the federal or
30 state requirement.

31 (d) The county pays costs incurred by the county under
32 this subparagraph from the county's general fund. The county
33 shall not impose a special assessment or otherwise recover the
34 costs from the property owner for the portion of the costs
35 attributable to the county.

1 (4) A county may impose a storm water runoff requirement
2 that is more restrictive than what is allowed or required
3 by federal or state law if the county and the owner of the
4 affected property agree to the requirement.>

5 3. By striking page 1, line 35, through page 2, line 5, and
6 inserting:

7 <(1) "*Construction site*" means the same as defined in a
8 storm water general permit adopted by rule pursuant to section
9 455B.103A.

10 (2) "*Topsoil*" means the same as defined in a storm water
11 general permit adopted by rule pursuant to section 455B.103A.>

12 4. Page 2, after line 27 by inserting:

13 <(3) A city may impose a storm water runoff requirement that
14 is more restrictive than what is allowed or required by federal
15 or state law at the construction site if the city meets all of
16 the following conditions:

17 (a) The city pays for all study, design, and engineering
18 costs for implementing the storm water runoff requirement that
19 includes an analysis by a licensed professional engineer of the
20 difference in costs between the federal or state law and the
21 more restrictive county storm water runoff requirement.

22 (b) The city pays for the difference of costs between
23 the federal or state requirement and the more restrictive
24 requirement imposed by the county for installation of equipment
25 or practices required for a property owner to comply with the
26 storm water runoff requirement.

27 (c) If the storm water runoff requirement results in the
28 city using a person's private property, whether by easement or
29 otherwise taking an interest in the property, the city pays
30 the property owner the fair market value of the property taken
31 for any additional land required beyond the federal or state
32 requirement.

33 (d) The city pays costs incurred by the city under this
34 subparagraph from the city's general fund. The city shall not
35 impose a special assessment or otherwise recover the costs from

1 the property owner for the portion of the costs attributable
2 to the city.>

COMMITTEE ON LOCAL GOVERNMENT
LATHAM of Franklin, Chairperson