

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB1056

Hearing Date: February 05, 2008

Committee On: Urban Affairs

Introducer(s): (Erdman)

Title: Adopt the First-Class City Merger Act

Roll Call Vote - Final Committee Action:

Placed on General File

Vote Results:

4 Yes	Senators Cornett, Friend, Rogert, White
0 No	
3 Absent	Senators Janssen, Lathrop, McGill
0 Present, not voting	

Proponents:

Randy Meininger
Susan Wiedeman
Gary Krumland

Opponents:

None

Neutral:

None

Representing:

City of Scottsbluff
City of Gering
League of NE Municipalities

Representing:

Representing:

Summary of purpose and/or change: This act would adopt the First Class City Merger Act, proposing to authorize the merger of two or more first class cities which are contiguous and adjacent and located within the same.

This bill is the successor to LB 517 which was introduced by Sen. Erdman in the 2007 session. Based upon the statutes governing the consolidation of counties (Section 22-401 to section

22-418), that legislation proposed a general statutory process for two or more first class cities that are “adjacent” (i.e. that share a common boundary) to (1) consolidate (formally merge into a single city), (2) consolidate one or more elective or appointed city offices, or (3) provide for the joint performance of any common function or service.

That bill was indefinitely postponed on February 20, 2007.

This legislation represents an attempt to build upon the experience of LB 517 and address the concerns raised by members of the committee.

It deals exclusively with providing the authority for a full merger of two first class cities (whereby two cities are fully and permanently united so as to create one city (sections 2 and 3 of the bill). Merger is only possible if the two cities are first class cities, if they share a common border (are contiguous and adjacent), and are both located in the same county.

Each city council in the two cities would adopt a joint, concurrent resolution of intent to pursue a merger plan (section 4). If a resolution is adopted, the cities involved may hold an advisory vote of the residents of each city to determine if merger efforts should proceed. The election may be held at a general or special election but must be held on the same day in both cities. The ultimate vote is not binding on the city councils.

After the resolution is adopted by both city councils, they must begin work on adopting a merger plan (section 5). The plan must include a number of elements including the name of the new city; the manner of allocating and financing the costs of the plan; the nature and value of property owned by both cities; the indebtedness of both cities, bonded and otherwise, and the plan for repayment after the merger; the proposed form of organization and government of the new city; the number of wards and representatives from each ward; the redistricting of the new merger city; the pay and perquisites of the officers of the new city; the treatment of related city organizations (such as housing authorities, airport authorities, etc.); and any other terms the parties need to agree upon.

Each council is authorized to appoint an advisory committee to assist the council in preparing the merger plan.

After the plan has been prepared, the city council of each city must hold a public hearing on the plan in their respective cities after notice is given of the hearing and a summary of the plan has been published (section 6).

After the hearings, the city council of each city shall adopt the joint merger plan by a majority vote of the city council of each city (a majority of the elected members) (section 7).

If the councils both adopt the plan, the issue of merger is submitted for approval to the voters of each city for consideration at a primary or special election (**not** a general election) held on the same day in each city. The special election must be held not less than 180 days prior to the next statewide general election (section 8).

Section 9 specifies the notice and publication requirements regarding the election where the merger will be voted upon for approval.

Section 10 specifies the form of the ballot question and requires the vote to be conducted in accordance with the state Election Act. If the voters approve the merger (a majority of those voting in each city), the plan becomes effective on the date of the first regular council meeting in December following the election.

Candidates for the merger city’s officers (as provided in the plan) shall be nominated at a special election held thirty days or more after the election in which the merger is approved, but not less than sixty days prior to the next statewide general election (section 11).

The officers for the merged city shall be elected at the next statewide general election following the merger election. The terms of all incumbent officers of the former cities end on the date of the first council meeting in December and that is day upon which the new officers take office. New appointive officers are appointed as provided in the law for all other first class cities and take office as of the date of the first council meeting in December (section 12). Their predecessors continue in office until the new officers are elected or appointed and qualified.

Section 13 provides that the merged city is the full legal successor to all the powers, duties, rights, privileges, property, assets, and liabilities of the two former cities making up the new city.

The boundaries of school districts and other election districts for non-city offices are not changed by the merger and continue as before the merger until changed as provided by law.

Section 14 provides that the merger is permanent and no withdrawal or dissolution is permitted or provided for in law.

Section 15 authorizes the two city councils of the merging cities to meet and hold joint sessions for purposes of this Act.

Explanation of amendments, if any: None.

Senator Mike Friend, Chairperson