

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1056**

FINAL READING

Introduced by Erdman, 47; Harms, 48.

Read first time January 18, 2008

Committee: Urban Affairs

A BILL

- 1 FOR AN ACT relating to cities of the first class; to adopt the
- 2 First-Class City Merger Act.
- 3 Be it enacted by the people of the State of Nebraska,

1           Section 1. This act shall be known and may be cited as  
2 the First-Class City Merger Act.

3           Sec. 2. For purposes of the First-Class City Merger Act:

4           (1) City means a city of the first class; and

5           (2) Merger means a full and permanent union of two or  
6 more cities of the first class, resulting in one city.

7           Sec. 3. Any two or more contiguous and adjacent cities  
8 of the first class in the state may merge by complying with  
9 the requirements and procedures specified in the First-Class City  
10 Merger Act. Merger shall not be allowed across county lines.

11           Sec. 4. (1) To enter into a merger plan, each city  
12 council of any two or more contiguous and adjacent cities shall  
13 adopt an initial joint concurrent resolution of intent to pursue  
14 such plan.

15           (2) If a resolution is adopted pursuant to subsection (1)  
16 of this section, the city councils of each city involved may hold  
17 an advisory vote at any general, primary, or special election if  
18 the advisory vote is presented to voters of all cities involved  
19 on the same day. Notice of the advisory vote to be voted on at a  
20 special election shall be given in the manner of notice for special  
21 elections in accordance with the Election Act. The result of the  
22 vote cast on a question submitted under this subsection shall not  
23 be binding upon such city councils.

24           Sec. 5. (1) After adoption of a resolution pursuant to  
25 section 4 of this act by the city councils of any two or more

1 cities, such city councils may propose a merger plan subject to the  
2 First-Class City Merger Act.

3 (2) A merger plan shall include, but not be limited  
4 to, (a) the names of the cities which propose to merge, (b)  
5 the name under which the cities would merge, (c) the manner of  
6 financing and allocating all costs associated with the plan, (d)  
7 the property, real and personal, belonging to each city and the  
8 fair value thereof in current money of the United States, (e)  
9 the indebtedness, bonded and otherwise, of each city and the  
10 plan for repayment of the indebtedness after merger, (f) how  
11 the local ballot initiatives enacted in either city, if any,  
12 will be reconciled or terminated after merger, (g) if the cities  
13 have different forms of organization and government, the proposed  
14 form of organization and government of the merged city, (h) the  
15 redistricting of the newly merged city, including the number of  
16 wards and elected representatives from each ward, (i) the pay  
17 and perquisites of the mayor and city council, (j) the treatment  
18 of related city entities such as the housing authority, airport  
19 authority, or other city authority, and (k) any other terms of  
20 the agreement. A merger plan shall not be considered an interlocal  
21 cooperation agreement pursuant to the Interlocal Cooperation Act.

22 (3) Each city council may appoint an advisory committee  
23 to assist the council in the preparation of the merger plan.

24 Sec. 6. After adoption of a resolution pursuant to  
25 section 4 of this act and preparation of the required merger plan

1 pursuant to section 5 of this act, the city council of each city  
2 proposing to enter into such plan shall hold a public hearing on  
3 the plan and shall give notice of the hearing by publication in  
4 a newspaper of general circulation in the city once each week for  
5 three consecutive weeks prior to the hearing. Final publication  
6 shall be within seven calendar days prior to the hearing. The  
7 notice shall describe the contents of the plan and specify that a  
8 copy of the plan may be obtained at no charge at the city clerk's  
9 office.

10           Sec. 7. After a public hearing held pursuant to section  
11 6 of this act, the city council of each city shall adopt the joint  
12 merger plan by a majority vote of the council.

13           Sec. 8. If a merger plan is adopted pursuant to section 7  
14 of this act, the city council of each city adopting such plan shall  
15 submit the plan for approval by the registered voters at a primary  
16 or special election held on the same day in each of the cities  
17 which are parties to the plan, not less than one hundred eighty  
18 days prior to the next statewide general election. An election held  
19 pursuant to this section shall be conducted in accordance with the  
20 Election Act.

21           Sec. 9. When a merger plan is submitted to the voters  
22 for approval pursuant to section 8 of this act, the city council  
23 of each city adopting the plan shall publish a notice at least  
24 once each week for three consecutive weeks prior to the election in  
25 one or more newspapers of general circulation in the city. Final

1 publication in each city shall be within seven calendar days prior  
2 to the election pursuant to section 10 of this act. The notice  
3 shall describe the contents of the plan and specify that a copy of  
4 the plan may be obtained at no charge at the city clerk's office.

5       Sec. 10. (1) After publication pursuant to section 9 of  
6 this act, each city council shall submit the question as proposed  
7 in the merger plan to the registered voters of the city as provided  
8 in section 8 of this act.

9       (2) The question shall be submitted to the voters in  
10 substantially the following form:

11       "Shall (name of city in which ballot will be voted) merge  
12 with (name of other city or cities) according to the merger plan  
13 previously adopted by the city councils in such cities? Yes No".

14       (3) The election shall be conducted in accordance with  
15 the Election Act. The election commissioner or county clerk shall  
16 certify the results to each city council involved in the plan.

17       (4) If a majority of the voters of each city voting on  
18 the question vote in favor of the merger plan, the plan shall  
19 become effective at the first regular meeting of the city council  
20 in December following the election, and the terms of the incumbents  
21 in the offices involved in the plan shall be deemed to end on that  
22 day.

23       Sec. 11. Candidates for merged city offices shall be  
24 nominated at a special election to be held no less than thirty  
25 days after the election at which the merger is approved by the

1 voters and no less than sixty days prior to the next statewide  
2 general election. The election shall be held in accordance with the  
3 Election Act.

4           Sec. 12. (1) At the next statewide general election held  
5 after the election at which the merger is approved by the voters,  
6 the merged city officers shall be elected. Their terms shall begin  
7 at the first regular meeting of the city council in December  
8 following their election, and the terms of the incumbents in the  
9 offices involved in the plan shall be deemed to end on that day.  
10 The initial term of a merged officer shall be set forth in the  
11 merger plan.

12           (2) All appointive city officers shall be appointed by  
13 the person, council, or authority upon whom the power is conferred  
14 to appoint such officers in other cities of the first class. The  
15 terms of such officers shall begin at the first regular meeting  
16 of the city council in December following the first election of  
17 officers for the merged city and shall continue, unless otherwise  
18 removed, until their successors have been appointed and qualified.

19           Sec. 13. (1) Upon the effective date of a merger plan,  
20 the cities involved in the plan shall be treated under the name  
21 and upon the terms and conditions set forth in the plan. Except  
22 as provided in subsections (6) and (7) of this section, statutory  
23 references to the names of the cities as they existed prior to the  
24 merger plan shall be deemed to reference the name of the merged  
25 city as set forth in the plan.

1           (2) All rights, privileges, and franchises of each of the  
2 several cities, all real and personal property, all rights-of-way,  
3 all other interests, and all debts due on whatever account, as well  
4 as other things in action, belonging to each of such cities, shall  
5 be deemed as transferred to and vested in the merged city without  
6 further act or deed. All records, books, and documents shall be  
7 transferred to and vested in the merged city. All money on hand  
8 and accounts receivable shall be distributed pursuant to the merger  
9 plan.

10           (3) The title to real property, either by deed or  
11 otherwise, under the laws of this state vested in any of the  
12 cities, shall not be deemed to revert or be in any way impaired by  
13 reason of merger, but the rights of creditors and all liens upon  
14 the property of any of the cities shall be preserved unimpaired.

15           (4) Suits may be brought and maintained against such  
16 merged city in any of the courts of this state in the same manner  
17 as against any other city of the first class. Pursuant to the  
18 merger plan, any action or proceeding pending by or against any of  
19 the cities may be prosecuted to judgment and the merged city may be  
20 substituted in its place.

21           (5) The boundaries for school districts and election  
22 districts for offices other than the merged offices shall continue  
23 as prior to merger unless and until changed in accordance with law.

24           (6) For purposes of political representation, the  
25 existing boundaries for such districts shall continue until changed

1 in accordance with law.

2 (7) Such merged city shall in all respects, except as  
3 provided in the First-Class City Merger Act, be subject to all  
4 the obligations and liabilities imposed and shall possess all the  
5 rights, powers, and privileges vested by law in other cities of the  
6 first class.

7 Sec. 14. Merger according to the First-Class City Merger  
8 Act is deemed permanent, and no withdrawal or dissolution shall be  
9 permitted.

10 Sec. 15. The city councils of two or more cities of the  
11 first class may meet and hold joint sessions for purposes of the  
12 First-Class City Merger Act.