

LEGISLATIVE BILL 281

Approved by the Governor May 22, 1979

Introduced by Carsten, 2

AN ACT to amend sections 19-404, 19-408, 19-414, and 19-415, Reissue Revised Statutes of Nebraska, 1943, relating to cities having the commission form of government; to increase the number of commissioners; to provide terms as prescribed; to provide additional departments; to provide duties; and to repeal the original sections.

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

Section 1. That section 19-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-404. If the proposition is adopted, then at the next regular or general city election provided by law in any such city there shall be elected, not by wards or districts, but at large, the following officers and no others: In metropolitan cities, seven councilmen; in primary cities, five councilmen; and in cities containing two thousand or more but not more than forty thousand population, ~~three~~ five councilmen; Provided, in primary cities, in addition to the five councilmen to be elected, there shall be elected three excisemen; and provided further, if the proposition is not adopted at any such special election at least sixty days prior to the date of holding the next statewide primary election, or as provided in this act, then such city shall continue to be governed under its existing laws; and councilmen hereinbefore provided for shall be elected at the next such election thereafter occurring in any such city.

Sec. 2. That section 19-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-408. Notwithstanding any more general law respecting primary elections in force in the state, the official ballot to be prepared and used at such primary shall be in substantially the following form, inserting in the blanks the name of the city and the designation of the officers to be elected in the particular city where such primary is to be held and placing simply the names of all candidates for each such office upon the ticket without any party designation, circle or mark whatever: Candidates for nomination for (specifying one of the positions named in section 19-415) of the city of at the primary

election. Vote for one. The names of the candidates shall then be listed, each preceded by a box or square in which the voter shall indicate his or her choice. The positions for which candidates are to be nominated shall appear on the ballot in the order listed in section 19-415.

~~At the election in 1970, a mayor shall be elected for a two-year term, and two commissioners shall be elected for four-year terms, and until their successors are elected and qualified. At the election in 1972, a~~
The mayor shall be elected for a four-year term. In cities containing two thousand or more but not more than forty thousand population, at the city council election in 1980, the councilman elected as the commissioner of the department of public works and the councilman elected as the commissioner of the department of parks and recreation shall each serve a term of four years. In the event a city elects to adopt the commission form of government after 1980, the councilman elected as the commissioner of the department of public works and the councilman elected as the commissioner of the department of public accounts and finances shall each serve a term of four years and the councilman elected as the commissioner of the department of streets, public improvements, and public property and the councilman elected as the commissioner of the department of parks and recreation shall each serve a term of two years. Upon the expiration of such terms, all councilmen shall serve a term of four years and until his or her successor is elected and qualified. Thereafter their successors shall be elected for terms of four years. If an incumbent files for a city office other than the one he or she holds, he or she shall file at least ten days prior to the regular filing deadline established by law, and the office he or she holds shall become vacant as of the date of the commencement of the term of the office for which he or she has filed. If such vacancy results in an unexpired term, such vacancy shall be filled by election for the remainder of the unexpired term.

In all other respects the general character of the paper ballot to be used shall be the same as authorized by the Australian Ballot Law of the state and the election shall be governed by the provisions of Chapter 32. In printing, the names shall not be arranged alphabetically but shall be rotated according to the following plan: The form shall be set up by the printer with the names in the order in which they are placed upon the sample ballot prepared by the city clerk or officer whose duty it shall be to have the ballots prepared; and in printing the ballots for the various election districts or precincts, the position of the names shall

be changed for each election district. In making the change of position the printer shall take the line of type containing the names at the head of the form and place it at the bottom, shoving up the column so that the name that was second before the change shall be the first after the change. After receiving such ballot from the election judges, endorsed by them as by law provided, the voter shall mark and cast such ballot. Any voter who shall declare that he or she will require assistance in voting shall be aided in the manner provided by general law. The polls at any such primary election shall be open at 8:00 a.m. and close at 8:00 p.m. In all other respects such primary election shall be held and conducted and the vote canvassed and the result declared as by law provided for holding other city primary elections in any city embraced in the class to which any general state primary law applies. If such primary election be held in any city to which, as to city elections, the general primary laws of this state do not apply, then such primary election shall be, except in the respects hereinbefore provided, proclaimed, noticed, held, and conducted, and the vote canvassed and the result declared as by law provided for holding the general or regular city election in any such city; and all officers charged with any duty respecting the proclaiming, holding, and conducting of any such general or regular city election in any such city, shall perform such duties for and at such primary election.

Sec. 3. That section 19-414, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-414. The executive and administrative powers, authorities, and duties in such cities shall be distributed into and among departments as follows:

In metropolitan cities, (1) department of public affairs, (2) department of accounts and finances, (3) department of police, sanitation, and public safety, (4) department of fire protection and water supply, (5) department of street cleaning and maintenance, (6) department of public improvements, and (7) department of parks and public property;

In primary cities, (1) department of public affairs, (2) department of accounts and finances, (3) department of public safety, (4) department of streets and public improvements, and (5) department of parks and public property; and

In cities containing two thousand or more and not more than forty thousand population, (1) department of

public affairs and public safety, (2) department of accounts and finances, and (3) department of streets, public improvements, and public property, (4) department of public works, and (5) department of parks and recreation.

The council shall provide, as nearly as possible, the powers and duties to be exercised and performed by, and assign them to, the appropriate departments. It may prescribe the powers and duties of all officers and employees of the city and may assign particular officers, or employees, to more than one of the departments, may require any officer or employee to perform duties in two or more of the departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical management of the business affairs of the city.

Sec. 4. That section 19-415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-415. In metropolitan cities the council shall consist of the mayor who shall be superintendent of the department of public affairs, one councilman to be superintendent of the department of accounts and finances; one to be superintendent of the department of police, sanitation, and public safety; one to be superintendent of the department of fire protection and water supply; one to be superintendent of the department of street cleaning and maintenance; one to be superintendent of the department of public improvements; and one to be superintendent of parks and public property. In cities containing forty thousand population and less than two hundred thousand population, the council shall consist of the mayor who shall be superintendent of the department of public affairs, one councilman to be superintendent of the department of accounts and finances; one to be superintendent of the department of public safety; one to be superintendent of the department of streets and public improvements; and one to be superintendent of the department of parks and public property. In cities containing two thousand population and less than forty thousand population, the council shall consist of the mayor who shall be superintendent commissioner of the department of public affairs and public safety, one councilman to be superintendent commissioner of the department of streets, public improvements and public property; and one councilman to be superintendent commissioner of the department of public accounts and finances; one councilman to be commissioner of the department of public works; and one councilman to be commissioner of the

department of parks and recreation. In all of said cities the superintendent commissioner of the department of accounts and finances shall be vice president of the city council, and in the absence or inability of the mayor to serve shall perform the duties of the mayor of the city; and in case of vacancy in the office of mayor by death or otherwise, the vice president shall perform the duties of mayor of the city until such time as the council shall fill such vacancy, which shall be done at the first council meeting after such vacancy occurs or as soon thereafter as may be practicable.

Sec. 5. That original sections 19-404, 19-408, 19-414, and 19-415, Reissue Revised Statutes of Nebraska, 1943, are repealed.