

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1118

FINAL READING

Introduced by McKinney, 11.

Read first time January 10, 2024

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities of the second class; to amend
2 section 17-107, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to the process for a mayor to remove an officer
4 from office; and to repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 17-107, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 17-107 (1) A mayor of a city of the second class shall be elected in
4 the manner provided in the Election Act. The mayor shall take office on
5 the date of the first regular meeting of the city council held in
6 December following the statewide general election. The mayor shall be a
7 resident and registered voter of the city. If the president of the city
8 council assumes the office of mayor for the unexpired term, there shall
9 be a vacancy on the city council which vacancy shall be filled as
10 provided in section 32-568.

11 (2) The mayor, with the consent of the city council, may appoint
12 such officers as shall be required by ordinance or otherwise required by
13 law. Such officers may be removed from office by the mayor, with the
14 consent of the city council. The terms of office for all officers, except
15 regular police officers, appointed by the mayor and confirmed by the city
16 council shall be established by the city council by ordinance. The
17 ordinance shall provide that either (a) the officers hold the office to
18 which they have been appointed until the end of the mayor's term of
19 office and until their successors are appointed and qualified unless
20 sooner removed or (b) the officers hold office for one year unless sooner
21 removed.

22 (3)(a) The mayor, by and with the consent of the city council, shall
23 appoint such a number of regular police officers as may be necessary. All
24 police officers appointed by the mayor and city council may be removed,
25 demoted, or suspended at any time by the mayor as provided in subdivision
26 (b) of this subsection. A police officer, including the chief of police,
27 may appeal to the city council such removal, demotion, or suspension with
28 or without pay. After a hearing, the city council may uphold, reverse, or
29 modify the action.

30 (b) The city council shall by ordinance adopt rules and regulations
31 governing the removal, demotion, or suspension with or without pay of any

1 police officer, including the chief of police. The ordinance shall
2 include a procedure for such removal, demotion, or suspension with or
3 without pay of any police officer, including the chief of police, upon
4 the written accusation of the police chief, the mayor, or any citizen or
5 taxpayer. The city council shall establish by ordinance procedures for
6 acting upon such written accusation, including: (i) Provisions for giving
7 notice and a copy of the written accusation to the police officer; (ii)
8 the police officer's right to have an attorney or representative retained
9 by the police officer present with him or her at all hearings or
10 proceedings regarding the written accusation; (iii) the right of the
11 police officer or his or her attorney or representative retained by the
12 police officer to be heard and present evidence; and (iv) the right of
13 the police officer as well as the individual imposing the action or their
14 respective attorneys or representatives to record all hearings or
15 proceedings regarding the written accusation. The ordinance shall also
16 include a procedure for making application for an appeal, specifications
17 on the period of time within which such application shall be made, and
18 provisions on the manner in which the appeals hearing shall be conducted.
19 Both the police officer and the individual imposing the action or their
20 respective attorneys or representatives shall have the right at the
21 hearing to be heard and to present evidence to the city council for its
22 consideration. Not later than thirty days following the adjournment of
23 the meeting at which the hearing was held, the city council shall vote to
24 uphold, reverse, or modify the action. The failure of the city council to
25 act within thirty days or the failure of a majority of the elected city
26 council members to vote to reverse or modify the action shall be
27 construed as a vote to uphold the action. The decision of the city
28 council shall be based upon its determination that, under the facts and
29 evidence presented at the hearing, the action was necessary for the
30 proper management and the effective operation of the police department in
31 the performance of its duties under the statutes of the State of

1 Nebraska. Nothing in this section shall be construed to prevent the
2 preemptory suspension or immediate removal from duty of an officer by the
3 appropriate authority, pending the hearing authorized by this section, in
4 cases of gross misconduct, neglect of duty, or disobedience of orders.

5 (c) This subsection does not apply to a police officer during his or
6 her probationary period.

7 Sec. 2. Original section 17-107, Reissue Revised Statutes of
8 Nebraska, is repealed.