

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 943

FINAL READING

Introduced by Harms, 48; Louden, 49; Schilz, 47; Flood, 19.

Read first time January 14, 2010

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the Civil Service Act; to amend sections
2 19-1825 and 19-1826, Reissue Revised Statutes of
3 Nebraska; to provide for the merger of civil service
4 commissions as prescribed; to repeal the original
5 sections; and to declare an emergency.

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

1 Section 1. Section 19-1825, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 19-1825 Sections 19-1825 to 19-1847 and section 3 of this
4 act shall be known and may be cited as the Civil Service Act.

5 Sec. 2. Section 19-1826, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 19-1826 As used in the Civil Service Act, unless the
8 context otherwise requires:

9 (1) Commission shall mean a civil service commission
10 created pursuant to the Civil Service Act, and commissioner shall
11 mean a member of such commission;

12 (2) Appointing authority shall mean: (a) In a mayor
13 and council form of government, the mayor with the approval of
14 the council, except to the extent that the appointing authority
15 is otherwise designated by ordinance to be the mayor or city
16 administrator; (b) in a commission form of government, the mayor
17 and city council or village board; (c) in a village form of
18 government, the village board; and (d) in a city manager plan of
19 government, the city manager;

20 (3) Appointment shall mean all means of selecting,
21 appointing, or employing any person to hold any position or
22 employment subject to civil service;

23 (4) Municipality shall mean all cities and villages
24 specified in subsection (1) of section 19-1827 having full-time
25 police officers or full-time firefighters;

1 (5) Governing body shall mean: (a) In a mayor and council
2 form of government, the mayor and council; (b) in a commission form
3 of government, the mayor and council or village board; (c) in a
4 village form of government, the village board; and (d) in a city
5 manager plan of government, the mayor and council;

6 (6) Full-time police officers shall mean police officers
7 in positions which require certification by the Nebraska Law
8 Enforcement Training Center, created pursuant to section 81-1402,
9 who have the power of arrest, who are paid regularly by a
10 municipality, and for whom law enforcement is a full-time
11 career, but shall not include clerical, custodial, or maintenance
12 personnel;

13 (7) Full-time firefighter shall mean duly appointed
14 firefighters who are paid regularly by a municipality and for
15 whom firefighting is a full-time career, but shall not include
16 clerical, custodial, or maintenance personnel who are not engaged
17 in fire suppression;

18 (8) Promotion or demotion shall mean changing from one
19 position to another, accompanied by a corresponding change in
20 current rate of pay; and

21 (9) Position shall mean an individual job which is
22 designated by an official title indicative of the nature of the
23 work;~~;~~

24 (10) Merged commission shall mean a civil service
25 commission resulting from the merger of two or more commissions

1 pursuant to section 3 of this act;

2 (11) Agreement shall mean an agreement pursuant to the
3 Interlocal Cooperation Act; and

4 (12) Existing commission shall mean a civil service
5 commission of a city of the first class as it existed immediately
6 prior to the effective creation of a merged commission.

7 Sec. 3. (1) Any two or more cities of the first class
8 which have civil service commissions may merge their commissions by
9 an agreement.

10 (2) The agreement shall state the date of creation of
11 the merged commission. Upon the date of creation of the merged
12 commission, the existing commissions shall be dissolved without
13 further action by the governing body. The dissolution of an
14 existing commission and the resulting loss of authority by the
15 members of the existing commissions shall not be deemed a removal
16 from office under subsection (3) of section 19-1827. Members of
17 the existing commissions are eligible for appointment to the merged
18 commission.

19 (3) The Civil Service Act shall be applicable to a merged
20 commission except as provided in the following provisions:

21 (a) A merged commission shall consist of three, five,
22 seven, or nine members, as provided in the agreement;

23 (b) Each city participating in the agreement shall
24 appoint at least one member to the merged commission;

25 (c) Each member of such merged commission shall be a

1 resident of one of the cities participating in the agreement for at
2 least three years immediately preceding his or her appointment;

3 (d) The term of office of each member of the merged
4 commission shall be as provided in the agreement, except that such
5 term shall not exceed six years. The agreement may provide for
6 staggered terms of office for the initial members of the merged
7 commission;

8 (e) At the time of appointment, not more than four
9 members of a seven-member commission nor more than five members of
10 a nine-member commission shall be of the same political party; and

11 (f) The appointing authority for purposes of appointing
12 members to the merged commission shall be as defined in the act.
13 The agreement shall provide for the appointing authority for the
14 purpose of exercising all other powers of the appointing authority
15 as described in the act.

16 Sec. 4. Original sections 19-1825 and 19-1826, Reissue
17 Revised Statutes of Nebraska, are repealed.

18 Sec. 5. Since an emergency exists, this act takes effect
19 when passed and approved according to law.