

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB532

Hearing Date: Friday February 20, 2009
Committee On: Government, Military and Veterans Affairs
Introducer: Price
One Liner: Provide for the adoption of ordinances by counties

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Avery, Giese, Karpisek, Pahls, Pirsch, Price, Sullivan
Nay:
Absent:
Present Not Voting: 1 Senator Janssen

Proponents: Senator Scott Price Lee Polikov Larry Dix	Representing: Introducer Nebraska County Attorneys Association Nebraska Association of County Officials
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Opponents: Gary Krumland Douglas Kindig Ervin Portis Korby Gilbertson Dave Nielsen	Representing: League of Nebraska Municipalities United Cities of Sarpy County Clty of Plattsmouth Nebraska Realtors Association Nebraska Farm Bureau
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB 532 allows counties to enact ordinances to maintain the peace, government, and welfare of the county, to preserve order, to protect public and private property, and to promote the health, safety, welfare and general interests of the county.

Explanation of amendments:

The committee amendment strikes the original sections of the bill and replaces it with the following provisions:

Counties may regulate by ordinance for the following issues: parking as it pertains to snow removal and access by emergency vehicles; motor vehicles; graffiti; false alarms caused by an emergency alarm system; and public indecency.

Any ordinance adopted by the county will be enforced by a fine not exceeding five hundred dollars and recoverable costs and attorney's fees or other penalty adopted by ordinance.

The committee amendment outlines the procedure for adopting ordinances, including notice requirements, when

ordinances will be read and received into evidence in all courts without further proof, the requirements of reading the ordinance by title, and how ordinances are published once adopted.

To adopt any ordinance, a concurrence of a majority of the whole number of the board members will be required.

Ordinances will contain no subject that is not expressed in the title. No ordinance will be revised or amended unless the new ordinance contains the entire ordinance as revised or amended and the ordinance so amended is repealed except in situations where an ordinance is revising all of the ordinances of the county or when an ordinance is used solely to adopt statutory changes made by the Legislature which bring the ordinances into compliance with state law.

No ordinance will go into effect until fifteen days after the adoption of such ordinance.

Finally, these provisions will not be exercised within the limits of any incorporated city or village nor within the area over which a city or village has been granted and is exercising such powers. At such time as a city or village exercises control over an unincorporated area by the adoption of an ordinance, the ordinance will supersede any similar ordinance of the county.

Bill Avery, Chairperson