

January 13, 1989

LB 149, 325, 461, 462

SPEAKER BARRETT: While the Legislature continues to stand at ease for a few more minutes, the Chair is very pleased to announce some guests of Senator Moore from York, Nebraska, James and Ben Kopsa, under the north balcony. Would you folks please stand and be recognized by your Legislature. Thank you. We're glad to have you as our guests today.

CLERK: One final bill, Mr. President, LB 461 by Senator Moore...I stand corrected, Mr. President, next to the last bill. (Read by title for the first time. See page 238 of the Legislative Journal. Read LB 462 by title for the first time. See page 239 of the Legislative Journal.)

Senator Nelson would like to add her name to LB 325; Senator Schimek to LB 149 as co-introducers. (See page 239 of the Legislative Journal.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: If there are no objections, so ordered. Messages on the President's desk, Mr. Clerk.

CLERK: I have nothing further, Mr. President.

SPEAKER BARRETT: Thank you. Senator Beck, your light is on.

SENATOR BECK: Mr. President, I move that we adjourn until Tuesday morning, nine o'clock, January 17.

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn until Tuesday, January 17 at 9:00 a.m. Those in favor of that motion say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by:

Arleen McCrory  
Arleen McCrory

will be. Hopefully, we'll be able to fund a property tax rebate in the area of \$94 million again next year. But I'm satisfied this year to take it one year at a time, give back \$94 million to the homestead...for the homestead exemption, next year come back, if there is additional revenue at that time, let's give that back to the homeowner once again. Thank you.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, I have a motion by Senator Chambers to reconsider a vote taken yesterday. That will be laid over, Mr. President. Health and Human Services Committee reports LB 462 to General File with amendments. I have amendments to be printed to LB 769 and LB 279. (See pages 1911-12 of the Legislative Journal.)

Mr. President, I have an amendment to LB 84. Senator Bernard-Stevens would move to amend the bill. (Senator Bernard-Stevens' amendment appears on page 1912 of the Journal.)

PRESIDENT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you, Mr. President. In following up on the statements I made earlier, I'll at least put the membership on a vote, and I'll make sure, hopefully, it will be a record vote, and we'll put ourselves, at least, on the line. If we are truly going for significant property tax, which LB 84 or LB 809 are, it is significant property tax relief. And I understand Senator Schmit's argument, it may be deleted a great deal because of LB 361, and I understand that, and he's absolutely correct. But to just go for one year and then to put off any future funding mechanism for an entire year and say we'll look at it later is once again skipping a beat and saying we're going to dodge that bullet, we're going to be able to come up with some positive things here, say, look at what we did. But we again dodged the bullet, and that bullet is in order to get significant property tax, we've known it since the Syracuse Study, and I think members knew it way before then, you have to broaden your tax base to do it, you have to have enough money and enough ways to support that to do it. So my amendment is very simple. It would once again put it to a two-year program, LB 84, and we'd have a half cent sales tax increase in order to fund the second year. It's quite simple. I think I know what

great job of leadership in this area, and so forth. What is the federal government, because it talks about Title...what is the federal government doing in this area, Senator Wesely?

SENATOR WESELY: The federal government is looking at legislation right now. The Senate has already passed some legislation, and the House has as well. They are meeting in conference and we expect within the next couple of months legislation that could take care of some of the funding that is in this bill. They are looking at training assistance for providers. They are looking at more assistance in the Title XX area and it is possible that federal monies might be available and not require the sort of state commitment that we have in the bill. So there is quite aggressive federal legislation anticipated in the very areas we are talking about right now.

SENATOR HARTNETT: Thank you.

PRESIDENT: Mr. Clerk.

CLERK: Mr. President, Senator Lamb would move to amend the bill. (See Lamb amendment on page 550 of the Legislative Journal.)

PRESIDENT: Senator Lamb, please.

SENATOR LAMB: Mr. President, and members, my amendment reads as follows: Any person residing in and operating a small family day care home for five or fewer children in any county with a population of fewer than fifteen thousand inhabitants shall be exempt from the certification requirements. This is a rerun of the bill that I introduced last year, LB 462, which loosens the certification requirements from the present three children to five or fewer, and it was brought to my attention because of people in my area who are not willing to go through the red tape of certification, and, as a consequence, it is very hard to find people for child care in those small towns. And you will note that this exemption is only for those smaller counties, those with fifteen thousand population or less, and the reason for that and the justification for that is that in those smaller, sparsely settled areas, people have a lot better opportunity to know other people and to know whether or not their children are in an environment which is good and proper, and it puts a little bit more burden on the parents, where I think it should be. It will relieve the problems of day care for a whole host of young

mothers who work, who have the problem because they can't find...it is not economically feasible for these people to take care of three children, so they don't do it. So they go...they want to go get a job. If they could have a couple more youngsters to care for, then they could be on a financial footing where they would be able to get into that day care business on a very small scale, take care of a few more children, have more day care facilities available for the other mothers that want to work, and it is just that simple. It is a real problem because it is not worthwhile for them to go through all the red tape of certification and really is unnecessary in that environment because people know each other. People know. People take that responsibility to put their children in an environment which they are comfortable with, and I would ask that this amendment be adopted.

PRESIDENT: Thank you. Senator Wesely, did you wish to speak about the Lamb amendment, please, followed by Senator Dierks.

SENATOR WESELY: Thank you. Mr. Speaker, members, I appreciate Senator Lamb's concern and I know he has got a sincere interest in this matter. There is another bill, LB 462, that is on General File that deals with this. I'd really ask Senator Lamb to consider withdrawing the amendment. The thing about it is we have already complicated the issue quite a bit, and this would further complicate matters quite a great deal. We have already adopted the Smith amendment. The Smith amendment does allow for overlap, does allow for flexibility, as have recently been adopted by rules and regs that were enacted as a result of legislation we passed a couple of years ago. There is a number of problems with Senator Lamb's bill that I have great concern about, and I'd really rather not get into that whole argument at this point. I would prefer if Senator Lamb would just simply allow us to go forward with the legislation as it currently is constituted dealing with the subject matter that we have. And the issue of changing the level of registration and licensure I think should be a matter dealt with separately. Senator Beck has talked about complications, and I just don't think we need to further complicate the bill. In addition, I am certain that this particular amendment would be unconstitutional, and we will try and track down an Attorney General's Opinion and share that with Senator Lamb indicating that problem. And so I think it would be best to reject the Lamb amendment and proceed with the bill without further amendment and allow us to deal with the issues that are already currently in the legislation.