

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 591

Introduced by Lautenbaugh, 18.

Read first time January 23, 2013

Committee:

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.