

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 66

Introduced by Hansen, M., 26.

Read first time January 10, 2019

Committee:

- 1 A BILL FOR AN ACT relating to cities; to amend sections 14-403.01,
- 2 15-1102, and 19-903, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to comprehensive plans for cities to provide for
- 4 an early childhood element as prescribed; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-403.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 14-403.01 (1) When a city of the metropolitan class adopts a new
4 comprehensive plan or a full update to an existing comprehensive plan on
5 or after July 15, 2010, but not later than January 1, 2015, such plan or
6 update shall include, but not be limited to, an energy element which:
7 Assesses energy infrastructure and energy use by sector, including
8 residential, commercial, and industrial sectors; evaluates utilization of
9 renewable energy sources; and promotes energy conservation measures that
10 benefit the community.

11 (2) When a city of the metropolitan class adopts a new comprehensive
12 plan or a full update to an existing comprehensive plan on or after the
13 effective date of this act, but not later than January 1, 2022, such plan
14 or update shall include, but not be limited to, an early childhood
15 element which assesses the supply of quality licensed early childhood
16 education programs for children under six years of age, evaluates the
17 availability and utilization of licensed child care capacity and quality
18 for children under six years of age, and promotes early childhood health
19 and education measures that benefit the community. To meet the
20 requirements of this subsection, the city may (a) acquire publicly
21 available data and information from the State Department of Education,
22 the Department of Health and Human Services, the United States Bureau of
23 the Census, other federal, state, or local agencies, or any other
24 organization, (b) use a definition of quality found in existing programs,
25 including, but not limited to, the Step Up to Quality Child Care Act, the
26 Sixpence Early Learning Fund, the federal Head Start program or Early
27 Head Start program, or other early childhood education programs at a
28 school district, and (c) determine whether an early childhood education
29 program is accredited by a national association recognized by the
30 Department of Health and Human Services.

31 Sec. 2. Section 15-1102, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 15-1102 The general plan for the improvement and development of the
3 city of the primary class shall be known as the comprehensive plan. This
4 plan for governmental policies and action shall include the pattern and
5 intensity of land use, the provision of public facilities including
6 transportation and other governmental services, the effective development
7 and utilization of human and natural resources, the identification and
8 evaluation of area needs including housing, employment, education, and
9 health and the formulation of programs to meet such needs, surveys of
10 structures and sites determined to be of historic, cultural,
11 archaeological, or architectural significance or value, long-range
12 physical and fiscal plans for governmental policies and action, and
13 coordination of all related plans and activities of the state and local
14 governments and agencies concerned. The comprehensive plan, with the
15 accompanying maps, plats, charts, and descriptive and explanatory
16 materials, shall show the recommendations concerning the physical
17 development pattern of such city and of any land outside its boundaries
18 related thereto, taking into account the availability of and need for
19 conserving land and other irreplaceable natural resources, the
20 preservation of sites of historic, cultural, archaeological, and
21 architectural significance or value, the projected changes in size,
22 movement, and composition of population, the necessity for expanding
23 housing and employment opportunities, and the need for methods of
24 achieving modernization, simplification, and improvements in governmental
25 structures, systems, and procedures related to growth objectives. The
26 comprehensive plan shall, among other things, show:

27 (1) The general location, character, and extent of existing and
28 proposed streets and highways and railroad, air, and other transportation
29 routes and terminals;

30 (2) Existing and proposed public ways, parks, grounds, and open
31 spaces;

1 (3) The general location, character, and extent of schools, school
2 grounds, and other educational facilities and properties;

3 (4) The general location and extent of existing and proposed public
4 utility installations;

5 (5) The general location and extent of community development and
6 housing activities;

7 (6) The general location of existing and proposed public buildings,
8 structures, and facilities;~~and~~

9 (7) When a new comprehensive plan or a full update to an existing
10 comprehensive plan is developed on or after July 15, 2010, but not later
11 than January 1, 2015, an energy element which: Assesses energy
12 infrastructure and energy use by sector, including residential,
13 commercial, and industrial sectors; evaluates utilization of renewable
14 energy sources; and promotes energy conservation measures that benefit
15 the community; and -

16 (8) When a new comprehensive plan or a full update to an existing
17 comprehensive plan is developed on or after the effective date of this
18 act, but not later than January 1, 2022, an early childhood element which
19 assesses the supply of quality licensed early childhood education
20 programs for children under six years of age, evaluates the availability
21 and utilization of licensed child care capacity and quality for children
22 under six years of age, and promotes early childhood health and education
23 measures that benefit the community. To meet the requirements of this
24 subdivision, the city may (a) acquire publicly available data and
25 information from the State Department of Education, the Department of
26 Health and Human Services, the United States Bureau of the Census, other
27 federal, state, or local agencies, or any other organization, (b) use a
28 definition of quality found in existing programs, including, but not
29 limited to, the Step Up to Quality Child Care Act, the Sixpence Early
30 Learning Fund, the federal Head Start program or Early Head Start
31 program, or other early childhood education programs at a school

1 district, and (c) determine whether an early childhood education program
2 is accredited by a national association recognized by the Department of
3 Health and Human Services.

4 The comprehensive plan shall include a land-use plan showing the
5 proposed general distribution and general location of business and
6 industry, residential areas, utilities, and recreational, educational,
7 and other categories of public and private land uses. The land-use plan
8 shall also show the recommended standards of population density based
9 upon population estimates and providing for activities for which space
10 should be supplied within the area covered by the plan. The comprehensive
11 plan shall include and show proposals for acquisition, extension,
12 widening, narrowing, removal, vacation, abandonment, sale, and other
13 actions affecting public improvements.

14 Sec. 3. Section 19-903, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 19-903 The regulations and restrictions authorized by sections
17 19-901 to 19-915 shall be in accordance with a comprehensive development
18 plan which shall consist of both graphic and textual material and shall
19 be designed to accommodate anticipated long-range future growth which
20 shall be based upon documented population and economic projections. The
21 comprehensive development plan shall, among other possible elements,
22 include:

23 (1) A land-use element which designates the proposed general
24 distributions, general location, and extent of the uses of land for
25 agriculture, housing, commerce, industry, recreation, education, public
26 buildings and lands, and other categories of public and private use of
27 land;

28 (2) The general location, character, and extent of existing and
29 proposed major roads, streets, and highways, and air and other
30 transportation routes and facilities;

31 (3) The general location, type, capacity, and area served of present

1 and projected or needed community facilities including recreation
2 facilities, schools, libraries, other public buildings, and public
3 utilities and services;

4 (4) When a new comprehensive plan or a full update to an existing
5 comprehensive plan is developed on or after July 15, 2010, but not later
6 than January 1, 2015, an energy element which: Assesses energy
7 infrastructure and energy use by sector, including residential,
8 commercial, and industrial sectors; evaluates utilization of renewable
9 energy sources; and promotes energy conservation measures that benefit
10 the community. This subdivision shall not apply to villages;~~and~~

11 (5) When a new comprehensive plan or a full update to an existing
12 comprehensive plan is developed on or after the effective date of this
13 act, but not later than January 1, 2022, an early childhood element which
14 assesses the supply of quality licensed early childhood education
15 programs for children under six years of age, evaluates the availability
16 and utilization of licensed child care capacity and quality for children
17 under six years of age, and promotes early childhood health and education
18 measures that benefit the community. To meet the requirements of this
19 subdivision, the city may (a) acquire publicly available data and
20 information from the State Department of Education, the Department of
21 Health and Human Services, the United States Bureau of the Census, other
22 federal, state, or local agencies, or any other organization, (b) use a
23 definition of quality found in existing programs, including, but not
24 limited to, the Step Up to Quality Child Care Act, the Sixpence Early
25 Learning Fund, the federal Head Start program or Early Head Start
26 program, or other early childhood education programs at a school
27 district, and (c) determine whether an early childhood education program
28 is accredited by a national association recognized by the Department of
29 Health and Human Services. This subdivision shall not apply to villages;
30 and

31 (6)(a) ~~(5)(a)~~ When next amended after January 1, 1995, an

1 identification of sanitary and improvement districts, subdivisions,
2 industrial tracts, commercial tracts, and other discrete developed areas
3 which are or in the future may be appropriate subjects for annexation and
4 (b) a general review of the standards and qualifications that should be
5 met to enable the municipality to undertake annexation of such areas.
6 Failure of the plan to identify subjects for annexation or to set out
7 standards or qualifications for annexation shall not serve as the basis
8 for any challenge to the validity of an annexation ordinance.

9 Regulations shall be designed to lessen congestion in the streets;
10 to secure safety from fire, panic, and other dangers; to promote health
11 and the general welfare; to provide adequate light and air; to prevent
12 the overcrowding of land; to secure safety from flood; to avoid undue
13 concentration of population; to facilitate the adequate provision of
14 transportation, water, sewerage, schools, parks and other public
15 requirements; to protect property against blight and depreciation; to
16 protect the tax base; to secure economy in governmental expenditures; and
17 to preserve, protect, and enhance historic buildings, places, and
18 districts.

19 Such regulations shall be made with reasonable consideration, among
20 other things, for the character of the district and its peculiar
21 suitability for particular uses and with a view to conserving the value
22 of buildings and encouraging the most appropriate use of land throughout
23 such municipality.

24 Sec. 4. Original sections 14-403.01, 15-1102, and 19-903, Reissue
25 Revised Statutes of Nebraska, are repealed.