

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 591**

Introduced by Lautenbaugh, 18.

Read first time January 23, 2013

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities; to amend section 19-1827, Reissue  
2 Revised Statutes of Nebraska; to change membership  
3 provisions for the civil service commission as  
4 prescribed; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 19-1827, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   19-1827 (1) There is hereby created, in cities in the  
4 State of Nebraska having a population of more than five thousand  
5 residents and having full-time police officers or full-time  
6 firefighters, a civil service commission, except in cities with a  
7 population in excess of forty thousand which have or may adopt a home  
8 rule charter pursuant to sections 2 to 5 of Article XI of the  
9 Constitution of this state. Any city or village having a population  
10 of five thousand or less residents may adopt the Civil Service Act  
11 and create a civil service commission by a vote of the electors of  
12 such city or village. If any city of the first class which  
13 established a civil service commission decreases in population to  
14 less than five thousand residents, as determined by the latest  
15 federal census, and continues to have full-time police officers or  
16 full-time firefighters, the civil service commission shall be  
17 continued. ~~for at least four years, and thereafter continued at the~~  
18 ~~option of the local governing body of such city. The members of such~~  
19 ~~commission shall be appointed by the appointing authority.~~

20                   (2)(a) The governing body shall by ordinance determine if  
21 the commission shall be comprised of three or five members.

22                   (b) The members of such commission shall be selected as  
23 provided in this subsection. If the commission is comprised of three  
24 members, two members shall be appointed by the appointing authority  
25 and one member shall be a nonmanagement police officer elected by the

1       sworn police officers. If the city employs a full-time fire  
2       department, one member shall be appointed by the appointing  
3       authority, one member shall be a nonmanagement police officer elected  
4       by the sworn police officers, and one member shall be a nonmanagement  
5       firefighter elected by the firefighters. If the commission is  
6       comprised of five members, three members shall be appointed by the  
7       appointing authority and two members shall be nonmanagement police  
8       officers elected by the sworn police officers. If the city employs a  
9       full-time fire department, three members shall be appointed by the  
10      appointing authority, one member shall be nonmanagement police  
11      officers elected by the sworn police officers, and one member shall  
12      be a nonmanagement firefighter elected by the firefighters.

13            (c) The members of the civil service commission shall  
14          serve without compensation. No To be eligible to be a commissioner, a  
15          person shall be appointed a member of such commission who is not (i)  
16          a citizen of the United States, (ii) a resident of such municipality  
17          for at least three years immediately preceding such appointment or  
18          employed in a nonmanagement position in either the police department  
19          or fire department for three years immediately preceding such  
20          appointment, and (iii) an elector of the county wherein such person  
21          resides.

22            (d) If the commission is comprised of three members, the  
23          term of office of such commissioners shall be six years, except that  
24          the first three members of such commission shall be appointed for  
25          different terms, as follows: One to serve for a period of two years,

1     one to serve for a period of four years, and one to serve for a  
2     period of six years. If the commission is comprised of five members,  
3     the term of office of such members shall be for ~~five~~four years,  
4     except that the first members of such commission shall be appointed  
5     for different terms, as follows: ~~One~~Two to serve for a period of ~~one~~  
6     ~~year, one to serve for a period of two years, one to serve for a~~  
7     ~~period of three years, one and three~~ to serve for a period of four  
8     years., ~~and one to serve for a period of five years.~~

9                 (e) If the municipality determines by ordinance to change  
10    from a three-member commission to a five-member commission, or from a  
11    five-member commission to a three-member commission, the members of  
12    the commission serving before the effective date of such ordinance  
13    shall hold office until reappointed or their successors are  
14    appointed.

15                 (3) Any member of the civil service commission may be  
16    removed from office for incompetency, dereliction of duty,  
17    malfeasance in office, or other good cause by the appointing  
18    authority, except that no member of the commission shall be removed  
19    until written charges have been preferred, due notice given such  
20    member, and a full hearing had before the appointing authority. Any  
21    member so removed shall have the right to appeal to the district  
22    court of the county in which such commission is located, which court  
23    shall hear and determine such appeal in a summary manner. Such an  
24    appeal shall be only upon the ground that such judgment or order of  
25    removal was not made in good faith for cause, and the hearing on such

1 appeal shall be confined to the determination of whether or not it  
2 was so made.

3 (4) The members of the civil service commission shall  
4 devote due time and attention to the performance of the duties  
5 specified and imposed upon them by the Civil Service Act. Two  
6 commissioners in a three-member commission and three commissioners in  
7 a five-member commission shall constitute a quorum for the  
8 transaction of business. Confirmation of the appointment or  
9 appointments of commissioners, ~~made under subsection (1) of this~~  
10 ~~section,~~ by any other legislative body shall not be required. At the  
11 time of any appointment, not more than two commissioners of a three-  
12 member commission, or three commissioners of a five-member  
13 commission, including the one or ones to be appointed, shall be  
14 registered electors of the same political party.

15 Sec. 2. Original section 19-1827, Reissue Revised  
16 Statutes of Nebraska, is repealed.