

LEGISLATIVE BILL 1145

Approved by the Governor February 26, 1972

Introduced by Herbert J. Duis, 39th District

AN ACT relating to city and village offices; to provide for filling certain vacancies as prescribed; to amend sections 16-217 and 17-115, Reissue Revised Statutes of Nebraska, 1943, and section 32-4,152, Revised Statutes Supplement, 1971; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 16-217, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-217. A city of the first class by ordinance may provide for the removal of elective officers of the city for misconduct. It may create any office that it may deem necessary for the good government and interest of the city, and provide for filling such vacancies as may occur in any elective office, except the mayor, by appointment by the mayor with the consent of the council to hold until the next general election his office for the unexpired term. Whenever the city council shall fail to consent to any appointment made hereunder by the mayor by the close of the second regular council meeting following the announcement of the appointment, the vacancy shall be filled by a special election to be held as prescribed by ordinance in the ward in which such vacancy exists. When there is a vacancy in the office of the mayor, the president of the council shall become mayor for the unexpired term.

Sec. 2. That section 17-115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-115. In the case of any vacancy in the office of mayor, or in case of his disability or absence, the president of the council shall exercise the office of mayor for the unexpired term until such vacancy is filled or such disability is removed, or in case of temporary absence, until the mayor returns.

Sec. 3. That section 32-4,152, Revised Statutes Supplement, 1971, be amended to read as follows:

32-4,152. (1) Vacancies in city and village offices shall be filled by appointment by the mayor and council or board of trustees for the balance of the unexpired term, except as provided in subsections subsection (2) and ~~(3)~~ of this section.

~~(2) When any vacancy occurs prior to the final day for filing as a candidate for election at the next city or village election, such appointment shall run only until a successor is elected and qualified at such election.~~

~~(3)~~ (2) Vacancies in city offices in any home rule charter city shall be filled as provided in the home rule charter.

Sec. 4. That original sections 16-217 and 17-115, Reissue Revised Statutes of Nebraska, 1943, and section 32-4,152, Revised Statutes Supplement, 1971, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.