

AMENDMENTS TO LB521

(Amendments to Standing Committee amendments, AM1152)

Introduced by Sanders, 45.

1 1. Strike section 77 and insert the following new section:

2 **Sec. 36.** Section 32-568, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 32-568 (1) If any vacancy occurs in the office of city council
5 member or of a city of the metropolitan class, ~~the remaining members of~~
6 ~~the council shall appoint a person to fill such vacancy from the district~~
7 ~~in which the vacancy occurred for the remainder of the term. The person~~
8 ~~thus appointed shall qualify and give bond as by law provided for council~~
9 ~~members elected to such office. A vacancy in the office of mayor of a~~
10 city of the metropolitan class, the vacancy shall be filled as provided
11 by local law.

12 (2) The city council of a city of the primary class may provide for
13 filling any vacancies that occur in any elective office by appointment by
14 the mayor, with the advice and consent of the council, to hold office
15 until the next general city election. In case of vacancy in the office of
16 mayor of a city of the primary class or his or her absence or disability,
17 the president of the council shall exercise the powers and duties of the
18 office until such vacancy is filled or disability removed or, in case of
19 temporary absence, until the mayor returns, and such acting mayor shall
20 perform such other duties as may be required by law.

21 (3) In a city of the first class except a city which has adopted the
22 commissioner or city manager plan of government, any vacancy on the
23 council resulting from causes other than expiration of the term shall be
24 filled by appointment by the mayor with the consent of the city council
25 to hold office for the remainder of the term. When there is a vacancy in
26 the office of the mayor in a city of the first class, the president of

1 the city council shall serve as mayor for the unexpired term. In case of
2 any temporary absence or disability on the part of the mayor, the
3 president of the council shall exercise the powers and duties of the
4 office of mayor until such disability is removed, or in case of temporary
5 absence until the mayor returns, and shall perform such other duties as
6 may be required by law.

7 (4) Any vacancy on the city council of a city of the second class
8 shall be filled as provided in section 32-569. In the case of any vacancy
9 in the office of mayor, or in case of his or her disability or absence,
10 the president of the council shall exercise the office of mayor for the
11 unexpired term, until such disability is removed, or in case of temporary
12 absence, until the mayor returns. If the president of the council assumes
13 the office of mayor for the unexpired term, there shall be a vacancy on
14 the council.

15 (5) A vacancy on the board of trustees of a village shall be filled
16 as provided in section 32-569, except that the board of trustees of a
17 village situated in more than one county shall have power to fill by
18 appointment any vacancy that may occur in their number.

19 (6) If any vacancy occurs in the office of council member in a city
20 under the commission plan of government, the vacancy shall be filled as
21 provided in section 32-569. If an incumbent in a city under the
22 commission plan of government files for a city office other than the
23 office he or she holds, the office he or she holds shall become vacant as
24 of the date of the commencement of the term of the office for which he or
25 she has filed. If such vacancy results in an unexpired term, such vacancy
26 shall be filled by election for the remainder of the unexpired term. In a
27 city under the commission plan of government, the vice president of the
28 city council shall perform the duties of the mayor of the city in the
29 absence or inability of the mayor to serve. If a vacancy occurs in the
30 office of mayor by death or otherwise, the vice president shall perform
31 the duties of mayor of the city until such time as the council shall fill

1 such vacancy, which shall be done at the first council meeting after such
2 vacancy occurs or as soon thereafter as may be practicable.

3 (7) If a vacancy occurs in the office of council member in a city
4 under a city manager plan, a successor council member shall be elected at
5 the next regular city election to serve for the remainder of the term,
6 except that a majority of the remaining members of the council shall
7 appoint a registered voter to serve as council member until the successor
8 is so elected and has qualified. If the council members are elected by
9 ward, the council member elected or appointed to fill the vacancy shall
10 be a registered voter of the ward in which the vacancy exists. If for any
11 reason the seats of one-half or more of the members of the council become
12 vacant, the Secretary of State shall conduct a special election to fill
13 the vacancies for the unexpired portion of each term. A vacancy in any
14 office to which the council elects shall be filled by the council for the
15 unexpired term.

16 (8) Vacancies in city offices in any city under home rule charter
17 shall be filled as provided in the home rule charter.

18 2. Renumber the remaining sections and correct the internal
19 references accordingly.

20 3. Correct the operative date and repealer sections so that the
21 section added by this amendment becomes operative three calendar months
22 after the adjournment of this legislative session.