SPEAKER BARRETT: Thank you. Discussion on the advancement of the bill? Anything further, Senator Weihing, there are no lights on?

SENATOR WEIHING: Nothing further, thank you.

SPEAKER BARRETT: Thank you. The question is then the advancement of LB 53 to E & R. Those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 53.

SPEAKER BARRETT: LB 53 is advanced. Anything for the record, Mr. Clerk?

CLERK: Mr. President, new bills. (Read LBs 662-682 by title for the first time. See pages 313-17 of the Legislative Journal.)

SPEAKER BARRETT: The Chair also reminds members of the body of the Lied Center tour today. Transportation is available at the south door of the Capitol, south door, Lied Center tour. Returning to General File, Mr. Clerk, LB 57.

CLERK: Mr. President, LB 57 was a bill introduced by Senator Coordsen. (Title read.) The bill was introduced on January 5, referred to Urban Affairs, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, members of the body, this bill last year existed in the form of a friendly amendment to a bill that later came up on consent calendar, and I subsequently withdrew the bill and introduced it this year as a...or withdrew the amendment and introduced it as a separate bill. What this bill does in the use of wheel tax funds in a city, if we remove from statute the words "or for related equipment purchases as a use of the wheel tax funds", words that were put into by the...put in statute by the bill last year. To the best of my knowledge there are four cities in the State of Nebraska that currently levy a wheel tax, none of which use those funds for purchasing of equipment up to this time. It was

SPEAKER BARRETT: The A bill is advanced. Messages on the President's desk.

CLERK: Mr. President, your Committee on Education, whose Chair is Senator Withem, to whom was referred LB 447, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 386 indefinitely postponed, those signed by Senator Withem. Natural Resources Committee reports LB 755 to General File with amendments. That is signed by Senator Schmit as Chair. Banking Committee reports LB 99 to General File, LB 278 as indefinitely postponed, those signed by Senator Landis as Chair. Mr. President, Health and Human Services Committee reports LB 678 General File with amendments, LB 323 General File, LB 569 General File with amendments, LB 720 General File with amendments, LB 355 General File with amendments, LB 511 indefinitely postponed. Mr. President, Health and Human Services reports LB 491 to General File with amendments, LB 724 General File with amendments, LB 726 General File with amendments, those signed by Senator Wesely as Chair. Mr. President, Enrollment and Review reports LB 781 to Select File with E & R, LB 357 Select File with E & R, LB 357A Select File, LB 441 Select File with E & R amendments. (See pages 907-13 of the Legislative Journal.)

Mr. President, new A bills. (Read LB 329A, LB 260A, LB 437A and LB 227A by title for the first time. See pages 913-14 of the Legislative Journal.)

Mr. President, I have an appointment by the Governor to the Boiler Safety Code Advisory Board. That will be referred to Reference Committee.

Notice of hearing by the Revenue Committee; notice of room change by Health and Human Services Committee for hearings; and a cancellation of hearing by the Banking Committee, those three signed by the respective Chairs. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. If the gentleman from Minden is so inclined, would he care to adjourn us?

SENATOR KRISTENSEN: Thank you, Mr. President, I'd move that we adjourn the body until tomorrow morning at nine o'clock.

ASSISTANT CLERK: (Record vote read. See pages 1515-16 of the Legislative Journal.) The vote is 35 ayes, 0 nays, 3 present and not voting, 11 excused and not voting, Mr. President.

PRESIDENT: LB 379 passes. LB 418, please.

ASSISTANT CLERK: (Read LB 418 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 418 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 1516-17 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 3 present and not voting, 10 excused and not voting, Mr. President.

PRESIDENT: LB 418 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 418, LB 379, LB 237, LB 231A, LB 231, LB 145, LB 46, LB 157 and LB 418. We'll move on to Select File and going to jump over LB 279 and take up LB 361.

CLERK: Mr. President, if I might right before that, new resolution, LR 72 by Senator Haberman. (Read brief description of resolution. See pages 1517-18 of the Legislative Journal.) That will be referred to the Executive Board. Senator Haberman has amendments to LB 678. New A bill, LB 651A by Senator Hall. (Read by title for the first time. See page 1518 of the Legislative Journal.) Yes, sir.

PRESIDENT: Okay, we'll move on to LB 361, please. Mr. Clerk.

CLERK: Mr. President, 361 is on Select File. The first order of business...Mr. President, I have E & R amendments first of all.

PRESIDENT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Yes, I would move that the E & R amendments be adopted.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted. Anything else on it, Mr. Clerk?

We talked about that. We discussed it. And the committee is well aware of the issue, the Appropriations Committee is well aware of it. And the problem that we had was we thought we could deal with this issue on another bill, LB 678, which is a committee priority bill. But, unfortunately, it doesn't look as though we're going to be able to get to that bill this session. So that is why we need to readjust our thinking, instead of using that bill to meet this problem, we're looking at using the budget bill. Because of that shift in focus and the timing problem, I have talked about this with members of the Appropriations Committee, they are going to meet tomorrow night, I understand, and address this issue. So, rather than pursue the amendment at this time, I'm going to ask that the amendment be withdrawn. I will work with the Appropriations Committee members, and I do anticipate that this issue will be brought back to the Legislature, hopefully on Select File, unless we're still on General File, by the time the committee meets. We'll see how that goes. But I do anticipate a cooperative effort with the Appropriations Committee. I look forward to working with them, and I think we'll cooperatively address the issue. So I would ask that this amendment be withdrawn, Mr. Speaker.

SPEAKER BARRETT: Thank you, it is withdrawn.

CLERK: Mr. President, the next amendment is offered by Senator Wesely. Senator, this is your Alzheimer's Disease Task Force amendment.

SENATOR WESELY: Thank you.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Mr. Speaker, members, this amendment is for $5,000 out of the Cash Fund of the Insurance Department. It is a request from the Director of the Insurance Department. If you recall, several years ago, we did pass a bill creating an Alzheimer's Disease Task Force which has issued an initial report and which is following up on that effort with the continuing examination of the question of Alzheimer's disease. They have had success in identifying some potential strategies to deal with the problem. They've been working with support groups around the state to figure out how we handle this very important, difficult issue. And what they have found from their experience, last year, was that they need to have the resources to pay for the Alzheimer's Disease Task Force members to

matter of procedure and he's in on that procedure, he'll say I'll take it up. And I think perhaps that what we ought to do with 769. Maybe we ought to just take it up and see how it goes. I've thought often about this bill and about some of the grey areas that perhaps are in it. But I think of the small population, too. I think of the parents. I have a 17-year-old daughter, and if she came home and told me she were pregnant, my first response would be not for her to abort the child. We would support her, we would help her do whatever, adopt the child...have the child adopted, or whatever she wanted to do. And I think of the fact that I would want to be with her. I had to be with her or sign permission for her to have her ears pierced, and when she had impacted wisdom teeth out, over Christmas vacation, I wanted to be with her. And I guess as a mother and as a parent, if she chose to abort that child, I don't have the right to get too...to make her not do that, and I guess I wouldn't, but I'd want to be there, because if I were the one parent or the few parents who have children who are hurt, dreadfully, in the abortion procedure, I think that would be just the end for me, to know that I could have been there, or perhaps I could have chosen a different doctor, or something of that nature. And that happens, that really happens. We read some horrendous stories of what happens, and it is maybe just a few population, but it does. And I think I guess that I think of that small group of people, those parents. And I think of other remarks that have been made about the bill, that we don't want a political victory at the expense of our children, no, we certainly don't. And I think those of us who signed onto the bill, that was not our intent. I think often of the small population of infertile couples that I have visited with at length, and how they desire children and cannot have them. I have friends who have...even have a hard time finding "multilly" cultured or "multilly" racial children, because they are not there, that's a small population, too. And so I think that there are other ways that we can show compassion. I think this very debate helps me to desire to strengthen Senator Wesely's bill, LB 678, with the Title XX funds.

PRESIDENT: One minute.

SENATOR BECK: So, I guess in closing I appreciate the position that Senator Hannibal has taken, I understand Senator Chambers' position, I appreciate Senator Lynch's position, but I guess I'm asking for another small population. And I just remember, time after time, I've heard in here senators not knowing what was

to you, if you're really sincere you want the life of that child saved, then you ought to also be brave enough to sit here and press the green light that allows this amendment to be attached to that bill, because it is only fair that you allow that mother, it's always the mother in this case, we don't worry about the men, the father that created the child, but the teenage girl whose left caring for a child and herself not able to continue her own education. And I think the words that say it best is the completion of a high school education is a positive factor in realizing an increasingly productive, independent citizenry. We want this young girl to go on and become a productive citizen in our society. This will assist her to be able to do that. Now I'm going to see how you vote on this. I'm like Senator Ashford, I would be...I'm astounded to think that anyone would not support this, if they support the bill itself, how they could say they should have nothing to do with it. They're absolutely linked together. And I ask you to support this, if you're going to support the bill.

PRESIDENT: Thank you. Senator Ashford, please.

SENATOR ASHFORD: I would yield, I have nothing further, I've made my point on the bill.

PRESIDENT: Thank you. Senator Labedz, please, followed by Senator Bernard-Stevens.

SENATOR LABEDZ: Thank you, Mr. President. Senator Smith is right, we should provide day care services for a high school student. And I will read you part of the amendment. "Therefore, the Department of Social Services shall provide day care services to parenting students, 21-years of age and younger, who are working toward completing a high school education. The services shall be available to such students, regardless of income level or available resources." There are two bills that are priority bills for the Health and Human Services that are priority bills for the committee. They are LB 678 and LB 720. I'm one of the people that Senator Bernard-Stevens talked about that says, why on LB 769. I am totally convinced, Senator Bernard-Stevens, that, if this amendment gets on LB 769, there will be some support that I lose on the advancement of LB 769. I did tell Senator Bernard-Stevens that if he wants to amend LB 678 and 720, I would like to co-sponsor the amendment with him, because I do think it's our responsibility and especially mine to provide

education for teenage mothers that had decided not to have an abortion and to carry the child through their full pregnancy and, in some cases, decided to keep the child rather than put it up for adoption. I believe that LB 678 and LB 720 is the bill that we should do it on. I am definitely of the opinion that I've been told that if this amendment gets on I may lose support of LB 769. At this late date...late time of the day, I'm certainly worried that there will not be 25 votes to advance LB 769. What Senator Bernard-Stevens is doing and what Senator Schimek said, they're absolutely correct, we should provide day care service for teenage mothers. And I would like to see some day day care services for every mother, every mother, not just single mothers that want to get out and go to work, finish their education, or whatever, even go to college and maybe make a career for themselves. Whether they are married or unmarried mothers, I still believe that the education of that child or that woman is very important. And I will co-sponsor any amendment on LB 678 or 720 and wholeheartedly support that. But I don't believe LB 769 is the bill to do it on. And I commend Senator Bernard-Stevens for asking to suspend the rules to attach it. But I certainly don't want an amendment on LB 769 that may jeopardize the bill, but I totally support what he's trying to do. Thank you.

PRESIDENT: Thank you. Senator Bernard-Stevens, followed by Senator Langford.

SENATOR BERNARD-STEVENS: Thank you. I'd like to take just a minute to respond to Senator Labedz and hopefully the world knows how much we all, in the body, love Senator Labedz and we have great respect for her. But every once in awhile we just have a slight disagreement, this might be one of those. Senator Labedz, it's the same format. Bless your heart, it's the same format. If I offer the amendment on another bill, or if I offer the amendment as it's here now, it's the same format. I need 25 votes. The amendment will not change your bill whatsoever. And I reemphasize, those people that signed on to 769, who said they believe in life, who will jump off the bill because of cost are, in fact, saying to this body and the State of Nebraska that money is more important than life. And I wouldn't think you'd want them on your bill. I wouldn't think you would want them. It's cheap support, and I doubt very seriously that they would abandon life for money. I also would like to point out that the bill will gain support. Many senators who are saying 769 is a concept that I don't really mind, it's okay, I've got some

area of which low income individuals, and here we are talking about tremendously low income families, simply unable to afford child care. And we try to provide in this state some minimal assistance. Right now they're at 60 percent of the market rate, we would go up to 80 percent of the market rate. But they really should be at 100 percent of the market rate because the market right now is inadequate. We're talking about people that get $1 an hour for watching for these children. Now, I know that we're trying to raise Medicaid reimbursements and we're looking at trying to help out in that regard. But there you're talking about $20 for five minutes or ten minutes for a doctor to look at...

SPEAKER BARRETT: One minute.

SENATOR WESELY: ...low income individuals. I think we need to do far better for our children in child care situations. So, I'm going to accept these amendments and feel that we've done some good here. But I also want you to know that 678 will be back, and 720 will be back, and we need to do more. They won't have a chance to come up this year, but we'll move in the right direction and hopefully we will conclude this next session by passing those pieces of legislation so that we can ultimately try and help our children to have adequate child care, and in cases of abuse have adequate protection from abuse. So, again, I do appreciate the committee amendments and I would rise in support of them.

SPEAKER BARRETT: Senator Crosby.

SENATOR CROSBY: Thank you, Mr. Speaker and members. I'll speak about these two amendments. Concerning the caseworkers I think that Senator Scofield and Senator Wesely both stated it very well as to what we need. I won't dwell on that a whole lot, except to say that it is a problem that society faces these days, and this is one way we can help to address it. If you know social workers, I'm sure you all do, caseworkers suffer burnout. I don't believe I could do it, I don't believe I could go every day, and every day, and every day to the families that are having problems and try and look after the children and try to do something for them. Those who are there do a fine job. We've had cases in our office where they reacted very quickly and helped us when a child was having a problem, when we get a call from a school or somewhere. So the caseworker amendment I am all for, and hope that we can do better next year. The

File, committee priority bills.

CLERK: Mr. President, LB 678 was introduced by Senator Wesely. (Read title.) The bill was introduced on January 19 last year, Mr. President. At that time, it was referred to the Health and Human Services Committee for public hearing. That committee reported the bill to General File. I do have committee amendments pending by the Health and Human Services Committee, Mr. President.

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. Speaker and members of the Legislature, it's a real pleasure to begin the 1990 legislative session with discussion of LB 678. It's very appropriate that this be the first bill that we consider during this legislative session, it deals with the topic of child care. The issue of children, the issue of families are one of high priority to the State of Nebraska. Nebraskans have long been concerned about the welfare of our children and I think it very appropriate to place I think the first piece of legislation up this very bill. Following this bill, we will discuss the matter of child welfare; following that will be education. And I, again, emphasize that I think it's a very appropriate way to start a legislative session as important as this one. Now the topic of child care is one that I'm going to briefly outline where we have come from and then get into the committee amendments and then get into the heart of the bill after the committee amendments are adopted. First off, let me start with the topic of child care and where we have come from in this Legislature in recent years. In 1987, a task force was formed by myself with the help of the Health and Human Services Committee to look into this topic. In 1988's legislative session, we introduced legislation to add licensing specialists because we were finding that the licensure practices we have in place for day care were woefully understaffed and we were finding that day care homes were not inspected but once every four years or so, so in 1988 we did add four licensing specialists which have come on board this fall to better inspect day care homes. In addition this Legislature passed, as part of that bill, a rewrite of the rules and regulations for day care homes. As you probably understand, day care homes are situations in which an individual stays home and cares for children in their own home. You also have day care centers and other types of categories, but a lot of the focus of LB 678 and other legislation has been on day care

homes, and in this area we did rewrite the rules and regulations. They are just now being finalized and will be in effect next month. Now those rules and regulations did need updating, had a lot of complaints and I think this Legislature, by initiating that change, did some very good things there. In 1989, we followed with LB 678 which is before you today. As a part of LB 678, we included funding for Title XX day care services up to the market rate. Title XX individuals are on ADC or are low-income families that are in need of day care assistance through this special program. We did not obviously take up LB 678 last year, but that part of the bill dealing with Title XX was funded in part through the appropriations process last session and we were able to up the reimbursement for Title XX day care which brings us to LB 678 and the committee amendments where we are today. One of the functions of the bill, LB 678, is to set up a coordinating committee for early childhood education and child care. This committee includes a number of representations from different state agencies. One of those neglected in the original draft of the bill was the fire marshal who obviously has a role in inspecting some of these homes. So we would add under the committee amendments, the fire marshal to that committee. We also have in the bill a requirement for minimum annual training for child care providers. It was not specified in the bill and the committee amendments would set that minimum at four hours a year which, of course, is very minimum, but that is what the minimum would be for this legislation under the committee amendments. In addition, an advisory committee to the Department of Social Services is established for family day care rules and regulations. As you recall, we passed the bill two years ago to establish a change in the rules and regulations. They are just about to be rewritten and adopted formally. Still though, those rules and regulations have concern from providers across the state. This advisory committee would be established too on an ongoing basis, have input to the department primarily from providers so that their needs and concerns would be listened to by the department as they further refine those rules and regulations. That's the essence of the committee amendments and I'd move for their adoption, Mr. Speaker.

SPEAKER BARRETT: Thank you. Before proceeding to an amendment to the committee amendments, the Chair is very pleased to announce that Senator Schmit has some special guests in the north balcony, 28 tenth grade students from Bishop Neumann High School in Wahoo with their teacher. Would you people please

stand and be recognized by your Legislature. Thank you. We're pleased to have you with us this afternoon. Mr. Clerk, on the amendment to the amendment.

CLERK: Mr. President, Senator Haberman would move to amend the committee amendments. Senator, I have your request number AM2030 in front of me.

SPEAKER BARRETT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: 2030? Mr. President, members of the committee, this just cleans up the amendment a little bit and I'll explain my changes to you. On page 1, line 12, after "district" insert "except that the parent," meaning that the parent for the committee appointed to represent the third congressional district shall reside in North Platte, Nebraska, or an area west of North Platte, Nebraska". The reason for this amendment is so many people feel that if you go to western Nebraska, if you go up to Blair or if you go to Grand Island or if you go south to Hastings, you're in western Nebraska. Well, we really don't consider that as western Nebraska, so the only thing I'm saying is if we would like to have input from that part of the state that does not have heavily population people who have the same problems, let's put some of them on the committee. The second change is that "Meetings shall be scheduled on a rotating basis so that a meeting is held in each congressional district." As it is set up now it just says meetings and the amendment says they'll hold one in each of the congressional districts, one, two and three. That way everybody will get a fair shot at it. The next one said that "The department shall provide training opportunities throughout the state and shall hold at least one pre-service orientation and in-service training program each year in each legislative district," which means that these training programs are going to be held in each legislative district so that everybody is on the same playing field as to travel, as to time, as to input. As it is now, for example, I have 10 counties. They could come out and hold one meeting and have three or four legislative districts and the people don't have the time or the wherewithal to go to the meeting. So every senator's legislative district would have one of these in-service, pre-service orientation meetings. Also on the committee it requires that at least five members of this committee be from the third congressional district. As it is now, it just says a member who will be whatever, and I'm saying that out of these 15 to 17 members,

let's have five of them from the third congressional district. And then it requires that the committee to hold public hearings and requires that at least one be held in the third congressional district in Ogallala, Nebraska, in the third district. It does say in Ogallala, Nebraska. I think the chairman of the committee might have an amendment to that as he raised his eyebrows a little bit, so we'll let him address that issue there. So what these amendments do is we're going to set up these rules and regulations, schooling, orientation programs, board meetings and the whole ten yards and all the amendments do is say, let's hold some of them out in western Nebraska, and I ask for your adoption of the amendment. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion on the Haberman amendment to the committee amendments to LB 678. Senator Beck, would you care to discuss the amendment?

SENATOR BECK: No, thank you, Mr. Speaker, I wanted to speak to the actual bill. There was some questions I had for Senator Wesely, some points that I felt I needed to have clarified, that was all, sir.

SPEAKER BARRETT: Thank you. Senator Crosby, on the amendment to the amendment. Thank you. Senator Nelson. Senator Wesely.

SENATOR WESELY: Thank you Mr. Speaker, members, I have discussed this with Senator Haberman and we haven't had time to really very carefully examine the language, but the intent is not a bad one. We have had difficulty with the rules and regulations. This committee is an advisory one to deal with those and the problems of those rules and regs have primarily been in more rural areas and Senator Haberman is attempting to recognize that problem and communication would help. I think that's true. And so I'm willing to accept the amendments. I'll try and deal with the one particular question I have and maybe we'll look at some fine tuning of that on Select File, but I think the intent of what he is trying to do isn't bad, to spread the training around the state and make sure everybody has access to it, make sure representation is fair across the State of Nebraska and so with that in mind, the intent pleases me and I would support it at this time.

SPEAKER BARRETT: Thank you. Anyone else care to discuss the Haberman amendment? If not, Senator Haberman, would you like to

close?

SENATOR HABERMAN: Mr. President and members of the body, seeing there is no questions, I would just go ahead and take a vote, Mr. President.

SPEAKER BARRETT: Thank you. The question is the adoption of the Haberman amendment to the committee amendments to LB 678. Those in favor vote aye, opposed nay. Record, please.

CLERK: 17 ayes, 1 nay, Mr. President, on adoption of Senator Haberman's amendment to the committee amendments.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, Senator Wesely would move to amend the committee amendments.

SPEAKER BARRETT: Chairman Wesely.

SENATOR WESELY: Mr. Speaker, members, since the bill was held over from last year to this year...

CLERK: This is the one that clarifies Senator Haberman's amendment, Senator.

SENATOR WESELY: Oh, this one, oh yeah, okay.

CLERK I assume you wanted to treat that as an amendment to the committee amendments.

SENATOR WESELY: That would be fine, that would be fine. Never mind. Okay, the...Mr. Speaker, this amendment deals with a specific reference by Senator Haberman to a hearing being held in Ogallala. Usually statutes aren't quite that specific and so I was hoping that Senator Haberman, though looking out for his legislative district, would...yeah, and hour and date and time and place would all...I appreciate. He's very good and conscientious in representing his area, but I thought maybe we ought to keep that a little more generic than that, so this would take out the reference to Ogallala.

SPEAKER BARRETT: Thank you. Discussion on the Wesely amendment. Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, Senator Wesely...I think he kind of blew this whole thing, Mr. President. He said that usually the statutes aren't so specific. So I just thought I would try this and see if this body wanted to be so specific and put it in the statutes, however, from looking around at the group and seeing the looks on their faces, I will support his amendment to remove the name "Ogallala" from the committee amendment.

SPEAKER BARRETT: Any other discussion on the Wesely amendment? Senator Wesely, any closing comment? Thank you. The question before the body is the adoption of the Wesely amendment to the committee amendments. All in favor vote aye, opposed nay. Record, please.

CLERK: 23 ayes, 1 nay, Mr. President, on adoption of Senator Wesely's amendment to the committee amendments.

SPEAKER BARRETT: The amendment is adopted. Back to the committee amendments as amended. Senator Wesely. Would you care to discuss the committee amendments?

SENATOR WESELY: I think there's another amendment, isn't there?

CLERK: I have that shown as drafted to the bill, but...

SENATOR WESELY: That would be fine. Okay. Finally then, on the committee amendments we are adding the fire marshal to the coordinating committee that was set up, making sure that the training requirements are four hours and not unspecified in the bill and that an advisory committee is set up to look into the rules and regulations on an ongoing basis. Senator Haberman has amended those to make sure that representation is broadly across the state. I'd move for adoption of the committee amendments.

SPEAKER BARRETT: Thank you. Discussion on the committee amendments. Senator Beck, I believe you wanted to speak on the bill, so we will jump to Senator Crosby. Thank you. Senator Nelson, would you care to discuss the amendments? Anyone ca e to discuss the committee amendments? Any summarizing comment, Senator Wesely? Thank you. The question is the adoption of the committee amendments to LB 678. All in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the

Health and Human Services Committee amendments.

SPEAKER BARRETT: The committee amendments are adopted.

CLERK: Senator, would you like to take up your amendment now, or defer for a moment?

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: I think it would be best to take them up because they do clarify, then I can get into the bill here.

CLERK: Mr. President, Senator Wesely would move to amend the bill. Senator, I have AM2082 (sic) in front of me. (See page 206 of the Legislative Journal.)

SENATOR WESELY: Thank you, Mr. Speaker, members, I started in on this earlier, but the bill was carried over from last year to this year, so this amendment would clarify. The date changes would all be moved back a year. In addition, there was an error in drafting on a zoning provision in the bill. That would be clarified as to what that would apply to. In addition, originally the training program was established in the Department of Social Services and then moved to the Department of Education. This would keep it in the Department of Social Services and not move it to the Department of Education, all of which are clarifying in nature. And so if I could, I'd like this amendment to clean up those problems with the bill.

SPEAKER BARRETT: Thank you. On the amendment offered by Senator Wesely, any discussion? Senator Hall. Thank you. Seeing none, the question is the adoption of the Wesely amendment to LB 678. All in favor vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment to the bill.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, the only other item I had, Senator Haberman had amendments printed last year and I have a note that he wants to withdraw, Mr. President.

SPEAKER BARRETT: Senator Haberman.

SENATOR HABERMAN: Withdraw them, please.

SPEAKER BARRETT: Withdrawn. Senator Wesely, we are back to the main bill as amended. Proceed.

SENATOR WESELY: Thank you. Speaker Barrett, members of the Legislature, if I could I'd like to summarize the legislation for you and then again open it up to questions. I understand Senator Beck indicated a question, Senator Hall, and anybody else who would like to, I'd be happy to try and clarify. But really the bill is not as complex as it might appear, but it is a very important piece of legislation. It sets the framework for moving forward in an area that I think is very important to the State of Nebraska. I did summarize for you how recently the Legislature has done some very good things, adding a licensing specialist, changing the rules and regs, adding support for Title XX. These are very positive steps that we've taken in the last two years on child care. Now we need to take this remaining step of establishing, for the State of Nebraska, a framework to deal with this important topic and let me start back and talk about how much our lives have changed in just the last two decades. You know, I'm not that old, but when I was being raised by my family it was a situation across the board that women did not work, that they stayed home and there they worked with their families and raising their children in the home and the vast majority of individuals were raised and almost everybody, I think, on the floor of the Legislature was raised in a family situation like that. I would wonder if any of us ever were in a situation where we were placed on a day in and day out basis in a day care home, in a child care setting. But times have changed. Today most of the children are in such a situation, that today most parents find that both the woman and the man need to be out in the workforce. They need to bring in the income to support their family and this means that their children need to be placed in day care. That situation was not the case 20 years ago, but today it is very much the case and we've seen just in the last four years, from 1985 to 1989, the number of day care facilities programs in the state has gone from 2,600 or so to over 3,400 in just a few years and this increase is going to continue as we recognize the demands out there placed on families today for both parents to be working. Now this is an option that people have a right to choose whether they want to do that or not. Of course, many families decide that they'll stay home and raise their children in a more

traditional fashion and I'm very glad to see that people have that opportunity, but for others it is not a choice that they choose to make or one that they can make in some instances. And though this bill, if you'll look at the preamble, talks about our concern for children, our concern for families and our desire that traditional upbringing would be the first approach, we also recognize that we must be supportive of those families that are not able to do that. And so what we do under this piece of legislation is a number of things. First off, for those individuals on Title XX, which, again, I appreciate your support last year for increasing reimbursement, for those individuals on Title XX, we would bring their reimbursement up to the market rate. Right now it is estimated that Title XX services are reimbursed at about 80 percent of the market rate. This is a severe disadvantage to low-income families who are trying to break out of the cycle of poverty. People on Title XX that utilize day care services are, by and large, the following: ADC recipients who are taking job training or otherwise trying to develop the skills or are on some work schedule to try to break out of poverty and into the workforce, but they need the day care services for their children as they take training or as they work. We also have those families that are off of ADC but they are so low income, their jobs pay so poorly, benefits are so nonexistent perhaps, that they simply cannot make ends meet without some assistance through the income standards under Title XX and so Title XX will provide for those low income individuals' day care services so that they can go out and work. And in addition, there are others that...in job support, some other categories, again, attempting to move off of the poverty cycle and into the workforce. But Title XX then are people that we want to see help themselves to move into the workforce and Title XX does not reimburse adequately, thus they have a difficult time finding day care, and if they find day care, they are sometimes concerned about the quality because of the low reimbursement rate. It isn't fair that if you're poor, you can't get good quality day care. You should be able to have good quality day care whether you have a large amount of money or not. Those children deserve an equal opportunity and to not have adequate Title XX reimbursement truly hurts those families and those individuals and discourages these people from taking the opportunities to move off of welfare and off of ADC and get the training and move into the jobs that we want them to do. So I think you've heard that argument last year, you've been supportive of it, I hope you will help finish the job and increase Title XX reimbursement to the market rate. In

addition, one of the things we have found in day care homes and elsewhere is that the job is underrecognized for its importance. If you talk about day care, you talk about taking care of children, primarily before school, although, of course, after they start school as well, there is day care services. But these are very vulnerable impressionable children. These are the fundamental years for the development of children and these individuals carrying for our children are very important. They are very important people, as important as our teachers who we all recognize are very important to our society, but for a long time unrecognized is the importance of day care providers and there we find as much as teachers are underpaid, day care providers are even "worsely" reimbursed. They are suffering, I think, from an underreimbursement that is reflected in Title XX and elsewhere, but we need to understand the need to upgrade their payment and we did that last year also by passing the credits for day care services. That should help with some assistance to providers, hopefully, by individuals better able to afford higher reimbursement rates and through the Title XX increases. But in recognizing the importance of providers, we also recognize that the training is important, that individuals that provide care for our children should have at least some training and four hours a year, which is what this bill calls for, is not an unreasonable amount to ask for individuals. That is eight hours over a two-year period. I checked on some other areas that we license. Embalmers, for instance, one of Senator Hannibal's favorites, the embalmers have a 16-year (sic) requirement for every two years for training. It would seem as though if we can spend 16 hours a year learning how to bury people, we can spend eight hours every two years trying to be sure we do the best job possible of raising and caring for our children. So the Department of Social Services would provide for the training, would assist through $200,000 is how much this would be appropriated for grants and training, and they would contract locally for the provision of training programs for day care providers; also recognizing the importance of providers to provide a toll-free hotline under this bill so that providers can call and get answers to their questions which currently many have that don't feel certain about who to call and to get information. We also provide for providers the option to be voluntarily registered. By doing so they are able to participate in the federal food program which is of great assistance to these providers. By voluntarily registering, we then know who is out there providing what services. We have a minimal set of standards that they need to register. They

wouldn't have to meet all those standards of licensure, but by doing so these people would have access to a couple of dollars or more a day in increased federal support to pay for lunch and other food for their children that they care for. And when you're only getting paid something like $10.00 a day, two more dollars a day can certainly be of significant assistance. We set up the coordinating commission I talked about before, Child Care and Early Childhood Education Coordinating Commission. It has at least 16 members. It is with the different agencies represented and day care providers and day care centers in an attempt to bring all the different interests together on a regular basis to look at the issue, to continue to monitor problems and to report back to the Legislature and the Governor on what we need to do on child care so that we don't ever have a situation where we're not on top of this very important topic. So a coordinating commission is established as I mentioned earlier. We also deal with the zoning issue. There we've had some difficulty with day care homes in some zoning locales and this would provide that for a day care home you couldn't zone against them, and that...when I talk about day care homes, you're talking about a woman or a man, if they want to, in their own home caring for children and really there is no reason that that needs to be zoned against and so this provision would provide some opportunity for those day care homes to not be discriminated against. In addition, there was a problem a couple of years ago on contagious diseases. We had a child care facility where a contagious disease was discovered among one of the children at the facility...

SPEAKER BARRETT: One minute.

SENATOR WESELY: The facility...the mo...was contacted by the parent involved and told about the disease but the facility did not contact other parents with children in the facility and one of the other children came down with this disease. They did not realize that there was this problem and in the middle of the night the child nearly died, was taken to the hospital and lost hearing and a number of other functions as a result and so this would require a facility if they know of a contagious disease in the facility to contact all the parents and let them know about it. We find that inspection of day care homes, as I said before, is only occurring about 25 percent of the homes, thus about four years passes between inspections. This would set the intent to have home inspected within 90 days of registration and on an annual basis. This is the intent, it's not a mandate, but

it would be helpful. We do have a division of child care and early childhood education services established in the Department of Education. Their function is to try to help work in this area and provide some guidance. It already currently has been established...

SPEAKER BARRETT: Time.

SENATOR WESELY: ...by the Department of Education and this would continue that effort. Finally, if I could just extend for just one more minute, if you don't mind, Mr. Speaker.

SPEAKER BARRETT: You're about through, Senator Wesely?

SENATOR WESELY: I have just one more sentence if I can...

SPEAKER BARRETT: One sentence.

SENATOR WESELY: All right. School districts would be allowed to provide for transportation to before and after school child care programs under this legislation, this authorizing legislation only, no mandate. Thank you very much, Mr. Speaker.

SPEAKER BARRETT: Thank you. Now, to discussion on the bill itself, Senator Beck, followed by Senator Crosby.

SENATOR BECK: Thank you, Mr. Speaker and members. I just have a few questions for clarification. This...certainly child care is very, very important and I don't know how old Senator Wesely is, but he is a lot younger than I am and I remember that as a young mother I used child care, needed child care providers from the time my oldest son was nine months old and so maybe that makes me a bit different than some of the moms in his generation because my oldest son will be 32, so I just thought I would point that out, that some of us did use day care and had to find those facilities earlier and so there is a great need for it. But I just have a few questions, if Senator Wesely wouldn't mind. It's just...I guess it's this, that I've seen lots of bills and this is certainly well written and it's broad and it is comprehensive and I realize that is the intent of the Legislature to do that. The only problem is that sometimes when the rules and regulations come into play that we do, I think all of us would have to admit, that we do have some problems with that. Sometimes the rules and regulations don't quite come out the way our intent desired that they should. On page 4, if you

just take the bill, Senator Wesely, I just have a couple things just for clarification to help me better understand what we're doing. Page 4, line 4 we have promote equal access to quality, affordable and socio-economically integrated child care for all children and families. Now I think the intent there is again just that all of us have access, those of us, any of us have access to quality and affordable care. My concern I guess is the socio-economically integrated because I know one of the things that was important to me was that I found the closest day care possible and I just have a question. If we are going to integrate socio-economically, how might we do that? Then just down a little bit further we talk about the full integration of children with special needs into the same child care environment and I don't know if we have training for that, the cost? Certainly, those parents of handicapped children definitely need to have access to child care, but I don't know exactly how we might do that in some of our little day care homes. Those are the questions I have. That's the first couple. Would you like to respond to those, Senator Wesely, and then I have one more. Just to help me understand, that's all.

SPEAKER BARRETT: Senator Wesely, would you respond.

SENATOR WESELY: Thank you. Senator Beck, those are good questions, I appreciate them. First off, on the equal access on socio-economically integrated child care, what we're really talking about there is what I just referring to on Title XX. It shouldn't be the situation where because you're poor you have a day care home where only the poor go. You should have adequate reimbursement for Title XX so you could go into the marketplace and have an equal opportunity for a good child care center. That's really the focus...

SENATOR BECK: Okay.

SENATOR WESELY: ...of that point, nothing particularly more than that. On the integration, again, we found beneficial to both children without handicaps and disabilities as well as those with them to integrate both in the school system and we have found that it would be advantageous, if we could, where somebody is trained to have those kind of situations of interaction between them. There is no mandate here. It's an intent only, but I think it's a worthwhile intent. That's really what we're talking about. And as for training, you asked a training question, there is a program already in place for

training providers so that they can care for these type of special needs children and the training under this bill also mentions that as well. And this would be totally at the option of the provider. I mean they could choose or not choose to do that.

SPEAKER BARRETT: One minute.

SENATOR BECK: Okay. I just have another question then, Senator Wesely, on page 9, if you just quickly look at that. Now I am, I'll have to admit, I've done some research and we've found that many young black women use, and others as well, but they use the extended family and we're talking here about voluntary registration of day care home providers. My concern then is coming down into lines 12 through 17 is, once registered, can we...what will the mechanism be in other words, to unregister and how do we assure voluntary day care homes, how do we assure that they have the care and the supervision that they should? And so I'm confused about that and I just wondered what you might want to say about that early on in the discussion of this bill?

SPEAKER BARRETT: Senator Wesely, could you answer that one in two sentences? The time is about up.

SENATOR WESELY: Two, sentences...boy, well, I got one more than I had last time. The voluntary registration is purely optional so people...the providers wanted the chance to be in the food program, but they have to be somehow licensed or registered by the state, so this is an attempt to recognize for providers, if they so choose, they could voluntarily register. Then they would qualify for the food program which would be advantageous to the children and to the provider as well. And as for opting out of the voluntary registration, going in is your choice, going out would be your choice, and as for regulating it, we kind of leave it open with the department and they would have to establish the standards and everything, but certainly they would be less cumbersome than the licensure and our intent is good in that regard.

SENATOR BECK: I see, okay. Thank you.

SPEAKER BARRETT: Thank you. Senator Crosby, followed by Senators Nelson and Hall.

SENATOR CROSBY: Thank you, Mr. Speaker. It's a privilege to speak in behalf of LB 678. I feel almost redundant because Senator Wesely has given such a wonderful outline of the bill and its intent. For me, the big thrust of this bill is the training for caregivers. I think it's essential for day care for children, adults, whomever, that people who are going to give that care need to know what they are doing, how to do it, and why they are there. Just recently, we've had two examples in this area of what caregivers are up against. For instance, the fire in Weeping Water in the church, there were some little ones downstairs which the people who were there ran downstairs immediately to get them out. How many of you in this room can say that you've had any training in fire fighting or fire safety and would know how to get those little ones out? You can't grab a bunch of two-year olds and say, line up, we're leaving the building. You must take them and get them out, and that's the thing we have to remember about day care. Most of it is for children under five years old, so they are not marshalled and ordered to do things very quickly. You have to show them how and get them out, so I think those people at Weeping Water certainly should be complimented for getting that done quickly with no loss of life because smoke can get people so quickly. Anybody who knows about fires knows that. The second one, here in Lincoln we had a 25-year-old person who was giving day care in his own home to an elderly man and the officials found out that she was abusing him. Now, I'm not saying anything about the merits of that case because, of course, it is being investigated, but my point is, here's a young person who thought, oh, great, I can go and make some money and do...help this man in his own home. The person evidently had no idea what they were getting into, didn't know anything about giving care and they didn't know how to relate to other people. That's very important. Human relations are so important in day care for any age, child, adult or someone with a special handicap. So for me, this bill centers around that training. I just think that is so important and I'm very pleased that we added the amendment to involve the fire marshal on the Advisory Board. The second thing that I will bring to you, to put it on...I'd like to put it on a personal basis because we have to realize that day care is a given in the 1990s, it's here to stay. We cannot say, well, we aren't going to do anything about day care. We must do something. A lot of you have seen these funny movies that are sort of part of the genre of the last couple of years where three young men find a baby on their doorstep and have hilarious adventures trying to take care of that baby. Well, it's funny

and it's not funny because there again, when I go over the roster of the Legislature, I think almost every one of us with the exception of some bridegrooms who haven't quite gotten there yet and maybe our dear Sandra, we are all parents, right? But you don't have to be a parent to understand the problem, that's not my point. But every one of us, I'm sure, has taken a newborn in our arms one time or another and you have apprehensive feelings immediately, am I going to drop it, shall I break it, what'll it do if you move a leg or whatever? You have to learn that, and even having in training in the hospital before you go home with the baby, you still feel like you don't know what to do with that child. So there again, the training is so important and I think this bill, if you think about no other part of it, that is what is important to me. As it happened, I did work when my children were small because of the circumstances in our family and...

SPEAKER BARRETT: One minute.

SENATOR CROSBY: ...I did have a house...thank you, I did have a housekeeper, I was very fortunate. The day of the housekeeper is past. People mostly do not come to your home to take care of your children. My children, one of them, is Senator Wesely's age, my oldest child, and I had good ones and I had bad ones. I took them to day care, some of them were good, some of them were bad. In that day and age there was absolutely no training. People did it just because someone needed the help, so please think about the training part of this, if no other part of it, and vote to advance 678. Thank you.

SPEAKER BARRETT: Thank you. Senator Nelson.

SENATOR NELSON: Yes, a question of Senator Wesely, please. I, too, support in basic the bill, almost in its entirety and I do see the need of it and I couldn't agree any more with all of the speakers so far. However, I do have a question and I'm always very hesitant to support anything that is completely open-ended, and on page 6 of the bill it speaks of determining the rates or market value. I'm not quite sure what is meant, I know what is meant by market value, but market value, to me, can fluctuate 50 cents an hour or a dollar or $1.50 an hour. And I'm very hesitant in looking at the fiscal note on the bill, of course, we can't determine how many cases at all that would be involved. I would feel much more comfortable in supporting that portion of the bill if we had some type of a definite figure, in other

words, not market value. To me, market value today, it could increase the cost of the bill a million dollars in short order or a short time. Maybe on page 6, lines 16 and 17, we could change that from prevailing rates charged by nongovernmental child care providers in this state or, and then add, "each area". I'm well aware that the child care rate in Omaha is probably considerably different than even in Grand Island, let alone Wood River, Nebraska, or maybe Broken Bow, Nebraska, and so I'm very hesitant to leave that market value.

SPEAKER BARRETT: Senator Wesely, would you respond?

SENATOR WESELY: Oh, yes, Mr. Speaker, members, Senator Nelson, another good question. You make a good point. What we're trying to do here is to recognize that you can't have one state rate, that what you pay in Omaha or Lincoln or Hastings or Grand Island will all vary. The way we did it last year, if you remember, we raised the Title XX, then they went out and did a survey and then adjusted pro rata, you know, how much money we gave them and they pro rated back off of that as close as they could get universally across the board for these rates. I'd like to stick with the concept of market rates and that will mean that it will adjust up over time, but otherwise you fall back behind again. See, these Title XX haven't been increased for seven or eight years and we just let it lag and it fell so far behind that it's really a long way to catch up. It would almost be better, if that's the concept we believe in that it shouldn't be fair for Title XX recipients to have less reimbursement than everybody else, it would be better for us just to stay with that, then every once in a while catch up in such a big lead, but I would be willing to work with you on language to specify it's not a statewide, but a localized rate. That is much fairer and I would...you make a good point, it's not as clear as it could be and I'd be willing to work with you on that.

SENATOR NELSON: Thank you. I mean, I just, as I say, I'm very hesitant to vote on anything that is wide open, simply, that's the Scotch in me I guess. Thank you.

SPEAKER BARRETT: The gentleman from the 7th Legislative District, Senator Hall, Senator Smith on deck.

SENATOR HALL: Thank you, Mr. President, members. Senator Wesely, just a question, and I am asking this only to get it

into the record. Senator Wesely, on page 3 in the intent language of the bill, down at the very bottom, line 25, very last page of the bill, excuse me, very last line of the page, line 25 of page 3, that subsection (2) where it talks about schools, it uses schools as a general term. Is that a reference any different than a reference that currently is used in statute? I mean, does that expand, I guess, the scope or the definition of what schools would do or be required to do, allowed to do in any way, shape or form?

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you. Senator Hall, no. We...the reference is back to already existing statutory definitions. We would not in any way want to expand that.

SENATOR HALL: Okay, thank you. Also, on page 5 of the bill, the white copy there, Section 4, lines 18 through 21, where we talk about child care shall mean engagement in the care and supervision of children in lieu of care normally exercised by parents and shall include but not be limited to early childhood programs. That definition does not...is not intended to be interpreted to include a school, for example, in other words, a child that is enrolled in a public or private school, K-12 situation?

SENATOR WESELY: That's correct. And, again, I think that definition is pretty much what we have in statute, too, so we're not trying to change any of those definitions or impacts.

SENATOR HALL: Thank you very much. Thank you, Mr. Speaker.

SPEAKER BARRETT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. Speaker, I have a number of questions I would like to ask also of Senator Wesely. And I would like to follow up on a couple that Sharon Beck asked, but I'll start with the one that I have particularly on page 6, when you're looking at lines 12 through 22 you're talking about determining the rate or rates to be paid by the department for child care services. And then going down to line 18 through 20 where the language says, the schedule may provide separate rates for care for infants, for children with special needs, or for other individual categories of children. I would have a question about what do we mean by separate rates, what do we

mean by special needs and what do we mean by individual categories and I can tell you that the reason that I have a concern about this, Senator Wesely, is the fact that I had an issue brought to me by day care providers in Hastings during the interim on the equity issue, or the lack of it, I should say, on their payment among the day care providers where there was by someone's subjective decision, the opportunity for some day care providers to be paid more than other day care providers were who were Title XX, who were providing Title XX services. I've been in touch with the Department of Social Services and with Mr. Maney and he has indicated to me that the department is in the process of making some equity between the payments through, I guess, administrative changes, but I would like to make sure that this is something that is going to be placed in statute. I want to make sure that if you are a day care provider and someone else in the community is a day care provider, that just because they happen to know how to put pressure on the worker, the caseworker, or...and I think it was brought out somewhere else that some people know the rules and some don't know about how you go about getting more that, in other words, I want to see a rate that all are paid and it shall be based on if they are being reimbursed for Title XX care for children, that there is a flat rate for Title XX children and that there is a...I guess, more speci...more...it's more specified as far as what we mean by special needs and by the individual categories. Can you explain to me how we're...if we're covering that in this bill? And if we are, because I was going to put together some legislation and I have it in rough draft form right now.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker.

SENATOR SMITH: Wait a minute, you know what I might do? Wait a minute. He's going to take all my time, isn't he? Okay, remember that question, Senator Wesely, because now I have two more for you. Press your button. Okay, now, Senator Wesely, if you'll look on page 9, because Senator Beck made me want to have a little more detail than you gave her on the question that she asked you in Section 9. I guess I would like to ask if you can just tell me out of curiosity for my own self here, how do we make a determination about whether or not a day care home is required to have a license or not? That's just for my own information. And I have another concern that was brought to me, again, by a different day care provider in my district who

had...has something to do with eight children. I know that they can't exceed eight in order to be licensed evidently, or...but...those that are not licensed, would like to have you tell me that, how they decide not to have to be licensed, but on the issue of licensure where this woman had children who were with her some days of the week but not all days of the week, so that her average did not on an ongoing basis come out to be eight children. There is nothing that I know of in statute that provides for that because she was keeping her grandchildren sometimes, and when she did that, then they would say to her, you're over your limit. All right, so if you will respond to that. And then on page 16, yes, later, right, where we were talking or she was talking with you about line 17 through 20 I guess it was, encourage the development of comprehensive systems of child care programs...

SPEAKER BARRETT: One minute.

SENATOR SMITH: ...and early child care education programs which promote the wholesome growth and educational development of children, can you explain to me what your intent is here in getting involved in talking about early childhood education program and how you define that program? Okay? That's all I need to ask, so I guess he could have the remainder of my time. Thank you.

SPEAKER BARRETT: Senator Wesely, you have approximately 30 seconds. Your light is on, Senator Wesely, shortly...

SPEAKER WESELY: I'll wait.

SPEAKER BARRETT: ...would you like to answer those questions at that point?

SPEAKER WESELY: Let me do it then.

SPEAKER BARRETT: Thank you. Proceeding then to Senator Haberman for further discussion, followed by Senator Hartnett.

SENATOR HABERMAN: Mr. President, members of the body, Senator Wesely, I have two questions, please.

SPEAKER BARRETT: Senator Wesely.

SENATOR HABERMAN: Senator Wesely, my first question is, your

handout states that all parents must be notified if a child in a child care facility has a contagious disease. For the record, who determines the contagious disease? Under what conditions are the people notified? Say a student stays home from the care center with measles or mumps or what have you and they don't notify the care center this has happened. Would you clarify just exactly a little bit why and how they are supposed to do this?

SENATOR WESELY: Mr. Speaker, yes, Senator Haberman, first off, the Health Department has a list. They identify contagious diseases and what this would say is if the center is notified by the parent of the sick child that the child is sick and all this, unlike the scenario I laid out in Omaha where the center...see, what happened was the center said we don't want everybody else to know that...it was meningitis is what this child had that they didn't want the rest of the kids to know that. They were afraid they'd all not show up to the center, they'd lose income. If they know of a contagious disease, then they would be required to notify the other children and so it would be only under that circumstance that this plays out.

SENATOR HABERMAN: Senator Wesely, what if a child shows up at a center with red spots? Are you indicating in this language or in this bill that the person in charge of that center is to say that child has the measles or what have you? They're making a judgment here that I think is outside of their realm, they're not trained for this.

SENATOR WESELY: Can I respond?

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Yes, Senator Haberman, that's already the situation. The current rules and regulations say if a child shows up to your day care center or whatever, and they have a contagious disease, measles or something, you can't accept them for fear of contaminating the other children so it's already required.

SENATOR HABERMAN: Who decides they have a contagious disease? That's my point, who is going to decide whether they have a contagious disease or not?

SENATOR WESELY: Well, obviously somebody with medical training

and so the day care provider will have to make a judgment call and hopefully involve the parent, and the parent, I think, will want to take the child in to be...

SENATOR HABERMAN: Senator Wesely, I think you might be getting into an area here that is going to cause you some problems. The second question, school districts are given the discretion to provide or pay for transportation to before and after school child care programs. Isn't this putting a lot of pressure or putting those school districts underneath the gun? They're already saying that the state dictates to them, that's why we're over our budget; the state dictates this, it costs too much money. Do you really think this is absolutely necessary that we have this in the bill?

SPEAKER BARRETT: Senator Wesely.

SENATOR HABERMAN: Can't they do this now?

SENATOR WESELY: Yeah, right now, well, Senator Haberman, right now Senator Landis passed legislation authorizing schools to provide before and after school care. It's authorized, but not very many schools actually have done it. I mean, it's up to them. This would add to that, their ability if they so chose, to provide the transportation to and from as well and so all it is is authorizing and we've had the other authorizing in and it doesn't mean that they will do it, but it's their local option, local choice.

SENATOR HABERMAN: Well, I appreciate that it's a choice, Senator Wesely. Is there any provisions in the bill...

SPEAKER BARRETT: One minute.

SENATOR HABERMAN: ...for the financing to pay the schools for this extra cost?

SENATOR WESELY: Well, since it would be the local school's choice, I guess the local schools would have to pay for it and they'd have to factor that into their decision, but if they didn't want to do it, didn't want to pay for it, then they wouldn't have to do it.

SENATOR HABERMAN: So, in essence, we're laying another layer of a reason why the school costs and the property taxes go up.

SENATOR WESELY: No...

SENATOR HABERMAN: Thank you, Senator Wesely.

SPEAKER BARRETT: Senator Hartnett, please.

SENATOR HARTNETT: Mr. Speaker, members of the body, if I can ask Senator Wesely some questions. Senator Wesely, will there be enough facilities to handle...I can see more people take an example of with this Title XX, we're getting money, you know there is more places for them and I think we went with Senator Ashford last year to visit St. Martin DePorres in Omaha and so forth, and that seems to be the message that the women were giving it to us there that if they would get back, they would find a job, they would go for some additional training if they had some place to put their children. I guess my question is, if we do this, I see more children coming in to take advantage of day care centers. Is there adequate facilities to take care of them, is my first question? I guess that's my main question. Is there adequate, will there be adequate facilities, adequate day care centers to take care of this? I see an influx of people using day care services, you know, especially in metropolitan areas that I represent, so that's my question, Senator Wesely.

SPEAKER BARRETT: Would you respond, Senator Wesely.

SENATOR WESELY: Yes, Mr. Speaker, Senator Hartnett, you are right about the situation on Title XX. If we would adequately reimburse, you would have more of these individuals on welfare willing to go into training, going into the work force if they knew that their children would be safe in a good environment. I don't know that it will necessarily...it might increase to some degree the utilization of day care services because these people would be working instead of staying home on ADC taking care of their children, but I think that's what we want. We have seen, if we adequately reimburse, I think the marketplace will respond. For instance, I quoted early on that we went from 2,600 day care programs of services in 1985 to 3,400 in 1989 so there has been an expansion. The biggest barrier to further expansion is inadequate reimbursement, so if Title XX is there to adequately reimburse, I think that people will respond, but do we have enough facilities now? I don't think so. I think we're constantly looking for more day care providers across the

state. I know in my own case I've had that problem and others have as well and that's why Title XX needs to be adequate reimbursement, because if you don't and somebody takes them, then they have to charge others more and, you know, it really is a problem. We ought to reimburse on a market base.

SPEAKER BARRETT: Thank you. Senator Wesely, the next time slot is yours.

SENATOR WESELY: Okay, now let me try and remember all of Senator Smith's questions. Page 6, oh, yeah, this ties into Senator Nelson's questions as well. The separate rates for care for infants and for children with special needs and for other individual categories of children, currently infants cost more and, so for instance, I'm paying like $65 a week for my child that's one versus $55 a week for my child that is five. It's just more work and more difficult, and so this would allow, and I think it already currently allows for that separate rate and you take that classification and you check around on infants in that marketplace, what is the reimbursement and then you look at for older children, what is the reimbursement? That is usually how day care providers provide it, and then for special needs, there you have special training and a higher reimbursement as well and so you can't have just one reimbursement rate. You've got to fill out the different categories that the providers recognize and reimburse differently according to the special demands they place on the providers. So I think that's kind of the way it is now and this would clarify that and, again, I'd work with Senator Nelson and yourself on the question about how the market would be examined because we had some problems, as you said, in Hastings, and I regret that that happened and we do need to work with the department to try and change that so that doesn't happen again. On page 9, number 9, voluntary registration. You talked about the question about eight, the maximum of eight. The way you now are licensed is if you have four or more children that you care for, you must be licensed. So, if you have three or fewer children you don't have to be licensed, so that's where this voluntary registration would come in. If you're only caring for a couple, three children, you don't want more, you don't want to be licensed, but you want to have the food program, this would allow you to voluntarily register. You wouldn't have as much standards to meet as a licensed facility, but it would help you get the food and that's voluntary registration. And once you're licensed, you have four or more children, you can't have, for an individual, more than

eight. Eight is the maximum you can have, and the problem, you were identifying with the grandmother I believe it was and the grandkids, that was a problem that we think will be answered a month from now when the new rules and regs are adopted and that concept is called overlap and the new rules and regulations that were mandated by this body are going to reflect that you can have an overlap and more than eight children on a temporary basis to meet that problem of before and after school, maybe over the lunch hour, which has occurred from time to time throughout the state. This is the biggest problem with the rules and regulations and the new rules and regs should take care of most of those concerns of overlap. Senator Haberman talked about the additional cost of allowing the schools to choose to provide transportation services. Senator Landis noted that on the bill he passed, and this would apply to that as well, the school districts have that choice, an option to provide services, but in the case of the services, they could also have a fee and so hopefully the fee would come to close to if not cover the cost of that service, Senator Haberman. And in addition, on the contagious diseases, as I said, that's already being provided for now, that we have protections for children in day care settings to not be exposed to contagious diseases and so this merely adds a reporting requirement that wasn't there before so that we'd never have repeated the situation that we had in Omaha where a young child was crippled for life as a result of lack of information being shared to the other families. That's what we're trying to accomplish. Okay, Senator Smith, page 16, another question. Oh, okay, she asked on the subsection (1) on page 16, encourage the development of comprehensive systems of child care programs and...

SPEAKER BARRETT: One minute.

SENATOR WESELY: ...early childhood education programs which promote the wholesome growth and educational development of children. Just...this division in the Department of Education which has already been established earlier this year, this would give them some guidance from the Legislature on what we hope to do and it's simply that the Education Department would keep on top of this issue and look for different models and ideas on how we can influence and improve our child care programs and I doubt that they'd have, without coming back to the Legislature, much ability to see much implemented, but at least by keeping on top of the issue and reporting back, we would know about different ideas and concepts that we might want to pursue as a

Legislature. So really it's an attempt to keep on top and see if there are ways to improve the systems we have in place right now. That's really all that we're talking about there. I know that...I hope that I've been able to answer the questions that you've had and at the same time I realize that there are probably many more...

SPEAKER BARRETT: Time.

SENATOR WESELY: ...and I don't have any time to answer them.

SPEAKER BARRETT: The Chair recognizes Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President and members. Senator Wesely, I'll give you the balance of my time. It's not going to take me very long to say that I'm going to vote to advance this bill, but it is not too early for me to be a "Grinch" and I need to expose my "Grinch" tendencies to you early. One of the things...we have a number of good pieces of children's legislation out there and I would like to see as many of them get through this session as we possible could. Every one of them carries a fairly big ticket. They are going to be competing with some other items that may be near and dear to some of your hearts in here that we're at some point going to have to figure out how to deal with this whole logjam that this could create, but I guess I'm going to support this legislation today, fully aware that it has a fairly impressive fiscal note on it with ongoing impact and recognizing at the same time that I have a couple coming up that also have fairly sizeable fiscal notes and I have not had an opportunity to look at, see what other kinds of things many of you are proposing in the interest of children and families. And I simply rise today to point that out and to also say that we're going to try to bring people together. Senator Wesely and I have initiated a meeting. We'd like to bring people together that have children's legislation out there that you think has in particular a fiscal impact, then we're going to try to put together a package that we can do the most for kids this session as possible. And if, for some reason, you don't get wind of that and you'd like to be a part of it, please speak to one or the other of us. Thank you.

SPEAKER BARRETT: Senator Wesely, approximately three minutes.

SENATOR WESELY: Thank you, Senator Scofield, and let me follow up on the fiscal tag. The bill does have about a $1.5 million

figure to it. The bulk of that money is for Title XX reimbursement. As I mentioned, 200,000 goes into the training. I think that's, as Senator Crosby very well put, the need is there and we should have that sort of resource but the bulk of the million and a half goes into the Title XX. But again, I would hope that after last year's initiative on our part we would finish the job and make sure that these Title XX families have adequate reimbursement for their day care. I did pass out for you a yellow sheet that does show where we went to in the action last year. We went from day care homes, from $30 a week to $36 a week. Well, as we talked before, we do need to identify different areas of the state. Across-the-board statewide program won't work because it will cost more in Omaha and more in Lincoln than it will in some areas of the state for day care. But I can tell you in Lincoln the $36 a week is just woefully inadequate. I pay, as I said, 55 and $65 a week versus 36. You're rarely going to find very many day care providers willing to take a child for $36 a week. And so it will cost money to bring that up to the level it needs to be and that is the big bulk of the cost. But I should also point out that the federal government, when they reconvene in Congress, is looking at a number of pieces of child care legislation and it's looking like there will be something passed in the next few months. If that happens, they are talking of money available for training, they are talking of money that might be available for some of the Title XX expenditures we're looking at, and so it is possible that the big price tag that Senator Scofield pointed out, in a matter of weeks, may not be quite as big. We won't know that for a short period of time. Hopefully, short period of time, but in the meantime we need to proceed with an understanding of the objections and goals that we...objectives and goals that we should have for this area and so the Title XX is the big ticket item, the training is the other and it's money well spent in my book, but at this point, again, I want you to know that the federal government is looking in areas that might ease the burden that we face fiscally in those two areas. So as Senator Scofield said, I'd hope you would advance the bill, recognizing the fiscal impact and understanding also that we're cognizant of that and we'll keep working on ways to deal with it.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Lynch.

SENATOR LYNCH: Question.

SPEAKER BARRETT: Senator Lynch moves the previous question. Do I see five hands? I do. The question before the house, shall debate now close? All in favor vote aye, opposed nay. Shall debate now cease? Have you all voted? Record, Mr. Clerk.

CLERK: 13 ayes, 11 nays to cease debate, Mr. President.

SPEAKER BARRETT: Motion fails. Debate does not cease. The Chair recognizes Senator Nelson followed by Senators Smith, Haberman, Wehrbein and Coordsen. Senator Nelson.

SENATOR NELSON: Senator Wesely, I truly feel sorry for you, but we all go through this when we have a major bill with a major amount of money. Okay, I have in front of me a letter from a...I don't know, day care provider, and the comments in this letter and maybe it's not necessarily carried forth now, but for example, in funding for Title XX funding, four little training hours for a home day care providers now, what they're saying is watch out, folks, this bill is an ominous bill that down the road we'll find out has a lot more to it than what you think right now. Okay, in order to get Title XX funding, there is the federal little ABC bill coming down which states 40 hours and it also states the services will go from Social Services to the Education Department for profit and to set up for a profit. Is this the fact or is the truth...are we opening up the door to something that is a little tiny bill right now and down the road we've opened the gate wide open? And then I have a second question of you, and that is, I think on the count of eight children made me remind me, the family has two or three young ones, along comes a 13-year old, is there any way to cut that out so they can still be a provider with under the eight limit? That was my second question, but my first one was, by accepting and the Title XX, are we opening this up to much bigger legislation down...or much bigger program?

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you. I did mention Title XX in the context of the federal legislation. At this point, we would have to respond to that, Senator Nelson. I think, for instance, raising it from four hours to 40 hours, did you say? I think that would be something this Legislature would have to determine. If there were strings attached to receiving the money, then I think this Legislature ought to be the one to

decide if the strings are too tight or whether or not they are reasonable and so I would look to us having to respond to that. I don't know yet what that federal legislation is going to call for.

SENATOR NELSON: I somewhat feel like Senator Scofield on the first stage it's not too bad and I do have to assess it. I think of this as last year. We passed the considerable amount of funding, I think 6.7 million on the catastrophic health care to conform to the new catastrophic health care legislation, that is by the retained amount of money and the spousal money retained and that was quite a jump for we Nebraskans and I wonder maybe if we're not getting in the same thing here.

SENATOR WESELY: But, Senator Nelson, this doesn't mandate anything. Like it doesn't...if it said, for instance, any federal legislation we will conform to it, that's not it at all. We will have in place though the structure with the committees and the advisory committees to be on top of it, and when federal action is taken, they can quickly respond and look to it and make recommendations back to us. That's really what we're looking at, but I see the Legislature as ultimately being the decider of whether we proceed or not proceed with whatever comes from the federal government.

SENATOR NELSON: Thank you. I know you can't foresee in the future any better than I can. I guess the question is on the record. Thank you.

SPEAKER BARRETT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. Speaker, and thank you, Senator Wesely, for responding to my questions. I do want though to make it very clear that I still have a little concern about the wording as far as a schedule may provide separate rates for care for infants, children with special needs and/or individual categories of children. I would like to see something, and I don't know if there is, if there is I don't think you told me that. I'd like to see that there is a specific listing that indicates what the pay schedule should be based on if, as you said, a child, a baby, an infant, feeding infant, and I don't know how you define, you know, what is considered to be a higher rate for an infant versus a child that is a year old or what, but something that specifically sets down some kind of schedule so that, and this is what care providers all receive if they are

caring for that kind of child, that you don't...aren't allowed the discretion as a caseworker to make the determination at the local level that this day care provider is someone who has been around, who has done a good job for us, who is always taking kids when we ask her to do it in Title XX and so now I'm going to give her $2.00 an hour more than someone else in the community. That's my concern and I'd like to have that very specifically addressed because that is the piece of legislation that I will otherwise introduce. All right, I thank you very much for that, and at this point in time, I want you to know that I'm very supportive of this piece of legislation with the understanding that it's very clear to those of us that work in this area at all that Title XX shows a great disparity and not only that, but an underpayment in all programs, not just in the area of child care, but in elderly services, reimbursement for senior programs, et cetera. It goes all the way across foster...

SENATOR SMITH: ...excuse me, for foster parents, et cetera. Five minutes already?

SPEAKER BARRETT: Time has expired.

SENATOR SMITH: Thank you.

SPEAKER BARRETT: Thank you. Senator Haberman, please, Senator Wehrbein on deck.

SENATOR HABERMAN: Mr. President, members of the body, may I have a question of Senator Smith, please?

SPEAKER BARRETT: Senator Smith, would you respond?

SENATOR SMITH: Sure.

SENATOR HABERMAN: Senator Smith, would you like to have my time?

SENATOR SMITH: Thank you, Senator Haberman.

SENATOR HABERMAN: I yield my time to Senator Smith, Mr. Speaker.

SPEAKER BARRETT: Senator Smith, please.

SENATOR SMITH: Thank you. But all I wanted to do, I was nearly finished and I thank you, Senator Haberman. Rex is really worried and wants to make sure that I get every one of my questions answered and I think I have been responded to by Senator Wesely. I'd like to have you then so, for the record, give me your perspective of the question that I just asked you, Senator Wesely, on page 6, again, about the listing and the equal reimbursement. Yes, I'd like to have him respond.

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: And I would like to respond, Senator Smith, because your problem, I must admit, I wasn't as clear about it before and now I understand what you're saying, is exactly the problem that we saw before. This individual contracting was not to our liking. It was too...

SENATOR SMITH: It was subjective.

SENATOR WESELY: It was too subjective and what we do want to see is this marketplace in Hastings, for instance, look at the market and then have a schedule and have it across the board so this is what you get for Title XX in this area and that area and you don't have that sort of gamesmanship that has occurred in the past. You were absolutely right, that's exactly what we want, and if it's not clear, we'll make it clear in the bill because that is what our intent is.

SENATOR SMITH: Thank you very much, and thank you, Senator Haberman.

SPEAKER BARRETT: The Chair recognizes Senator Wehrbein, followed by Senator Coordsen.

SENATOR WEHRBEIN: Thank you, Mr. Speaker and members, I do have a couple questions for Senator Wesely, too, please. I'm not too familiar in this area, Senator Wesely, but on the fiscal note that we have already briefed on, rates for special needs children would average 17, $20 a day. No data is available on number of Title XX day care children with special needs. It's on the fiscal note, page 1 about in the middle. My question is, how widespread are special needs children now in day care centers in Nebraska? I'm not familiar in that area, and if they are, is there going to be any mandate on their part, the providers, to get into providing for special education children?

In other words, can this be carried to the point that there might be another area of education involved here?

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Senator Wehrbein, that's an excellent question and I think I know...others have asked it and I know where you're coming from. You're afraid of forcing providers to take these children that they may not necessarily feel comfortable or trained to take, that's not the intent at all. It's an attempt to show that it makes sense where the person is trained and wants to care for these children in that setting so they have an interaction and that sort of thing. It's the same concept we have in the schools that we try and integrate those kind of children at our schools. But whereas that's mandated at the school level, it would not be under this bill whatsoever. It's just...this would be nice, the training would be there available, people feel comfortable and they choose to have the training, choose to take these people. It would be something I think is good, but, no, there is no intent or no plan to have that mandated.

SENATOR WEHRBEIN: Back to me, if I may, then on the first question, how widespread is the use of that now and what they say no data is available for the dollars. Is that an open-ended dollar amount potentially too, tremendous amount, I should say?

SENATOR WESELY: Well, right now that would be under Title XX that we'd primarily be concerned. That would be our obligation and from what I understand it's not...there are not very many special need kids at this time and it's not anticipated that there would be that many under this program. So, what they would do is set the schedule, differentiating the reimbursement rate for special need for infants and for more normal age children and obviously we'd have to end up with some different reimbursements, but it's hard to judge how that will impact a number of individuals utilizing it and whatever, so it is hard to guess right now I guess.

SENATOR WEHRBEIN: You're thinking we're not talking a large amount of money...

SENATOR WESELY: No.

SENATOR WEHRBEIN: ...with the fiscal note? I mean you're

comfortable with that.

SENATOR WESELY: I'm told that it is fewer than a hundred and I don't know why that would change under this. See, all I'm saying is I don't think changing the reimbursement rate, Senator Wehrbein, would bring more into the special need children onto the program. I don't think that's really what would happen. I don't know why it would change that. There is a certain pool that is under ADC and under Title XX and that's always going to be there. If we pay more for them to get good day care, that will cost us more, but I don't know if that would mean more utilization of day care as a result.

SENATOR WEHRBEIN: I understand. Thank you.

SENATOR WESELY: Okay.

SPEAKER BARRETT: Senator Coordsen, further discussion.

SENATOR COORDSEN: Thank you, Mr. President and members of the body. So far this discussion this afternoon has centered around the individual members of the body or came from individual members of the body who represent, by definition, the larger population centers of the state. And it is very difficult to stand on the floor and be somewhat reluctant to support LB 678 because all of us, I think, are in favor of good quality child care services in Nebraska. But my comments would, I think, evolve from a concern in that there is in my area, and I'm sure in many of the other rural areas, a lack of availability of child care services in any well-defined scenario in the small communities, where there are working parents, fathers and mothers, for whatever reason in need of someone to care for their children. And in the communities of a hundred or of 200 or of 300, it's very difficult to find someone to provide those services. And I have a concern that in my district this bill, rather than improving the quality of child care services, might well ultimately result, at least through the regulation, the rule writing process, that we will designate to agencies of state government in a denial of opportunity for a lot of parents. And I guess my question of Senator Wesely is, do you have or have you given consideration as to how the implementation of this bill, should it pass, might affect the small communities across the State of Nebraska as far as the availability of care, and the reason I ask this question is that I know several people who have left the field because of current

regulation. You can have the rest of my time, Senator.

SENATOR WESELY: Thank you. Senator Coordsen, you hit on another issue I'm sure many in the rural areas have about day care and I agree with you, the concern is there for rural areas of the state having adequate day care and just having any day care in some cases. This bill, the only additional restriction, only additional barrier is the four hours a year training. The rest is purely optional, intended to provide the hotline for instance, the coordinating committee is an attempt to keep on top of the issues and really for a provider out there in rural Nebraska, the only thing I could see that they would have to fear would be the four hours a year, frankly. I'm just...that's my perception, and then I can see from a rural area they would think, you know, where am I going to get the four hours and all that, but truthfully, it would seem to me that that's a very minimal request and there is much to be gained from four hours a year. That four hours could be spent meeting with other providers, a chance to learn about programs, assistance, resources, things that could be helpful to them to feel less isolated. I think in a lot of the rural areas that's one of the big problems that they may be the only day care provider in a town and it's a hard for them to keep in touch with others in the field and this would be an attempt to link them up, to have an ability and resources out there to work with them and, really, that's the main focus. We did have a hearing in Wayne and in Beatrice, Beatrice being somewhat close to your area of the state, and we found a lot of support for this type of thing.

SPEAKER BARRETT: One minute.

SENATOR WESELY: That providers did, in fact, see some advantages to training, that they did see advantages for the state to reach out and work with them more to have resources available to them, and so we found a very positive response in at least those two hearings where we had anticipated some real negatives. So I don't think that you'll find as many people in the rural areas as concerned about things as it might appear at first and, in fact, through this effort and initiative which is hoping to be positive, it's attempting to reach out and help provide assistance and training and whatever to recognize the importance of the job and I think the rural areas of the state will benefit as much or more so than urban. And if I had more time I'd tell you about how in child care we're finding a lot of concerns with...well, I won't get into that. But urban and

rural both deserve and should have adequate and decent day care services.

SPEAKER BARRETT: Thank you. Chairman Wesely, there are no other lights on at this time. Would you like to make a closing statement?

SENATOR WESELY: Certainly. Mr. Speaker, members, this...I've been kind on the witness stand here being cross-examined by a lot of you and I got to tell you, I appreciate it. I think to not have questions asked, to not have your interests piqued on this issue would be more disappointing than having the excellent questions that you've asked of me. I think clearly there is a lot of interest in this and there are a lot of concerns, I understand that. But I'm willing to work with all of you. Senator Haberman has amended this and to reflect the need for rural representation, particularly in western Nebraska. Senator Coordsen, I would be more than happy to work with you further if there is a way in which we can specifically help those rural areas even more than this bill attempts to, I'd be willing to sit down and work with you. That is very important to me. And I think as Senator Nelson and Senator Smith have indicated, the desire for Title XX is there for equalization, but how are you going to do that on the market system, and I can see some amendments that would be clarifying in how that would be handled that I think would take care of their concerns and meet the intent of what this bill would do, so I'd like to work with Senator Nelson, Senator Smith on that. For others who have asked questions and have concerns, again, I would offer on Select File to further refine the legislation with you. This discussion has been healthy and good and positive. I think what you have hopefully had is your questions answered as best I can and where we need to do some more work, I'm willing to do it, but child care is important. People care about this and this bill is a very important one to helping us establish improved child care and improved assistance to child care providers, recognizing the importance of children in this state. And so with that, again, I appreciate the discussion. It's been worthwhile and I look forward, hopefully, to the advancement of the bill and further work with all of you as you have further questions and desire for refinement of this legislation.

SPEAKER BARRETT: Thank you. You've heard the closing and the question before the body is the advancement of LB 678 to E & R Initial. Those in favor please vote aye, opposed nay. Have you

all voted? Voting on the advancement of LB 678, have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 4 nays, Mr. President, on the advancement of 678.

SPEAKER BARRETT: The bill is advanced. The A bill, Mr. Clerk.

CLERK: Mr. President, LB 678A offered by Senator Wesely. (Title read.) It was introduced last year, Mr. President, on March 29. I have pending amendments offered by Senator Wesely that are found on page 158 of the Legislative Journal.

SPEAKER BARRETT: Chairman Wesely, on the committee amendments.

SENATOR WESELY: Yes, Mr. Speaker, members, I would move an amendment brought to me by the fiscal office which reduces the A bill, I believe by about $100,000. Excuse me, it lowers the A bill by $300,000 so I'd move that amendment.

SPEAKER BARRETT: Thank you. Discussion on the amendment, Senator Landis.

SENATOR LANDIS: Not on the amendment.

SPEAKER BARRETT: Thank you. Any discussion on the amendment offered by Senator Wesely? If not, those in favor of the adoption of that amendment please vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER BARRETT: Senator Wesely, on the bill as amended.

SENATOR WESELY: Thank you, Mr. Speaker, again, this A bill would, which is in the range of a million and a half dollars, most of which is the Title XX element of the bill, $200,000 of which is dealing with the training. Move the advancement of the bill.

Mr. President, I have a hearing notice from the Government, Military and Veterans Affairs Committee, for the Business and Labor Committee and for the Retirement Systems Committee, all signed by their respective Chairs.

Mr. President, Enrollment and Review reports LB 678 to Select File, E & R amendments; LB 678A, Select File with E & R; LB 720, Select File with E & R and LB 720A, Select File with E & R also, all signed by Senator Lindsay. (See pages 265-66 of the Legislative Journal.)

And I have a reference report, Mr. President, referring LBs 1049-1079. (Also LB 1034. See page 265 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. Those in favor of the motion to recess until one-thirty please say aye. Opposed no. Ayes have it, motion carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you, sir. With a quorum present, we will proceed back to our discussion of LB 742 at which time we were discussing the committee amendments to LB 742. We will return to the speaking order. Correction, we're on a motion to advance the bill. The speaking order beginning with Senator Dierks, if you would care to discuss the motion to advance the bill to E & R, Senator Dierks, followed by Senators Landis, Moore, Smith, Schmit and Bernard-Stevens. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body, I just rise to support Senator Robak's LB 742. I think that...I think these people have a track record that is good and I think we need to honor that. I believe that we do allow people on our roads sometime that maybe shouldn't be there. I don't know how we can stop some of that, but this is some legislation that will allow people to drive again that their track record is proven, they can handle this situation. And they have been kept from this right by the bureaucracy and I think it's time for the bureaucracy to give the right back to them. So I would support 742 and I would urge other people here to do the same thing.

it. Seems to me that the families that work don't need governmental intervention on that, that it happens naturally. And those families would probably resent governmental intrusion into their lives, and they should. And those families that don't work also resent governmental intrusion. But anybody that's been around a rebellious teenager, an unhappy teenager, I don't happen to have kids, as you know, but I've got a 16-year-old niece and I don't think passing a law would encourage her to go do anything that wasn't already encouraged in her own family. And I just...I think this is an issue that has been thrown out there because it somehow relates to an issue that folks want to get to that they can't quite get to. And I think it's keeping us all from doing good things for the state, and it's tying us in knots. Until we can resolve this as a society and not be so evenly divided, we'd make a lot better use of our time to put this bill back in committee and get back on the issues that maybe we, as a government, could possibly and appropriately do something about. I move the motion to refer back to committee.

PRESIDENT: Thank you. You've heard the closing. The question is the adoption of the Scofield amendment. All in favor vote aye, opposed nay. Senator Bernard-Stevens, did you ask for a roll call vote on this? All right. Mr. Clerk.

CLERK: (Roll call vote taken. See page 479 of the Legislative Journal.) 9 ayes, 32 nays, Mr. President, on the motion to rerefer.

PRESIDENT: The motion fails. Senator Bernard-Stevens, for what purpose do you rise?

SENATOR BERNARD-STEVENS: I move we adjourn.

PRESIDENT: Until when?

SENATOR BERNARD-STEVENS: Tomorrow morning at 9:00 a.m.

PRESIDENT: Do you have any items for the record, before we vote on that, Mr. Clerk?

CLERK: One, Mr. President. Senator Smith has amendments to be printed to LB 678 in the Journal. That's all that I have. (See pages 480-81 of the Legislative Journal.)

want to do early childhood education, plus we'll have four programs that are considered to be exemplary that will...that will, hopefully, serve as models for other school districts in the state. That's basically what the bill does. The bill also, at this point, has a committee, a commission to formulate early childhood policy, as I understand, because that same commission basically exists in another bill that's finding its way through the Legislature. We have an amendment up that will strip that provision out of this bill, so I won't get too much into that. Basically, that's what the bill does. I see other individuals in here have their lights on so I probably won't speak that much more on the bill. I would just urge you to support it.

PRESIDENT: Mr. Clerk, you have an amendment.

CLERK: Mr. President, I do. Senator Withem, as primary introducer, has the first. Your amendment, Senator, is on page 439 of the Journal.

PRESIDENT: Senator Withem, please, on your amendment.

SENATOR WITHEM: Yeah, this amendment makes some date changes because this is a bill that was introduced last year and it also eliminates the commission that we made reference to out of this bill because it's already being established in another piece of legislation that's already moved forward. So that's basically all that the amendment does and I would urge you to support it.

PRESIDENT: Senator Ashford.

SENATOR ASHFORD: On the bill.

PRESIDENT: Okay. Senator Wesely, on this amendment? Senator Crosby, on this amendment? Senator Beck, on this amendment.

SENATOR BECK: Thank you, Mr. Chairman. I just have a question for Senator Withem if he would yield to a question on this particular amendment, please.

SENATOR WITHEM: Yes.

SENATOR BECK: Senator, is this amendment that you have that will take out the commission in 567, is that related to LB 678? Is that...

SENATOR WITHEM: You might check with Senator Wesely. That's my understanding that the commission is established in LB 678 and is not needed in this bill because it's a duplication. But you may want to check with Senator Wesely because I think his office drafted both of those bills.

SENATOR BECK: Okay, fine. Senator...Mr. Chairman, could I then check? Senator Wesely is shaking his head, yes, at me, but I would like maybe a little bit more, just to be sure, that's all.

PRESIDENT: Senator Wesely, would you respond, please.

SENATOR WESELY: Yeah. Senator Withem is right, LB 678 does include the same...

SENATOR BECK: The very same commission, the numbers, and so forth? I mean, I think it's very plain in 678 the people that are involved.

SENATOR WESELY: Yeah, I think it's not exactly the same. There is a slight difference but essentially they're the same.

SENATOR BECK: Okay, fine. Thank you very much. Thank you, Mr. Chairman.

PRESIDENT: Thank you. Senator Withem, did you wish to close on your amendment? All right. The question is the adoption of the Withem amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Withem's amendment.

PRESIDENT: The Withem is adopted. May I introduce a guest, please, of Senator Pirsch. Under the north balcony, we have Jackie Fatheree. Jackie, would you please rise so we may see you and welcome you. Thank you for visiting us today. Mr. Clerk, you have another amendment.

CLERK: Mr. President, I do. Senator Haberman, I understand, Senator, you had several printed. You want to withdraw those.

SENATOR HABERMAN: Yes, Mr. Clerk, I wish to withdraw those two, substitute, not divide, but substitute another amendment.

it. We cannot send the children to day care and say, sit over there in the corner or in the playpen and play. You need to have some programs and you need to have people who know what they're doing directing those programs. One of the points I want to make this morning is that here we heard a lot of rhetoric this week about the pro-lifers don't care about the children after they're born. That's not true. Here is a pro-lifer who...why, against abortion on demand, I want those children to be born, I also want them to be taken care of, and this is part of that care. The other thing I want to point out to you, to make very clear, this is not a compulsory program. We're not lining up two and three-year-olds and saying they have to go to school. This is for the mothers who work and, remember, most of them work because they have a necessity to work. They aren't these big glamorous people on L.A. Law and that kind of thing. That's not the working mother, that is an image that's projected in a fiction story. You must remember that. So most of them are out there working because they need to keep the family together. A lot of them are single mothers, heads of the households and they have children that have to be taken care of. So it's not a compulsory program, it's simply an opportunity for the state to help the education department...

PRESIDENT: One minute.

SENATOR CROSBY: ...to set up some model programs in four different locations, as we spelled out in the amendment, in order that our children do get a good beginning, those of the children who do not stay at home and who are in day care centers and who go to these areas where they spend most of the day, so they do get a good start socially and otherwise. So I urge you to vote for the bill, and thank you very much.

PRESIDENT: Thank you. Senator Beck, please, followed by Senator Wesely.

SENATOR BECK: Thank you very much. Mr. Chairman, and members of the body, I think this bill probably has a fine intent and I'm glad that it's going to be a pilot project. I just wanted just to sound a word of caution. At this point, I'm not certain how I'm going to go with this bill. I think that there are relationships with LB 678 and you heard me question the amendment and you notice that I voted for that amendment, so that there would only be one board. And I think both bills, there are relationships with both bills, and I guess what I

would do now is just maybe sound a word of caution. Certainly, I believe in training our children in early childhood. I believe, in fact, and I have testimony, you might say, not testimony but certainly word from experts and we look to our doctors, family practitioners, psychiatrists, pediatricians, and psychologists, and I visited with all of those from those various medical professions and many of them believe that not only does a child have early education from the time its born because we believe in the bonding concept today, very much so. When my grandchild was born, my son was there and because it was a caesarean birth, he held his baby first to bond with that child, because childhood education has a great deal to do with bonding. Every good teacher knows that, that you need to bond with your children. I believe that that unborn child in the womb of the mother knows her voice, because early babies, small babies turn to their mother's voice and seem to know that voice and I think...and those of us who have had the opportunity to be mothers, and I have four children, notice that babies are most often fussy in the evening and this is because there is a lot of activity in the evening and those children have seemed to pick that up as early as time they have spent in the womb. And many experts today recommend that we read to our children as we carry them. So I just though I would throw that in that early childhood education has a valid place. But I just wanted to mention a word of caution here on the fact that even though this is a wonderful concept and I certainly want to see children educated, I received a letter, and maybe some of the rest of you have as well, from some of the educators and they are concerned about it and I guess I wanted to do this just to point it out for the record and for Senator Withem and for Senator Wesely, and so forth, and Senator Ashford, to look into this. They are very, very concerned about the responsibility of child care services and I received this from the Auburn Public School superintendent, as perhaps some of the rest of you did. They are concerned about the relationship of LB 567, LB 678, LB 183, LR 183 and public law 99-457, because they're just very concerned about the funding. And I don't really understand all the funding apparatus yet either, and that's why I'm bringing this forth so that in this public forum we might either discuss it now or on Select File, how does the funding work for these bills that seem to be...to have a strong relationship? And he just has one question. And with our dealing with LB 1059, which is so important, and is going to take a major focus, I think, soon now in our legislative body, his question is, how shall we explain and justify to our taxpayers that in the future they

shall expect the public schools to be required to pick up costs via property tax for the following? And I don't see that to be negative at all. I'm not trying to put a "kabosh" on the bill. I'm just asking these questions because people are asking me and I wanted to bring it to the attention of the sponsors so that they might be able to fully explain it, because I don't think...you see, I've been chastised for my vote on LB 678. I believe in funding for Title XX and yet I was concerned about all the other things that LB 678 brings in, setting up a childhood...

PRESIDENT: One minute.

SENATOR BECK: ...area and this commission and all this. And so I feel strange sometimes when I like half of a bill and I'm a little bit afraid of the other half and I think there is other senators like myself, surely there are. So I just wanted to sound this note of caution and I just ask the...they may not want to explain it today but if they could explain it to me and to others later, these relationships and how the funding and so forth, because he asks again, I'm worried that any legislation that results in adding services to the responsibility of our school districts be required to provide full funding and not percentages. And perhaps that is our aim and our goal. And so I just wanted to sound that note of caution today and put it in the record and please do not...those of you who are sponsoring this, please do not take it as an anti-567 right off the bat. And those of you who love life, please do not take it as an anti-child bill because I'm...those are not the questions I am asking. So, thank you.

PRESIDENT: Thank you. Senator Wesely, please. The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. We're voting to cease debate. Record, Mr. Clerk, please.

ASSISTANT CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: Thank you. Senator Withem, would you like to close, please, on the advancement of the bill.

SENATOR WITHEM: Yes, Mr. President, all I would like to do in closing is recognize some of the other people that have worked on this legislation. My name happened to get first because it's

PRESIDENT: Thank you. Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President, and members, I am pleased to endorse this resolution for Marge Hardy. She lives about a mile and a half east of Seneca. Seneca is between Thedford and Mullen, up in the sandhills, and, as Senator Rogers said, it is a long way from a hospital. Since the hospital in Mullen has closed, those people are in dire straits as far as medical care is concerned, and EMT are their only source of medical assistance in emergencies. It is 70 miles to the nearest hospital and Marge should certainly be commended for her part in trying her best to keep medical services in that area.

PRESIDENT: Thank you. The question is the adoption of resolution, LR 248. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of LR 248.

PRESIDENT: LR 248 is adopted. We are going to skip LB 663 and LB 143, pending the arrival of Senator Baack and go to LB 678.

CLERK: Mr. President, 678, the first item I have are Enrollment and Review amendments.

PRESIDENT: Senator Wesely, do you want to handle these E & R?

CLERK: E & R amendments, Senator.

PRESIDENT: Please.

SENATOR WESELY: I move the E & R amendments, please.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, Senator Smith would move to amend. Senator, I have your AM2188.

PRESIDENT: Senator Smith, please.

CLERK: It is on page 480 of the Journal. This is the one you gave me the other day, Senator, not this morning.

SENATOR SMITH: Yes, thank you. Mr. President, and members of

the body, this amendment is the one that deals with the rates that they allow for family day-care providers that are taking care of children of mixed ages, infants, preschool-age and school-age children. And what I am doing, I had...remember the concern that I expressed the other day on the floor about the fact that you had day-care providers who were limited by the rules and regulations set out by the Department of Social Services which limits them to eight children, that we have people out there who are in a position to be either grandparents, like I am, or to have people who have grandparents who like to keep the children now and then, and I think that the children should be in the home as much as possible, in the family as much as possible, but these folks that are providing the services then don't really average eight children, and so what I am saying is I would like to make this become an averaging kind of thing instead of just saying that they cannot have more than eight at any one time, and that would include their own grandchildren or children. So the amendment then only puts into statute caregiver-to-child ratios for family day-care providers. It does not change any currently existing rules for employer sponsored day-care facilities, day-care centers, before-and-after-school day-care programs, before-and-after-school services pursuant to Section 79-444, or any preschool or nursery school programs. And it does not change the caregiver-to-child ratios relating to only infants and to only school-age children, leaving it the same as they are in the current rules for family day care as adopted and promulgated by the Department of Social Services, and that is as it is in the blue pamphlet. The department has adopted and promulgated new rules but they have not, as yet, gone into effect even though they have been signed by the Governor. And these new rules have not done anything to impact on the concern that I had expressed. So this amendment would simply make that change. I would be willing to answer any questions if people would like to ask questions about the amendment. But now it has been printed in the Journal, did you say? Mr. Clerk, it has been printed in the Journal?

PRESIDENT: Mr. Clerk, please.

CLERK: Yes, Senator, on page 480.

SENATOR SMITH: Page 480 in the Journal, if anyone has a question or if they would like to look at it in the Journal, and then ask questions, I would be pleased to answer, but that,

basically, is my intent and my reasons for introducing the amendment.

PRESIDENT: Thank you. Senator Haberman, please. Senator Beck.

SENATOR BECK: I just wanted to speak to the bill. I didn't realize that Senator Smith had amendments.

PRESIDENT: Okay, all right.

SENATOR BECK: So I will wait till the bill and then I will push the light button. Thank you.

PRESIDENT: You bet. Senator Wesely.

SENATOR WESELY: Thank you, Mr. President, and members. I haven't had a chance to talk with Senator Smith about this, but, as I understand the amendment, it essentially reflects the rules and regulations that have been adopted by the Department of Social Services. They have already addressed the concerns that she has, you realize that probably, but I have no problem with adopting this into the statute because I do feel that fundamentally it is a fair policy. What we found was that there were certain instances where overlap occurred, where a child came back from morning kindergarten, and another child was still there before going to afternoon kindergarten and, for that hour, there really isn't that big a problem for an overlap, and this would allow that situation to occur without having a strict limit of eight, and I don't have any problem with that. That has been the biggest problem we have heard in our hearings around the state, and I think that is the intent of your amendment. And if it is, then I don't have any problem with it, and I would feel comfortable with this amendment.

PRESIDENT: Thank you. Senator Nelson, please, on the amendment.

SENATOR NELSON: Yes, Mr. Speaker, I am in support of the amendment and, as you maybe recall the other day, my question is, how do they determine market rate? And I was always a little skeptical. You know, that could mean a lot of things. I have been assured by counsel that that is a survey of the region and so on, and I think that this amendment then satisfies my concern a lot more on the bill, that it would state specifically what the rate would be and, therefore, I support the amendment.

Thank you.

PRESIDENT: Thank you. Senator Smith, would you like to close on your amendment, please.

SENATOR SMITH: No, I think that I would just ask the body's consideration. Thank you.

PRESIDENT: Thank you. The question is the adoption of the Smith amendment. All those in favor vote aye, opposed nay. Patience, please.

SENATOR SMITH: Yeah, Mr. President, I would just say that we hope that we don't have to have a call of the house. I think we can get to 25 votes. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of the amendment.

PRESIDENT: The Smith amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Smith would move to amend. Senator, I have AM2307 in front of me. (See page 550 of the Legislative Journal.)

PRESIDENT: Senator Smith.

CLERK: This is the one you filed this morning, Senator.

SENATOR SMITH: Yes, Mr. President, thank you. This is the one that Senator Wesely and myself worked on, tried to put together, and what it deals with is a concern that Senator Nelson also expressed regarding the rates and the disparity among the payments as far as providers were receiving. I would like to give the rest of my time to Senator Wesely and let him go ahead, because it really was his and I signed on because he wasn't here. Thank you.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Mr. President, and members, Senator Nelson and Senator Smith both raised issues on General File about how we establish the reimbursement rate under Title XX, and the problem had come up in both areas, and other areas, and this better clarifies that you can break down the Title XX rate, not just

have an across-the-board statewide rate, but break it down into market areas, and then break it down further into different level of needs so it would better target the reimbursement rate to the actual need to again reflect the market conditions for day-care services. So it is real simple, I guess, in concept. What we are trying to do is acknowledge the concerns of Senator Nelson, Senator Smith and some others about making sure that these reimbursement rates are fair, and we hope that this amendment will clarify that and make it fairer for everybody. Senator Nelson commented about this earlier on the other amendment. So anyway I would ask your support for the amendment.

PRESIDENT: Senator Haberman, you didn't wish to speak about this, did you? Senator Beck, you didn't wish to speak about this? Senator Smith, would you like to close.

SENATOR SMITH: Thank you, Mr. President. After giving my time to Senator Wesely and hearing, he brought to mind the one concern that I would have a little bit about this amendment yet, and I would like to ask Senator Wesely if he'd clarify the concept of breaking it down into areas. Could you expand upon that a little bit, please?

PRESIDENT: Senator Wesely, would you respond, please?

SENATOR WESELY: Well, the idea would be that you'd have...an area such as Hastings would have one, but not necessarily...

SENATOR SMITH: One rate?

SENATOR WESELY: Yeah...well, yeah, or Lincoln, Omaha, you would have different prevailing market areas. Grand Island would be a different one.

SENATOR SMITH: And what is that based on, what would the rate be based on, if you are talking about a market area?

SENATOR WESELY: A survey would have to be done, I believe, within that market area, then they would get an average reimbursement for the different categories involved.

SENATOR SMITH: Okay, and now I want to make it very clear that, in addition to that, what this does is establish a uniformity as far as a reimbursement rate is within that area, so that a

service provider who is providing comparable service in that category receives the exact same rate as another person, and that was my concern. Thank you.

SENATOR WESELY: That is the intent, Senator Smith.

SENATOR SMITH: Yes, thank you. I wanted to clarify that.

PRESIDENT: The question is the adoption of the Smith amendment or Wesely amendment, Smith amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, Please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Smith and Wesely's amendment.

PRESIDENT: The Smith-Wesely amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Senator Smith, on the advancement of the bill. Senator Wesely, I guess it is your bill. Did you wish to close? No. Okay, there are other speakers, okay. Senator Beck.

SENATOR BECK: Thank you, Mr. Chairman, and members of the body, I just want to speak a bit to LB 678 because it is a bill that I have been interested in and followed along. And I guess I want to sound a note of warning and caution. Now I think that the problem as I see with this bill is one that frustrates me as a legislator and as a private citizen, and that is its comprehensiveness, first of all. If we are talking about Title XX, and I have worked with young women who need Title XX funds, and last year many of us, myself included, voted to bring up that rate. Now we are looking at a first-year appropriation of a million, point three, and a second year appropriation of a million, point four, and we throw that money around without any problem, but I see a problem in the bill and I would like to address some of those things. The only mention, and so many of the people who have written to me about this bill do not realize, or don't seem to, at least, what this comprehensiveness of the bill covers. On page 6 is really all we see about Title XX, and it talks about the rates, and then talks about the separate schedules for children and so on, and I certainly appreciate Senator Smith's amendments. But lines 20, 21, and 22 say this, "The schedule shall be effective on October 1 of each year and shall be revised by the director annually." So that

means that the appropriations for Title XX, to bring it up to market rate, as near as I can see, will never really come back to the Legislature, and that is a concern to me that we would not continue to look at the funds. I, personally, would rather appropriate a million, point three and a million, point four annually, rather than that kind of thing, letting it out of the hands of the Legislature, and perhaps Senator Wesely can address that in his closing. Then from pages 7 on up through page 18, 19, 20 here talks about what will happen then to the training funds and so forth, and not only are we giving out Title XX money, now we are setting up an entire new system of early childhood care. And I mentioned last week on LB 567 that I certainly am not against early childhood education, but to tie it in with Title XX funds, to me, is a real problem. And I just have a letter here from an educator, and I would like to just read part of this into the record because I think it is necessary that we see what's happening. And this educator, who is the Superintendent of Schools from Auburn, Nebraska, says, "Do you truly believe that the responsibility of child care services and preschool education should be placed upon the public schools of Nebraska? Nebraska now has proposed legislation," and they list LB 567, 678, and LB 183, all of which have good components and fine intent, "will lead to additional responsibilities for public schools. Now in 1990-91, the public schools are mandated by P.L. 99-457 to provide 'early intervention services and preschool programs for handicapped children from birth to age five, it seems most obvious that public schools are about to have additional and expensive responsibilities bestowed upon them.'" And that was the end of that quote, and may I add here that we are worried about the local property tax, and these programs undoubtedly will affect the local property tax because they will have to support them. Now the letter continues, "I would like to ask you to consider the following questions regarding the role, responsibilities, and financial impact early childhood services will have upon Nebraska's public schools. How do we justify adding additional obligations to the beleaguered schools already struggling to meet the multitude of responsibilities already overwhelming? How do we justify the continuing effort to require public schools to provide the current additional educational services without full funding, i.e., all state aid that provides less than 19 percent of the current needs for the Auburn Public Schools;...

PRESIDENT: One minute.

SENATOR BECK: ...special education funding is 90 percent or less than the cost of educating handicapped children? How do we justify developing effort to require additional educational services and new child care services for preschool children, and most probably without full funding? How shall we explain and justify to our complaining taxpayers that in the future they should expect the public schools to be required to pick up the costs via property taxes for the following: Transportation, parent and counseling services, transition, medical services for diagnostic purposes, health services, case management, qualified personnel to provide all services, services provided at no cost to parents." And all those are mandated under the bills that we have seen before and I have mentioned, LB 567, 678, LB 183, and 99-457. "What will happen to our communities and schools if we continue to do for parents and families that which they should do for their own." He says here, "I would suggest that any legislation that results in adding services to the responsibility of our school districts be required to provide full funding, and perhaps not percentage of cost." Now Senator Wesely and others may say, well, this does just that, and perhaps that will put his need at ease. I still go back to the one question of if we are going to fund Title XX, and I am not antifunding that because I voted for it, I've proved that I want to help those mothers who need the help the most, then let's have two separate sections. Let's have a bill for early childhood education, and a bill to mandate Title XX funds. I just think that it is too comprehensive and it covers too much. And, lastly...

PRESIDENT: Time.

SENATOR BECK: Okay, and that is lastly. Thank you.

PRESIDENT: There are no other lights on. Senator Wesely, would you like to close, please.

SENATOR WESELY: Thank you, Mr. President, members. I appreciate...

PRESIDENT: Excuse me, Senator Wesely. A light suddenly came on. May I interrupt you.

SENATOR WESELY: Oh, sure.

PRESIDENT: Okay, Senator Schmit, and then Senator Beck.

SENATOR SCHMIT: Well, Mr. President, and members, I am going to ask Senator Wesely to explain a little more of the basic concept about this bill. You know, we always seem to have a period of doldrums in this place when almost anything will move, and Senator Beck has raised some questions, and others have commented very briefly, and I think we need to have a little more discussion about the bill. I have had a number of letters, both pro and con, and I apologize, Senator Wesely, for sitting here asleep. I guess I wasn't paying very much close attention. But I am concerned about the bill from the standpoint that we've talked about social services, we have talked about how we are going to support this program, and I am not overly enamored with the way social services has handled foster care. Are we going to place them now in charge of this program also? A question of Senator Wesely.

PRESIDENT: Senator Wesely, would you respond, please.

SENATOR WESELY: Maybe I should start back and go over the bill, but I won't take your time to do that. Essentially, they are already in charge of inspecting child care homes. The only thing that would be added to their responsibility would be the four-hour a year training requirement, and that is the only other item that is included, but that would be actually provided for on a contract basis around the state. The department, I doubt, would be actually providing for that training. So their responsibilities are not heightened I think under this bill tremendously. There are a couple of advisory committees to deal with rules and regs, to assist the department in that aspect of their work, but they are already doing that. This brings in providers and citizens to help them do that job, nothing different in terms of their authority, and then there is an early childhood panel that is established under the Department of Education that is over there and established under the bill, but they are only advisory as well.

SENATOR SCHMIT: What about the cost of the program, Senator? Have you reviewed this or what is your opinion of it relative to being adequately funded? Will that happen?

SENATOR WESELY: The main thrust of the bill, Senator Schmit, is on the Title XX, and that would bring for day care providers reimbursement to the market rate. Currently, they are about

80 percent of the market rate, thanks to the Legislature, which increased some of that last year. That is the major bulk of expenditure. There is 200,000 included to fund the training, and that is training for the providers, the day care home providers around the state and, again, that would be contracted out locally. So you are talking about a million and a half dollars, and that is, in essence, where the money goes, those two primary focuses.

SENATOR SCHMIT: All right. What is the market rate, and I know you discussed it just a little bit this morning, but what is market rate and how is that determined, and how do we get into the business of establishing a market rate?

SENATOR WESELY: Senator Schmit, the department surveys, we just adopted an amendment that clarifies this a little bit, but they break down into areas. Lincoln would be one area, Omaha another area, Hastings another, Grand Island, I don't know exactly how they break it down, but it would be by market area. Then they would survey day care providers within that area, find a generally accepted level, you know, an average of reimbursement, and then that would be the market rate, and try to reflect the Title XX reimbursemen in that market, along that average, so that it wouldn't be high or low. It would be, hopefully, on the market rate.

SENATOR SCHMIT: What is considered market rate at the present time?

SENATOR WESELY: Well, one example in Lincoln, I know I am paying about, let's see, $65 a week, and, currently, they are reimbursing at $36 a week here, I understand...well, that is hard to say, though, because, again, it does vary a little bit, but they have some wide gaps like that, and some less wide gaps, but the market rate is quite a bit higher than what we are now reimbursing for Title XX in certain areas, particularly, you know, where there is a greater demand on providers.

SENATOR SCHMIT: I guess, Senator Wesely, one of my concerns also is the fact that you go out into my area where many of the working mothers draw minimum wages or slightly above, what impact will this have, if any, upon the rates that they will be charged for their day care services?

PRESIDENT: One minute.

SENATOR SCHMIT: Oh, I see what you are saying. This I don't think will drive up market reimbursement but, actually, it should help those families that aren't on Title XX. Right now by underreimbursing Title XX, the day care provider sometimes has to...you know how that works...has to raise the rates for the others that are paying to make up some of their cost differentials, and so, hopefully, by having the market rate paid by the state for Title XX, these providers don't have to charge as high a rate to other families, perhaps.

SENATOR SCHMIT: I am probably out of time, right, Mr. President?

PRESIDENT: Ten seconds, yes. Senator Beck, please, followed by Senator Nelson, then Senator Haberman.

SENATOR BECK: I just wanted to continue with a couple of things here, the troubles that I have with the bill, and I guess, and then I will end with a couple of questions, and Senator Wesely, then, can go ahead, if he would, and answer those. I sent a letter around this morning from the Archer Dawson Agency. This lady came into visit us and she sent us a letter, and she may have sent others of you the same letter. This is another concern that I have. She...because she brought it to me...and you will notice the last two paragraphs she tells that her "concern with LB 678 is a provision of the bill that, depending upon interpretation," and that is important, "could allow my 'for profit' competitors to gain unfair advantage by utilizing state funding for training, and thereby subsidizing their commercial placement enterprise." The basic thrust of her question is this that she has a nanny service, and she is concerned that this will be used for nanny services, but nannies do not stay yet in Nebraska. I mean, you might be interested to know that young women who go into the nanny training service are used all over this country and in Europe. They like to have young women from Nebraska, so I think that is a plus for us, and I thanked her for letting us know that. But she is concerned about that, and I think that there is a valid concern here because we are taking state funding and putting it into training funds, if you followed the rest of the bill. It may not be a great deal today. I think it is approximately $200,000, but she is concerned that it does enter into the free enterprise market, as much as Senator Schmit also brought this out. I guess, too, the question would be if Senator Wesely does have documentation

on the rates, and that it won't cause an escalation of other care folks, whatever, if it is a day care center or home or whatever, because I am concerned about that, too. Will it constantly raise the rates, and then we will be fueling a raise out there in the private enterprise and then have to be covering it with tax money ourselves, and I think those are valid questions. And then I guess I will just have to say this, if I have to vote against this bill, it is not because I don't believe in these concepts, and I want to see that Title XX funding, it is not. Basically, if I have to vote against it, it is because the two are put together, and I just think it is an overcomprehensive bill. I think the Title XX funds should be voted on separately versus an early childhood education program. And I guess I would have a question for Senator Wesely, one, do you have documentation that our market rate will not cause others to raise their prices and then we have to match it; and then, Senator Wesely, are you willing to separate the bill in some way so that we can vote on either one or both of the propositions in the bill? And so I will give what remaining time I have to Senator Wesely, if he could answer those questions for me. Thank you.

PRESIDENT: Senator Wesely.

SENATOR WESELY: Thank you. I would be happy to try and answer Senator Beck's questions. Frankly, Senator Beck, I think you are misinterpreting a lot of the bill, and so I hope I can help clarify it for you. First off, on the market rate impacts, this is not going to drive the market. It is going to simply lag behind and reflect the market. The idea is not to have Title XX setting the market rates, it is to survey the market, have an idea of what everybody is charging, and then have Title XX reimburse along those lines. Right now we realize how poorly funded Title XX is and how disadvantaged these young families are that are on Title XX, the poorest of the poor not able to get child care, and so I am pleased to hear your concern for that and support for that particular item, but by bringing us up to market rate, rather than driving market rates up, I think it should help the matter, as I said with Senator Schmit. By having us adequately reimburse Title XX,...

PRESIDENT: One minute.

SENATOR WESELY: ...it will not cause a disadvantage to day care providers and, thus, have them charge higher rates for other

families. So I think fair is fair and we should pay our fair rate for Title XX and I don't think it will hurt the market as you are concerned about. I am trying to remember your last question. The other...oh, dividing the question, no, I don't want to divide the question. The issue before us, we have dealt with both of these. They both tie into...the comprehensiveness of this bill is much less than you suspect. The only thing that this bill calls for is four hours of training for family day care home providers, which is not an unreasonable amount. It calls for some advisory committees on rules and regs. It calls for an early childhood panel in the Education Department to provide advice on that area.

PRESIDENT: Time.

SENATOR WESELY: And, in essence, I think you are misinterpreting how comprehensive the bill is. It is not as comprehensive as you seem to think it is.

PRESIDENT: Thank you. Senator Nelson, please, followed by Senator Haberman.

SENATOR NELSON: Mr. Speaker, and members of the body, I, too, am certainly for child care or I see the need, and so on and so forth. I, too, along with other senators, have had a small amount of contact, not a lot, almost pro and con. Naturally, the people that are for the bill, as in everything else, see some advantage. I, too, have some reservations, the same I think as Senator Schmit, that we are opening up a very wide area that maybe we don't have enough control over the funds and so on down the road. One thing is that I see that we are appointing a commission of a pediatrician, home parents, so on and so forth, a long list of 12, or 13, 14 people to meet with state expense paid money and training, and I am certainly of mixed emotions whether or not to support the bill, and I would like to. The Title XX funding, I see that as I said earlier, I have a question, exactly what is market rate. And I will accept what Senator Wesely has worked out on that, but if Senator Schmit would like to have the rest of my time, I, too, have reservations that we are starting up something again that probably the need is there but whether or not we can afford that need. Senator Schmit, would you like to have the rest of my time? If not, Senator Wesely, would you like the rest of my time?

PRESIDENT: Senator Schmit, would you like her time?

SENATOR SCHMIT: Yes, thank you, Senator Nelson. Again, I am not trying to blind side Senator Wesely's bill. I apologize, Senator Wesely, that I have not familiarized myself with the bill and I ought to have. I ought to have known more about it. I know that you have a deep concern, and as had been pointed out by Senator Beck, there are several different issues here, but my concerns are twofold. First of all, the increased cost and the "market" rate system and how it will impact upon rural areas because it is extremely difficult for many of my constituents who work for very little wages at this present time to afford day care. I don't want to get into a situation where we provide and mandate direct services to the extent that we make it impossible for these persons, first of all, to obtain day care; secondly, if they do obtain day care, that they can afford to pay for it. I know that we all have some concern about the quality of care. We are concerned about safety for these children. We are concerned about their health aspects, but I guess that is part of the problem coming from a small community where we, for the most part, know quite a little bit about each other and each other's habits and are more inclined to take people at face value on that. I know also that we have a difficult time in some of those areas to provide any kind of day care, and to the extent that we make it more difficult, more expensive, we can actually hinder the people we are trying to help. So, at this point, I am going to take Senator Wesely at his word, but I have to tell you that I am going to have to learn a lot more about the bill than I know at the present time as it moves across the board. I would hope that...again, I am always concerned about many of these bills which do not receive full and extensive debate because so many times when we start on a bill, we have the best of intentions, and it has happened to my bills, it has happened to a lot of bills...

PRESIDENT: One minute.

SENATOR SCHMIT: ...over the period of time I have been here, only to find out that when we get down to the wire or a few years down the road that the original intent of the legislator or the legislators, Legislature, becomes secondary. I don't want that to happen here.

PRESIDENT: Thank you. Senator Haberman, please, followed by Senator Wesely.

SENATOR HABERMAN: Well, Mr. President, and members of the body, I turned my light on to let the honorable Senator Schmit have some more time. If he would like to have my time, you may have it, Senator Schmit.

PRESIDENT: Senator Schmit, would you like some more time?

SENATOR SCHMIT: I would just like to ask Senator Wesely if he would explain to me the creation and the operation of the child care rules and regulations advisory committee.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Certainly, Senator Schmit, actually that proposal came from hearings that we held around the state and found that a number of people were concerned about the department's rules and regulations as being too restrictive, too unreasonable, and we felt it important to bring into the process of setting up rules and regulations the providers themselves, so that they could advise, you know, with hands-on experience what might be best in adjusting those rules and regulations. So it is put in there specifically to reflect some concerns and to try and meet those concerns.

SENATOR SCHMIT: Is there a reason, Senator, why these persons are appointed by the Director of Social Services, or would they normally in some other instances perhaps be appointed by the Governor rather than the Director of Social Services, and why are they appointed by the Director of Social Services? It would seem to me that an appointment from that area might tend to cloud their individuality.

SENATOR WESELY: I think that the reason...I understand what you are saying, but the Governor, I guess it doesn't matter to me a whole lot who appoints. It was just felt that we do have other advisory committees and they are usually selected by the director of the department, at least over in the health and human service area that I deal with. The Director of Health appoints many different boards and commissions under that department. The Department of Social Services does as well, so precedent was the reason that we had the director, themselves, appoint that advisory committee.

SENATOR SCHMIT: Well, Senator, you have a very prestigious list

of individuals and organizations here who support this bill. I don't see any opponents. I am a little bit overwhelmed and I guess I am almost intimidated from asking questions, which is not unusual for me, but the point is I just hope that the bill does what you want it to do, and I thank you for answering those questions. I will reread the bill again and maybe be more informed on it as you move along. Thank you.

PRESIDENT: Thank you. Senator Wesely, please, followed by Senator Langford, Senator Smith, Senator Beck, and Senator Lamb. Senator Wesely.

SENATOR WESELY: Thank you, Senator...I mean Speaker Nichol. There is obviously some questions arising. I feel like we went kind of through a lot of this on General File. There was quite a lengthy debate going through some of these questions, and it is absolutely legitimate to ask those then and to ask some more now. I have no problem with that. I want to summarize for you, as briefly and succinctly as I can, exactly, again, what we are trying to do with the bill. Senator Beck was concerned about its comprehensiveness. I think it, in fact, does a lot for day care, a lot for children in the state, but it is not an onerous extensive new system being put in place that I think any of us have any fear about. Number one, Title XX is the big concern and the big expenditure in the bill. Title XX provides services in a number of areas, but in day care provides services to ADC recipients and others who are trying to move off of welfare and into the work force, for instance, and need to have day care so that they can take a job or take training or whatever their needs are to deal with their particular problems, and Title XX is what pays the reimbursement for those day care services for those individuals. These are the people that are trying to help themselves, to better themselves, and I think we clearly want to assist them, but the problem we have had is underreimbursement for their day care services. That made it difficult to find day care or to keep day care or to get the kind of quality day care that these people would like to see for their children. This will bring us up to the market rate in terms of current market rate and will call for annually a review of the market and the reflection of adjustment on the schedule, but it doesn't mean automatically that that happens. Just as in other Department of Social Services rate-setting and schedules that are developed for other reimbursements, this Legislature has to ultimately fund that and so have no fear. This Legislature will be the ultimate authority on that question, but it does set a target

and does give a goal for the department to pursue in establishing these Title XX reimbursement rates to try to reflect the market, to do a survey within the market around the state in the different areas, and to come back with the appropriate schedule. And so the Legislature ultimately has that authority and that is not changed by this bill. In addition, as Senator Schmit asked me, we do recognize problems with rules and regulations, and Senator Smith's amendment I think dealt with some of the rules and regs changes that were positive for the state. Further rules and regs changes are always necessary. It is an ongoing process and now there will be an advisory committee there to assist the department to do the best job possible on rules and regulations. There is an early childhood education panel established under the Department of Education. Its intent is to serve as a coordinating body to have the different agencies, the different people involved with early childhood programs, which we are talking here about day care primarily, to work together, to know what each other is doing, and then also to see about recommendations for improvements. They really don't have any authority on their own other than to make recommendations and to work with the different agencies to improve coordination and service delivery. There is a requirement of four hours training for day care home providers. It is a minimal amount, four hours a year, but this would allow them a chance for those four hours to come together to have some training, to know about resources. One of the big things we found in our research in day care is a lot of these particularly family day care home operators not knowing about resources and opportunities and where information may be, and this is an attempt to work with them, to assist them, and to make sure that we provide assistance to them. In addition, there is a hot line for providers to call, if they have questions, that is provided under the bill, and other types of assistance are hoped for through the ongoing work that is established under these committees. So I think, as you can see, it is an attempt to help day care home providers, to help children, to help families with children in day care. It is I think not something to be feared, although there are those who would like you to be fearful. The one letter that...there were two letters read by Senator Beck. First from the Auburn Superintendent and he threw in all kinds of different problems with schools...

PRESIDENT: One minute.

SENATOR WESELY: ...and childhood education and this bill was part of that context, but the things Senator Beck read to you were much beyond this bill. The only thing this bill has that reflects anything with the schools is that it does allow an option to school districts, if they so choose, to provide transportation to and from day care to their schools. It is purely an option. It is an option that some districts would like to have the chance to pursue but others may not wish to. I don't think we should deny them that right if they want to, but if, in Auburn or anywhere else, they decide they don't want to, this doesn't force anything whatsoever. The other elements of that letter that were in there, and I did read the letter, are involved with other legislation, not this, and so I think we don't want to misinterpret what is happening here. In addition, the other letter from Archer Dawson Agency, I don't know if you have all got copies of that, but it talks about the training and getting "for profit" people involved in it, and, again, taken out of context, there would be a problem, but all they are saying is that we don't want to see "for profit" competitors coming in and taking over that training program, and that is my intent, as well. It is not, hopefully, going to happen and the department, I think, should be put on notice right now by this record that we don't want to see that, but this bill, itself, does not create that problem or force that issue.

PRESIDENT: Time. Thank you. Senator Langford, please, followed by Senator Smith.

SENATOR LANGFORD: Like several of the other, Mr. Speaker, like several of the other people, I am worried about some of the things that are not said in this bill. For one thing, as I read it with the amendments, we have an open-ended funding mechanism here that each year the market rate could be taken in any area, and if it increases, this means that social services will come to the Appropriation Committee for deficit appropriations. There is no set amount goes into this program. It has to be evidently an open-ended funding mechanism so that the Legislature will have no way of knowing the actual cost that we will be facing in any budgeting year. Something else worries me.

PRESIDENT: Thank you. Senator Smith.

SENATOR LANGFORD: In here...I haven't finished.

PRESIDENT: Excuse me.

SENATOR LANGFORD: In here it says that if the...they have a voluntary registration of day care providers, and if they should voluntarily register, then they would have a mechanism for participation in the food programs offered by the Department of Agriculture, etcetera. So here is another open-ended funding mechanism that we may run into. I really do feel that the day care providers do need to have increased funding, but this bill is a potpourri of all sorts of things. We have no way of knowing what is going to happen. Thank you.

PRESIDENT: Senator Smith.

SENATOR SMITH: Thank you, Mr. President. I would like to continue on with a few more questions that I have, and I think that, unless I am longer, I will allow you the rest of my time, the remainder of the time after I have asked the questions, Senator Wesely. But, Senator Langford, I think I heard you say that with the amendment it creates the annual review.

SENATOR LANGFORD: Yes.

SENATOR SMITH: The amendment does not do that. It is in the bill. The amendment does not...I think it stops short of saying that, it is in the bill. Yeah, okay. All right, the bill then, all right, and I was thinking to myself about this. The point was raised by Senator Schmit originally about the idea that it is going to force rates up...

PRESIDENT: Senator Smith, may I interrupt you a minute, please. (Gavel.) Can we hold the conversations down. We can't hear the speakers, so please hold the conversation down. Thank you, Senator Smith.

SENATOR SMITH: Yes, thank you. But Senator Schmit, and Senator Wesely, particularly, I am wondering if maybe the free market, which is really based on supply and demand, and also on individual, I mean, the provider out there, that individual provider in the private sector is going to increase its rates past the point where the people of that area can't afford to pay to have their child in the day care center, that might have something to do with keeping the rates down. I am wondering if that could work that way also. Instead of raising rates, it could also keep the rates down because of the locale and the

average and then the economy in that area. That is something else that we might think about. But the question that I have, Senator Wesely, is whether or not there truly is a need for annual revision. Is that the required procedure for these kinds of programs in the Department of Social Services presently? And then I would like to talk a little bit more. I will finish this statement and then give you the rest of my time. I am wondering if...and I think I could support a periodic review if that would be possible, and can you respond to that, please, and I will give you my time. Thank you.

PRESIDENT: Thank you. Senator Wesely.

SENATOR WESELY: Yes, thank you, Senator Smith, and I appreciate your questions. The annual review was placed in there, and I think typically reimbursement rates are reviewed, hopefully, on an annual basis for a number of other programs, but the reason this is specifically put in there is because of problems we had with forgetting about this program. It hasn't been increased in reimbursement now for eight or nine years, and we fell so far behind. Far better that we do on an annual basis small incremental adjustments if they are necessary or up or down, as you said, versus having to catch up. I mean, that is why this bill is costing so much is we fell so far behind. This would, on an annual basis, help us keep up and not fall so far behind, and one of the things we need to discuss here, I know others have raised this question, is do we fundamentally believe that Title XX reimbursement rates should reflect the market. If we believe that, then encouraging the department every year to do that makes sense. If we don't, if we want to just come back every so often and do this, I guess that is another option, but I fundamentally believe that Title XX reimbursement rates should reflect the market, that we shouldn't have, because you are poor and on Title XX, a lower reimbursement, that those children deserve as good care as any other children and, hopefully, that is a principle that everybody else shares in here, that we shouldn't discriminate against those kids. Now, the annual review can occur and they can look at the market, but it is also a fact that this Legislature must ultimately appropriate the money, and it isn't absolute that this occur without the Legislature having some authority in this area. And so I am not afraid of setting that goal out there. It is a good goal, it is a worthy goal, and on an annual basis reviewing it, but, again, it will also give us the opportunity through the budgeting process to not fund that if we felt that it was inappropriate

for whatever reason. Sure.

PRESIDENT: Senator Smith.

SENATOR SMITH: I would like to take the remainder of my time to respond, at least in my perception of the way the program works now. In my area, I don't believe that I have seen that the children who are being provided care under Title XX receive any different kind of care at the day care services. I think what happens, the people that are really, if you want to call it being discriminated against, is the provider who, in my understanding when I talked with the Department of Social Services folks, was that, well, we look upon this as a kind of a community service, that those people should be doing that, they are just volunteering. And I said to them, you know, what kind of a person is going to be, you know, who is out there working, is doing it because they want to volunteer. If they are getting paid for a job, they want to get what everyone else is getting, and so that was...I haven't seen that. I just wanted to clarify that. I don't think those kids are getting any different kind...

PRESIDENT: One minute.

SENATOR SMITH: ..of care, Senator Wesely. I think it is the person who is being asked to take the Title XX child when the other rate was much higher in the private sector and being told this is all we can reimburse you for, but yet you are supposed to do everything and provide everything the same way, which they were doing. I wanted to say it on their behalf. Thank you.

PRESIDENT: Thank you. Senator Beck, you are next, but may I introduce a guest, please, under the south balcony, a guest of Senator John Weihing from Gering, Nebraska. We have Joyce Hillman, Joyce, would you please stand up, who is the Executive Director of the Chamber of Commerce at Scottsbluff, Nebraska, and, might I add, doing a very good job. We are happy to have you. Would you please welcome Joyce, and, if I may say so, Joyce is thinking seriously of running for the Legislature, so would you please welcome her this morning. Thank you. Senator Beck, please, followed by Senator Hartnett.

SENATOR BECK: Okay, thank you, Mr. Chairman. First of all, I want to tell Senator Wesely that I think that the intent and the desire that he has in the bill is basically very good, and with

that I do not disagree. I don't want him to feel that I am picking on LB 678 because I understand the need that caused it. The problems that I have is the tying in of Title XX funds on page 6, and then going on for at least that many more pages up to page, well, twice that many, up to page 18 developing the early childhood and the training program and so forth. Now, I am not against the training program either. What I am looking at is that I wish that we could work together and divide this bill, because I am for these Title XX funds, and I might be for early education, as well, but I just don't feel the way that they have been crafted together, even though I know Senator Wesely had great intent here and great expertise, I just don't...I think it covers too much, and I really don't have any fears except for that. Now Senator Wesely didn't, when he answered my question, he didn't give me that you did have any documentation that this would not drive the market rates up. So if he'd have that documentation, I'd certainly like to see that. Another thing I would like to point out here is the combination of the Social Service Department and the Department of Education, both of which are very necessary to our government, but I would like to have the members of the body, whether you vote for this this morning or not, to look at the combination of LB 678 and LB 567 because last Friday we took off the coordinating committee on 567 because it would be in LB 678. That is one of the things that I am concerned about. None of these things are...do I look at them as bad or am I looking at them from a paranoiac state of mind. I am just concerned about them. We are setting up something that is going to last ad infinitum, forever, and we need to look at it, be careful with it now. I am looking at the cost to local communities. Now we realize that ultimately the training program will be taken over by the Department of Education, but if you will look at your fiscal, if you will look at LB 678A, folks, and compare 678A with the bill, and there is on line 16, on page 3, you will see that no expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section, and I think that you really...I don't have time to explain all of it here, but I wish that you would compare those LB 678A with 678, and then 678 and LB 567 and see that we have a lot of overlapping here. Now what I am concerned about, too, and Senator Schmit or Senator Lamb or someone like this might want to mention this, we are going to develop this coordinating committee, and we are going to hold public hearings, and I, personally, don't know who is going to pay for that because it can't come out of the training fund, and

then the last thing that I just want to mention is cost to the local communities. On page 17 of the bill, it says we will promote the involvement of businesses and communities in the development of child care services throughout the state by providing technical assistance. Now that appears to me that that is going to be the community's cost to provide that technical assistance to providers and potential providers of child care services. And I don't want to ding the bill to death. I want to congratulate Senator Wesely for the bill and for the intent that drives it and for his interest. I don't want that misunderstood one little bit, but if I can't vote for this, it is going to make me feel very bad because I want to support the Title XX mothers. I've worked with these young women and I know that we need to provide slots for them, we need to give this money to these providers,...

PRESIDENT: One minute.

SENATOR BECK: ...and so I would just beg you, if at all possible, if we could get together with Senator Wesely and split this bill, and so that we can either vote on one or both concepts, but for those of us who are concerned about the cost and so forth of the training and so forth, what are we going to do? We are stuck with not being able to vote for it, and that bothers me a great deal, and I would like to have, if at all possible, I would like to see that happen. Thank you.

PRESIDENT: Thank you. Senator Hartnett, please, followed by Senator Lamb.

SENATOR HARTNETT: Mr. President, and members of the body, I plan to support this bill because I have, you know, continually supported legislation that helps young people, and I understand, because last year before the session began I think, under the leadership of Senator Ashford, we went up and visited up in the one part of Omaha where there is a need for this, this program such as this, and I see the need. And the young...the women that spoke to us that day said that they felt that one of the things that were holding them up from getting on the work force so that they could be a wage earner in our society, they simply said that the thing that was holding up was the cost of day care. They could not find adequate day care, and, hopefully, this bill will lead to providing additional day care for people that have the need. I guess I would like to ask Senator Wesely a question, if I could, because I think he has, you know, done a

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.

PRESIDENT: Thank you. Senator Dierks, please, followed by Senator Schellpeper.

SENATOR DIERKS: Mr. President, and members of the body, I certainly don't want to complicate this bill, but I am going to support Senator Lamb's amendment. I was having the same difficulties a year ago when I was on the bill with Senator Lamb. There are a number of people in my community that would like to see the number raised from three to five. It seems like that the key to the thing is that we are setting this at a limit of those counties, fifteen thousand or less, and we have two distinct problems here in this state. In the urban area, I can understand where they don't want this type of legislation, but in the rural area, it could be a very viable piece of legislation for us. So I would support Senator Lamb's amendment. Thank you.

PRESIDENT: Thanks. Senator Schellpeper, please, followed by Senator Haberman.

SENATOR SCHELLPEPER: Thank you, Mr. President, and members. I, too, am going to rise and support the Lamb amendment. I think that there seems like a lot of times in this body when we do some things for child care and also some other bills, everything is always designed to help Omaha and Lincoln more than it helps outstate Nebraska. I think that this bill is probably one of those bills. After hearing it in the committee, I did not support it out of the committee, and I think that is one of the reasons along with the price tag, I think it is about a million and a half now, and I think that it could get to be more, and I think we need to wait until the federal government comes in with their bill, and then have a bill like this. I think we are getting ahead of ourselves with this bill at this time, but I do support the Lamb amendment because I think it is a step in the right direction. Thank you.

PRESIDENT: Thank you. Senator Haberman, please, followed by Senator Crosby.

SENATOR HABERMAN: Well, Mr. President, and members of the body, there is no burning need or desire for this type of legislation outside of the large cities. Now you have heard a lot of conversation today about rules and regulations changing and protecting, and rules and regulations will do this and they will

do that, and, never fear, rules and regulations are here. The true story on rules and regulations are that they can change the entire intent of a piece of legislation. They can change the intent of the legislation unknown to the people that it affects. They have the rules and regulations meeting in Lincoln. The people can't travel and spend three days to come and give their side of the story. In many, many of the cases, when they have a public hearing on rules and regulations and the people raise concerns, they are never changed. The rules and regulations are adopted just as they are proposed. So in many, many cases, there is really no need to have a rule and regulation public meeting because they don't change anything. Rules and regulations can be dangerous and they are dangerous in many, many cases. We have had legislation come before this body that rules and regulations should go back to the committee, where the legislation started, to see if the committee counsel or the committee, itself, feel that they change the intent of language. That legislation passed. The Governor vetoed it. The Governor vetoed it, Governor Kerrey, because it took power away from the Governor's Office, but it was a good piece of legislation. People are gun-shy about rules and regulations, so I would support Senator Lamb's amendment, and ask that you do the same thing. If it works out in the cities and the counties above fifteen thousand, fine, we can always adopt it later on, but, for the trial run, I think we should suggest...I would like to suggest you do adopt Senator Lamb's amendment. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Crosby, please, followed by Senator Wesely, and Senator Owen Elmer.

SENATOR CROSBY: Thank you, Mr. President, and members. I haven't spoken yet on this bill this morning. When we talked about this bill in committee, I have grave doubts about the amount of money. Senator Wesely knows that because we talk about it when we are getting ready to vote a bill out, and quite often I will say I will vote for it, but I know when it comes up on the floor that we may have to take a hard look at that money and, especially, at the end when it comes up on Final Reading and all these bills get in line for what money might be available. One thing I would like to say before I go on to the rest of 678, LB 567 that we moved last Friday is billed as a companion bill to this bill except there is a lot of bills in that one sentence. I may send in my Visa bill, too. The LB 567 sets up some pilot programs, four pilot programs, through the

Department of Education to find out what happens in day care. We call it early childhood education but it is day care, and what goes on in day care and so on and what to expect in development and that kind of thing, so this is a different concept except that in 678 we have training for the people who are going to be the day care employees. From the point of view of day care, which is a given in the 1990s, we do need trained people who are giving that day care. I don't think any of you here would argue about that. You must have trained people. I know that takes money and so, again I say, if we end up and can't have everything, I hope, Senator Wesely, and, incidentally, I may vote for Senator Lamb's amendment because I do think...I don't want it to turn into urban versus rural. Remember, in the play, Oklahoma, the farmer and the cowboy must be friends. Well, that was...I don't know that the cowboys were thought of as urban but I guess they went into the bars a lot so that is kind of the parallel. But I don't want it to turn into rural versus urban, so I may vote for Senator Lamb's amendment. Don, please don't come over and give me a whack if I do that. But the other thing, I think that when push comes to shove and I think I feel a little pushing and shoving here this morning, right? I think that we may have to divide it because I want that Title XX money and I think that is the overriding thing at this time. There was one young woman from north Omaha who testified at the hearing that just really impressed me so much because she spoke of the fact that she would keep children later than she really wanted to so their mothers who were on odd schedules could have good care, and she was losing money, really, on her day care, but she did not give up and kept helping those women with the day care. So when we come down to the very end, I don't know how this is going to come out. I certainly don't have that kind of knowledge of who is who on this floor, but I will vote for Senator Lamb's amendment, and if you come to the point where you will divide the question, and that has to be done, I will hang onto the Title XX money. Thank you.

PRESIDENT: Thank you. Senator Wesely, please, followed by Senator Elmer.

SENATOR WESELY: Well, I appreciate everybody's comments though I don't agree with many of them. I don't know if I agree with any of them on the...I have an amendment at this point. I may be a lonely person talking about the desire to maintain some level of oversight in our day care homes, but I continue to

believe that the current regulations as they stand and who is covered and who isn't covered by day care home regulation is appropriate. Right now we say if you have three or fewer children, you are not covered. This would go to five or fewer so there are now going to be homes with four and five children in them without any oversight, any minimal requirement to meet any standards, whatsoever. I think that is a serious mistake, and when the committee did deal with the question by Senator Lamb, we did come up with a compromise that could be dealt with on another piece of legislation that would deal with some registration processes and some other changes. The biggest problem we have, I think, is the rules and regulations have been inappropriate. For a long time, there were a lot of complaints and we didn't have rules and regs changed for about ten years. Then we passed a bill a couple of years ago that provided...if I could, Mr. President, if I could.

PRESIDENT: What did you want, sir?

SENATOR WESELY: If I could have a gavel, I would like to...

PRESIDENT: (Gavel.) You certainly may and let's hold it down so that we can hear the speaker. It is very distracting.

SENATOR WESELY: Thank you. I appreciate that. The situation is that rules and regs were a problem. We did have a bill that passed that said we want the rules and regs changed. Those changes are just now coming into effect. So for all those years all those concerns that were there I think were legitimate and this Legislature responded and the department did change the rules and regs, Senator Haberman. The changes have occurred and they will making those adjustments in the next few weeks. There is all the final wrapping up of details. But Senator Smith's amendment to this bill dealt with some of those rules and regs changes that allows for the overlap, for understanding the need for flexibility, and the changes that are already going to go into effect, and will be further solidified by the amendment to this bill by Senator Smith should ease a lot of the concerns, plus there were other adjustments that were made in the rules and regulations. So we think all of the talk about problems of the rules and regulations of day care homes is a thing that is not as prevalent after these new rules and regulations will come through. In addition, we held hearings in Norfolk and in Beatrice, two areas that we thought we'd find some people concerned about this, and we found nobody testifying in

opposition to rules and regulations of these type of homes, four and five children in these homes; that we found that people testified in support of rules and regs but they didn't like the idea of some of the particular items; and so those adjustments that I am talking about were made and we did listen and respond to those. But what happens when you don't have these children now in counties of less than fifteen thousand with four or five day care...four or five children in this day care home is you don't have the ability to deal with different complaints and concerns. You don't know what is happening out there, and what we have found is right now that the complaints about day care homes, complaints about abuse, or other types of problems in day care homes is as prevalent in rural Nebraska as it is in urban Nebraska. All this discussion...

PRESIDENT: Excuse me. (Gavel.) Senator Wesely, I am sorry, but we still don't have our attention up, so, ladies and gentlemen, would you please hold it down so we can hear the speaker. It is difficult and some of us would like to hear. Thank you, Senator Wesely.

SENATOR WESELY: Thank you, Mr. President. The situation is that problems in rural areas are there just as they are in urban areas, that we find abuses occurring, that we find problems in homes occurring as much in the rural areas as urban. I know everybody feels that there is this idyllic type of circumstance out in rural Nebraska where everybody knows everybody, everybody likes everybody, everybody is above average, and all of the different things that we heard about on Prairie Home Companion, and that is a wonderful image, and I hope and wish that it was there, but it is not necessarily the case because you have problems in rural areas just as you have in urban areas. You have families with difficulties. You have day care home providers that are not necessarily the kind of a day care home providers that you want, and you need to have the ability to step in and try to work with these individuals. Now there are a few particular problems that we have had with rural areas I guess different than urban, and we have had perhaps more lax enforcement of rules and regs out there than we've had in urban areas,...

PRESIDENT: One minute.

SENATOR WESELY: ...but that isn't because we haven't had problems. It is because we just have been short-staffed and

haven't been out there, but where we have been able to work in this area, I assure you that it is not a perfect scenario out there, and taking the state out by raising from three to five the number of children you can have in a day care home will certainly make matters worse, I believe. Now the idea is how onerous are the rules and regulations? How onerous is it to be licensed? And, at this point, it isn't particularly, I don't think. You merely look for some safety standards so that you have protection for those children, that if there is a fire or other physical harm can come to them that there is some protections there, and that causes difficulty with some, but I think it is reasonable. In addition, we try to make sure that there is some inspection of activities there so that we can be sure that the food is well-handled and the children are safe and in an environment that is protective. I don't think that is being too unreasonable. I think our children at that age are very vulnerable. They are at a stage at which sometimes they are not old enough to even express themselves in these day care homes, and trying to make sure some standards are being met is not an unreasonable thing to do.

PRESIDENT: Thank you. Senator Elmer, please, followed by Senator Haberman and Senator Smith. Now try it. Try it now.

SENATOR ELMER: There, that is better. Thank you, Mr. President. I was out of the Chamber when Senator Lamb was beginning his introduction of this amendment. I wonder if he might answer two questions or so. Senator Lamb, I understand this amendment would, in the counties that have fifteen thousand or less population, would allow an individual to keep up to five children without going through all the licensure arrangements, is that correct?

SENATOR LAMB: Yes.

SENATOR ELMER: Okay, do you have any comments that you would like to make relative to Senator Wesely's concerns about the quality of care or the possibility of abuse or the various types of food they might need and the safety requirements and so on? And, with that, I would relinquish the rest of my time to you, if you'd like.

SENATOR LAMB: Yes, thank you, Senator Elmer. Yes, I agree. You know, it is not an ideal, it is not a perfect scenario out there in those small counties, but it is much easier to handle

than it is in highly populated areas, and this merely gives that parent a choice, a choice. The parent can still choose a certified day care home, if that is what she wants, if that is what she desires. That does not preclude that. What it does is give an additional option that a person can keep as many as five children without being certified, without going through the red tape of Nebraska state certification, and my rationale, as I mentioned earlier, is that people have a tendency to know what they are getting into in those rural counties. They know more of the people. They have a better idea of what kind of child care they will get, and it puts a little bit more burden, perhaps, on the parent but I think that is good. That is where it belongs. That parent has the choice, makes the decision, and can choose a person to take care of their child even though they care for four others. They would have a total of five that they could care for instead of the present regulation where it is only three. And it comes down, as I mentioned before, to an economic situation because a lot of those young mothers cannot afford to stay home and only keep three children. It is not...they would rather go out and get a job because economically they can't exist with just keeping three children. This will give them five children so they can make a little bit more of a business out of it, and be a child care person rather than going down and working in some store in town, and so they are more liable to do it. So it not only gives them more employment, it gives those mothers who want to work and are working a place to put their children, and that is very much in short supply out in many of those small towns just merely because the people are not willing to go through the red tape of certification.

PRESIDENT: Thank you. Senator Haberman, please, followed by Senator Smith and Senator Wesely.

SENATOR HABERMAN: Mr. President, and members of the body, I was asked a few minutes ago if this really was an Omaha-Lincoln issue versus other parts of Nebraska. There are eight social service districts. When you take day care homes, group day care homes, day care centers, and preschools, those are the four children care identities. In Omaha, this is a total of the four, they have 1,048 of them, 1,048. In the Panhandle, they have 204. In the Southwest District, southwest Nebraska, they have 203. In the north central, they have 109. So when you compare, say, 109 or 200 to 1,048, there is a difference. There is a big difference. Now I realize that it would be a bigger

job, take more time, to check out, to license, to train, to do all these things where there is 1,048 of them than when there are 109 or 204. So there is a big difference, a great big difference. That is why the Lamb amendment says, fine, where you have a problem and out of 1,048 of them you are going to have some problems, many, many more problems than out of 200, that is five times as much, so let's go with Senator Lamb's amendment. There is a difference. Then if they discover it isn't going to work, we can come back in a year or two and change it. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Smith, please, followed by Senator Wesely and Senator Crosby.

SENATOR SMITH: Thank you, Mr. President. Senator Lamb, I am going to support your amendment. I know Senator Wesely doesn't like to hear that. I am sitting here and I am thinking about the options that they might have in, not only in rural Nebraska...or I guess rural Nebraska to me means anywhere where you have a regional concept as far as the offices are concerned, and so I would not like to even see it limited to those that have fifteen thousand as population because when I am sitting here I am thinking about, for instance, a family where a mother of, let's say, three children elects to stay at home, and yet could use a little income, or you could put it the other way around when you were talking about, you know, where she couldn't afford to stay home and take care of only three children, but maybe she wants to stay home with her three children and this is an option for her to make a little money on the side, and so she has an arrangement, a private agreement with one of her neighbors or her sister, or I guess it wouldn't be a sister, it wouldn't be family, a neighbor or a friend to keep her two children, and so that would be something then where they had this private agreement between themselves and government intervention doesn't have to interfere, but my second concern is that...I mean, the reason that I am really supporting this comes down to the fact that we all know what we had to do a few years back throughout the state within the Department of Social Services and the areas that they cover. We made big cuts and what we did was combined counties, removing county offices, for instance, and so what we have out there now is some of the conditions that we were talking about, Senator Kristensen outlined some of them one day to you where you had this travel time, you end up talking...have you ever tried, Senators, to call your Department of Social Services at the local level on a

Friday? Or, in fact, have you ever tried to talk to any of the workers on any given time just at random? The answer you get, as a senator, usually is, I am sorry, they are not in the office right now. So you can't even ever find them, and lots of times you find out that they have already...they have used their hours for that week and so out of necessity because they can't work overtime are not even around for the rest of the week, on a Friday, for instance. So what you have here then is we are going to maybe ease it up a little bit for those people out there, not only the workers, but particularly for the folks. How are you going to get workers to go around and check up on these kinds of private arrangements that you might have between two families, for instance, let alone with the day care provider services that they already have to do? And so what I am saying is I guess I am going to support this idea. I think that it makes sense to me. And then I'd like to amend it in some way or another to reflect any of the counties that have the regional concept as far as the office is concerned, which would, I think, maybe take in the concerns that we have. It's not just 15,000 or less population county. Adams County has a population of, what, 30,000 approximately. We're in a multicounty situation there. So I will be looking at that at a later time. Thank you.

PRESIDENT: Thank you. Senator Wesely, please, followed by Senator Crosby.

SENATOR WESELY: Well, the handwriting is on the wall, Mr. President. I understand where people are coming from, but I want, just for the record once again, to indicate my opposition to it. What you're talking about again is a lowering of standards and recognition of needs of rural children versus urban children. If the rural senators want to do that, I guess I understand. But I guess I don't understand because, in my estimation, you're changing a system, you're changing a structure that has been in place for a number of years. And what is the justification? Well, they don't like it, or they don't feel good about it, or the rules and regs were a problem. But what specifically are the problems out there? The rules and regs that we have have been adjusted, and most of the problems that people came to us with have been recognized and changes have occurred. And yet still we keep having this come back to us and recognizing that there is unacceptability of having the state involved in trying to protect children. Well, I don't think there is an unacceptability. I think the state has a

responsibility to try and make sure that these children, and we're talking here primarily under age, under six, and people that...these children, in many cases, are unable to even express themselves yet, in those vulnerable situations shouldn't the state be there to make sure there is fire protection and other safety in the physical well-being of those children; that those programs are there and those homes that are well cared for, and that the safety of those children is well regarded, and that there are certain minimum level of standards that they have to meet. I know it's an awful thing to talk about rules and regs and standards and most people object to that. But here again what you're talking about, let's put a face to this issue, you're talking about children, you're talking about kids specifically, under the Lamb amendment, in rural Nebraska. And I don't think we should separate them out from children in the rest of Nebraska. The program that we have in place has worked well. It's been, I think, one that has had its problems, but overall we've been able to protect children, and that's good. Of those complaints that we've had, again I emphasize, urban complaints are about equal to rural complaints. There may not be as many homes, as Senator Haberman was trying to point out, in those rural areas, but there are just as many complaints overall in urban as well as rural areas. So that means that there is a problem out there. And taking us out of that loop and taking us out of the ability to know who is out there providing child care, being able to deal with problems in those child care settings, I think, is a mistake for children. So, in general, I understand the support for the Lamb amendment, I simply don't agree with it. I think it's a mistake and I would ask your objection to it as well.

PRESIDENT: Thank you. Senator Crosby, please, followed by Senator Elmer.

SENATOR CROSBY: Thank you, Mr. President and members. I, first, want just one quick question from Senator Lamb.

PRESIDENT: Senator Lamb, please.

SENATOR CROSBY: If you'll yield to answer me one question. Senator, if this amendment goes through, are you going to vote for 678? Yes or no. (Laugh.)

SENATOR LAMB: That's a very tough question. I'd like to divide it, like you said, and put in that one...

SENATOR CROSBY: So you're still, even with the...

SENATOR LAMB: ...that one part.

SENATOR CROSBY: ...amendment you're still not. Okay. Thank you.

SENATOR LAMB: I haven't decided.

SENATOR CROSBY: That's all right. Thank you. I think we're sort of between a rock and a hard place here this morning with this bill, because we do...it is turning into urban versus rural. There are...you read the newspapers just as I do and hear of the cases, there are cases out in greater Nebraska in the smaller towns and the smaller counties that have abuse of children, just as we do in the cities. It is not...human nature is the same everywhere, even though there are fewer people. So I don't think you could really base your vote on the fact that you think all the people out in greater Nebraska are wonderful, good people, and all of us here in Lincoln and Omaha are not. So what we have to do is look at the overall picture. And I go back, again, to saying that I think the training in this bill is so important. But the Title XX money overrides it for me, because I do think the Title XX money is important. I have some statistics that I'd like to give to you just to impress upon you where we stand in the State of Nebraska. In 1988, we had 1,602,000 people in Nebraska, 8 percent of those...7 percent of those, by the year 2000, will be under 5 years old. So that's what we're talking about here, we're talking about children under 5 years old. The other interesting thing to me of these statistics is that 63 percent of Nebraska people lived in towns in 1988 and cities of 2,500 or more. Forty-eight percent of the population lived in the three metro areas of Omaha, Lincoln and South Sioux City. There are 534 incorporated towns in Nebraska, and the median size town is 360 persons. I would hope that, and, incidentally, Senator Smith, Adams County is 30,400 in the county. Of the total number of counties, the 93, 10 of them have less than 1,000 people, 36 of them have fewer than 5,000 people, 37 of them have fewer than 10,000 people. So, you see, it is top heavy. Down here in the eastern part of the state, the population sits down here and a great big, wonderful, beautiful, gorgeous land sits out west with fewer people. If the Lamb amendment is passed and is attached to this bill, if we divide the bill into two separate parts, I don't know what's

going to happen here. But I want the Title XX money, and I would hope that if the Lamb amendment is adopted and is part of this legislation on Final Reading, and it is enacted into law, that we work with social services, and I'd like to be a part of this, to be sure that the people in those smaller towns at least are trying to be trained in one way or another, even with their own local workshops or through whatever agencies are available, so they are giving the best day care available. My other example of emergencies, not child abuse, but emergencies was the fire in the church in Weeping Water a month or so ago. They had a day care in the basement of that church. The people who were there, who were taking care of the children, got those children out immediately. But I'm not sure that everybody in every day care center in every city and town has that kind of ability in an emergency situation. Smoke can kill so quickly, and we don't want that to happen. That's one of the reasons I worry about a day care, a family who has day care who maybe doesn't understand all the safety methods. We talk about it in our own homes. You should have a plan if you have a fire. I've had a fire in my house, so let me tell you people I know how it is in the middle of the night to have somebody run into your bedroom and say, the house is on fire!

PRESIDENT: One minute.

SENATOR CROSBY: That is a terrible feeling. So you want to be sure that in day care people know how to get them out. Do they know how to get them all into a little...the little ones into one little bed and trundle them out the door, get them out. So this is what we're talking about. We're talking about children under five years old; we're not talking about big ones that can walk out and take care of themselves. They've got to be taken care of in any situation. So I would hope, and I will try to do something about it, if the Lamb amendment becomes part of this law, that we do figure out some way at least to make the people who are having...who are head of the day care and running the day care in those smaller towns be aware and be sure that they are trained, because I think the training part of this bill is very important. Thank you.

PRESIDENT: Thank you. Senator Elmer, please, followed by Senator McFarland and Senator Morrissey.

SENATOR ELMER: Thank you, Mr. President and members. Talking to some of the people who have been involved with the day care

work out in my district, they have agreed that this kind of a change that Senator Lamb proposes would be very helpful. When I spoke before I didn't voice either support or opposition to the Lamb amendment. And I mainly wanted to speak again to express my support and urge the membership also to support it. Thank you.

PRESIDENT: Thank you. Senator McFarland, please, followed by Senator Morrissey.

SENATOR McFARLAND: Call the question.

PRESIDENT: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: Debate has ceased. Senator Lamb, would you like to close on your amendment?

SENATOR LAMB: Mr. President, I'd like to point out that we do various things in various areas of this diverse state based on population or whatever. We have various classes of cities, laws apply to different classes of cities, based on size. We have different sizes of counties. We do different things in different counties based on sizes. We do different things in different school districts based on...partially on size and other considerations. So this is not a new concept, it's an effort to try to accommodate the needs of Nebraskans, depending on their situation in this state, where they live, where they live. And, as I mentioned before, this amendment would merely raise, from three to five, the number of youngsters that a day care person could care for without state certification, in small counties, in those counties of 15,000 or less. We have looked at the population that this affects. Only 400 counties, totaling 440,000, would be affected, whereas counties with a population, total population of 1,129,000 would not be affected, 1,129,000 would not be affected. Those are the more populace counties, the more thickly populated counties that would not come under the exemption granted by this amendment. It's an amendment which, frankly, is needed in the more rural areas. It is an exemption from the requirements which are not nearly as necessary in those thinly populated areas as they are in a more densely populated area where you really don't know your neighbor

next door. Out there those parents are willing and ready to take upon themselves the responsibility of finding a place to care for their children that they are comfortable with. And that, I think, is the proper role of a parent, especially out there where most people know most of the other people and have a real good opportunity to find where their child is well cared for. I would ask that this amendment be adopted.

PRESIDENT: Thank you. The question is, shall the Lamb amendment be adopted? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 4 nays, Mr. President, on adoption of Senator Lamb's amendment.

PRESIDENT: The Lamb amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Wesely would move to amend the bill by adding the severability clause.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Mr. President, members, anticipating that last vote, I do feel that the amendment is probably unconstitutional. I move for the severability clause to the bill.

PRESIDENT: Any further discussion? If not, the question is the adoption of the Wesely amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment.

PRESIDENT: The Wesely amendment is adopted. Anything else on it?

CLERK: Mr. President, Senator Smith would move to amend. (Smith amendment appears on page 551 of the Legislative Journal.)

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Mr. President, members of the body, going back to one of the concerns that was expressed about the annual review and adjustment, which we discussed, what I've done is put

an amendment up which simply states that on page 6, line 21, strike the word "each" and insert "every other year". And in line 22 strike the word "annually" and insert "biennially". This, in my thinking, would put it in line with the budget, the legislative process that we go through with the budget for review. And I would ask your consideration for that. Thank you.

PRESIDENT: Any further discussion? If not, the question is the adoption of the Smith amendment. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Smith's amendment to the bill.

PRESIDENT: The Smith amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Senator Wesely, would you like to speak on the advancement of the bill?

SENATOR WESELY: Is this to close, or is there....

PRESIDENT: No, there...

SENATOR WESELY: Then I'll wait to close.

PRESIDENT: No, it's just on the advancement of the bill. Senator Beck, please.

SENATOR BECK: Thank you, Mr. Chairman. I just have one question from Senator Wesely. And I'm sure that he can answer this or give us the material, and that is, how will the passage of the ABC bill, in the Senate, I think it's past the House and now in the Senate, and I don't know just when that bill will come up, I'm sorry that I don't know, but how will the funds, from ABC, impact Nebraska and I guess then the use of our Title XX funds? How will that impact our Title XX funds, if and when it's passed, and it appears as if it may very well be. I just wonder if you could explain that for me. Thank you.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you. Senator Beck, the concept of child

care is passed in two different bills, the ABC bill passed the Senate, another version of it passed the House, so they're now in conference. We anticipate that that conference committee will come back with a joint bill some time within the next couple of months. It's hard to...that's one reason I should say I can't answer your question, because who knows what they're going to come back with as the compromise bill between the House and the Senate, but it's anticipated some version of child care legislation will pass the Congress. We anticipated that potential. And one of the reasons we have in the bill this coordinating committee that is established in the Department of Education is so that we have all the agencies talking and working with one another to be able to meet whatever does come down to us from the federal government. But I don't want to interject what that will do to us, because I don't know, I really don't know. But we would be ready to meet whatever they do come to us and say we have to do. As for funding, there is substantial money being talked about in those pieces of legislation. It's likely that they will provide assistance for training. And, if that's so, then we wouldn't have to utilize the money we budgeted for training, we could utilize that money. It's anticipated that they'll have assistance for low income in day care, and other assistance for day care providers, in general, different programs that they've talked about. So, obviously, probably a year from now when we come back into session, if legislation does pass and become law and is budgeted, then we'll have to make further adjustments in all of that. But, hopefully, it would ease up some of the fiscal burden of this bill. But at this point it's hard to judge exactly what all that will be. That's the best I can do at this point, Senator Beck, in answering your question.

PRESIDENT: Thank you. Senator McFarland, please.

SENATOR McFARLAND: I'd just call the question again, Mr. President.

PRESIDENT: Thank you, that won't be necessary since there...but I thank you anyway. Senator Wesely, on the advancement of the bill. You're closing now.

SENATOR WESELY: Thank you, Mr. President, members. Well, this has been a couple of hours of interesting discussion on the topic of child care. And I really don't mind too much going into it like that. I think it's a very important subject and

taking a couple of hours here and we took another hour or two the first time on General File and I really do want all of us to be more aware of the issue. Child care is an issue that's come of age, that we've realized the importance that our society has placed on it, that we now have two parents earning income, that we have child care utilized by most young families. And I certainly know, from my own personal experience, how important it is. It's a topic that will be growing in importance. Even as important as it is today, I think as the years go on we'll see even more emphasis placed on it. The Congress is, obviously, placing that as a priority; this Legislature has, through previous legislation. And, hopefully, you will support this advancement of the bill now and pass this legislation. I've been interviewed and talked to a number of people around the state about how good this Legislature has been with children. And I must say that I'm a little disappointed, obviously, with the Lamb amendment. I think that we took a step backward with that amendment. But overall I still believe the bill has got very many positive attributes. The Title XX money is there, the ability to provide for some training to help our providers do the best job possible, there is a coordinating commission and an advisory committee that don't really have much authority but still will help us keep on top of the child care issues that we face. I think overall that this piece of legislation is going to be very good for the state, that there are some concerns by people that have misread the bill, or misinterpreted some of its provisions. But I still believe very strongly in what we can get done. And, despite some of the amendments that have been adopted, I do believe that we need to go forward. With that I move the advancement of the bill, Mr. President.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced. There's an A bill. Shall we talk about that, Senator Wesely?

CLERK: Senator, I have Enrollment and Review amendments. (LB 678A.)

PRESIDENT: Senator Lindsay, please, on the....

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 678A.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber on this the 20th day of the Second Session of the Ninety-First Legislature. Our Chaplain this morning, Dr. John Wagner, President of Union College. Mr. Wagner.

DR. WAGNER: (Prayer offered.)

SPEAKER BARRETT: Thank you, so much, Mr. Wagner. We hope you can come back again. Roll call.

CLERK: I have a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any announcements, reports or messages?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they've carefully examined engrossed LB 37 and find the same correctly engrossed; LB 240A, correctly engrossed; LB 409, LB 422, LB 465, LB 543, LB 678, LB 678A, all of those reported correctly engrossed, all signed by Senator Lindsay as Chair of the E & R Committee. (See pages 612-16 of the Legislative Journal.)

Mr. President, Senator Smith has designated LB 1124 as her personal priority bill this session. Senator Haberman has selected LB 953 as one of the Retirement Systems Committee's priority bills. Senator Smith has designated LB 863 as one of the General Affairs Committee priority bills. And Senator Carson Rogers selected LB 1004 as his personal priority bill. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The Chair has a very special announcement at this point. Today, February 1st, is the birthday of Senator Carson Rogers. Senator Rogers has provided the treats on each of the desks this morning. Happy birthday, Senator Rogers. Mr. Clerk, to Item 5, on General File, 1990 priority bill.

CLERK: Mr. President, LB 81 was a bill introduced originally

have something for the record, please?

CLERK: Mr. President, I do. Amendments to be printed to LB 1146 by Senator Lynch; Senator Warner to LB 1059; Senator Lindsay to LB 799; Senator Wesely and Senator Lamb to LB 678; and Senator Smith to LB 1031. (See pages 1185-95 of the Legislative Journal.)

A new resolution, Mr. President. (Read brief summary of LR 269. See page 1184 of the Legislative Journal.)

New A bill, 1063A, by Senator Crosby. (Read LB 1063A by title for the first time. See page 1184 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to General File, LB 226.

CLERK: LB 226, Mr. President, was a bill introduced by Senator McFarland. (Read title.) The bill was introduced on January 9, Mr. President, referred to the Education Committee. The bill was advanced to General File. I do have Education Committee amendments pending: (Standing Committee amendments appear on page 950 of the Journal for the Thirty-Eighth Day, First Session, 1989.)

SPEAKER BARRETT: Senator Withem, please, for the committee amendments.

SENATOR WITHEM: Let me get this straight, we are still in session, is that correct? Is that what's going on here. Excuse me, I was tied up with the other bill, and let me do a little quick scattering. Yes, Senator Bernard-Stevens said I should just say they're technical in nature, please go ahead and support them. Okay, here we go, here we go. LB 226 is a bill brought to us by Senator McFarland dealing with a Unicameral Scholars Academy. Its purpose of it is to promote gifted students, give gifted students in our state a greater degree of enriched experience during the summer months. The committee amendments will require that teachers serve on the advisory committee, be certified in teaching the gifted, require the parent on the advisory committee to be the parent of a gifted student, changes the date for reappointment of advisory committee members from July 1 to October 1, deletes the provision that selection of students shall be based on

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The Withem amendment is adopted. Senator Withem.

SENATOR WITHEM: I would move that the bill be readvanced.

SPEAKER BARRETT: Thank you. Any discussion? If not, shall the bill be readvanced? Those in favor say aye. Opposed no. Carried. The bill is readvanced. Mr. Clerk.

CLERK: Mr. President, LB 678 is the next bill scheduled. I have a motion to return the bill from Senators Lamb and Wesely for a specific amendment. The amendment is on page 1195 of the Journal.

SPEAKER BARRETT: Thank you. Senator Wesely, will you handle the amendment?

SENATOR WESELY: I guess for now.

SPEAKER BARRETT: The motion.

SENATOR WESELY: Yes. Mr. Speaker, members of the Legislature, 678, as you recall, is a bill dealing with child care and, on Select File, Senator Lamb was able to amend the bill to, as we thought, exempt counties with 15,000 or fewer inhabitants from having to have licensure unless they had more than five children in the day-care setting. That was what the debate was over and the transcript will indicate that. But, unfortunately, after the amendment was attached and then advanced to Final Reading, it was discovered that the amendment did not actually accomplish that goal and, in fact, would have made that change for the whole state. This was not the intent of the amendment and this is an attempt to clarify that. And I appreciate it very much. I want to say Senator Lamb has been very honorable on this. His intent was clear on the amendment and it was simply a bill drafting error that caused this problem and I am very pleased that he was willing to co-sponsor this to clarify that issue. So I would very much appreciate the chance to return the bill, amend it with this clarification and readvance the bill.

SPEAKER BARRETT: Thank you. Is there discussion? If not, shall the bill be returned to Select File? All in favor vote

aye, opposed nay. Please record.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned. On the amendment itself, Senator Wesely.

SENATOR WESELY: Again, Mr. Speaker, thank you again to Senator Lamb. Appreciate it very much. This is an example of the sort of honor among colleagues here. We all have to rely on one another and when we say things on the floor understand that that's, in fact, the case and sometimes errors are made in bill drafting and I appreciate very much the desire to correct this problem.

SPEAKER BARRETT: Thank you. Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President. This was a bill drafting error. The amendment was to apply only to those counties of 15,000 and less. It makes me very nervous, as well as Senator Wesely, to be on the same amendment but that's the way it is today. If...you know, some of you that would like to have this exemption apply to all the counties may not want to vote for this. I, of course, am obligated to vote for this amendment and will do so in good faith. But, you know, that doesn't bind the rest of you.

SPEAKER BARRETT: Further discussion, Senator Moore.

SENATOR MOORE: Well, yes, Senator Lamb makes a good point. I am one of those people that, given a recent situation I ran into, wouldn't mind having this apply to my county. But, obviously, 678, this is not the intend of this amendment and I agree with Senator Lamb that at the battle we have to fight at some other juncture in a fairer method so I, too, support the amendment.

SPEAKER BARRETT: Thank you. Any other discussion? If not, those in favor of the adoption of the amendment, please vote aye, opposed nay. Please record.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The Wesely-Lamb amendment is adopted. Senator Wesely.

SENATOR WESELY: Thank you, Senator Moore, and thank you, Senator Lamb, and thank you all. I would move to readvance the bill.

SPEAKER BARRETT: Any discussion? If not, those in favor of readvancing the bill say aye. Opposed no. Carried. The bill is readvanced.

CLERK: Mr. President, Senator Beck would move to return the bill for a specific amendment. (See page 1200 for the Beck amendment.)

SPEAKER BARRETT: The Chair recognizes Senator Beck.

SENATOR BECK: Thank you, Mr. Speaker. In the spirit of, what is it, camaraderie and so I visited with Senator Wesely and he tells me that the bill will not go on to be voted on today. This was...this specific amendment was one that we wanted to discuss. So, with that, I think that we'll save this amendment for when 678 returns the last time to Final Reading. So, in good faith, I withdraw my amendment.

SPEAKER BARRETT: Thank you. It is withdrawn. Members, please return to your desks in anticipation of Final Reading. Mr. Clerk, will you proceed with the reading of LB 1022?

CLERK: (Read LB 1022 on Final Reading.)

SPEAKER BARRETT: (Microphone not activated) complied with, the question is, shall LB 1022 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 1201 of the Legislative Journal.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1022 passes. LB 81.

CLERK: (Read LB 81 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 81 pass?

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 843A.

SPEAKER BARRETT: LB 843A is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Amendments to be printed to LB 1136 by Senator Landis. (See page 1289 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 164 and find the same correctly engrossed; LB 164A, LB 259A, LB 260, LB 260A, LB 313, LB 313A, LB 348, LB 542, LB 594, LB 678, LB 855, LB 855A, LB 953, LB 953A, LB 965, LB 980, LB 980A, LB 1032 and LB 1236, all of those reported correctly engrossed. (See pages 1289-92 of the Legislative Journal.)

I have an explanation of vote from Senator Barrett, Mr. President. (See page 1292 of the Legislative Journal regarding LB 642.)

That's all that I have.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford had some fourth graders from Christ the King School in Omaha, District 6, with their teacher. Are you folks still with us in the south balcony? Apparently they have just left. Mr. Clerk, LR 239CA.

CLERK: Mr. President, LR 239CA was a resolution introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. It proposes an amendment to Article VII, Sections 10 and 13 of the Nebraska Constitution as well as Article XIII, Section 1. The resolution was introduced on January 16 of this year. At that time, Mr. President, it was referred to the Education Committee for public hearing. The resolution was advanced to General File. I do have Education Committee amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Education Committee, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, this is the time of year when you would rather not have your personal

and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 663A passes. LB 678.

ASSISTANT CLERK: (Read LB 678 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 678 pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: (Read record vote. See page 1749 of the Legislative Journal.) The vote is 27 ayes, 17 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 678 passes. The A bill.

ASSISTANT CLERK: (Read LB 678A on Final Reading.)

SPEAKER BARRETT: All provisions of law according to procedure having been complied with, the question is, shall LB 678A become law? All in favor vote aye, opposed nay. Have you all voted? Have you all voted if you'd care to vote? Record.

ASSISTANT CLERK: (Read record vote. See page 1750 of the Legislative Journal.) The vote is 25 ayes, 12 nays, 8 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 678A passes. Any items for the record, Mr. Clerk?

CLERK: Mr. President, I do. I have a report of registered lobbyists for this past week required by statute.

Mr. President, an explanation of vote from Senator Lamb. And that is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. LB 688E.

CLERK: Mr. President, I have a motion on the desk. Senator Landis would move to return the bill for specific amendment.

SPEAKER BARRETT: The Chair recognizes Senator Landis.

SENATOR LANDIS: Thank you. Mr. Speaker, members of the

SENATOR CHAMBERS: ...bitter exchanges, we're going to have some discussion of issues in a very serious, solemn and even gloomy fashion but there will be other times when because human nature is not static, it is not uniform in its manifestations over a long period of time, there will be some lightheartedness, there will be some frivolity but we know that underlying all of that is a deadly, serious and bitterly fought issue which has been before us the past session of the Legislature, earlier this session and obviously is going to be with us until the end which also will be bitter. I propose in the same way that those who are offering their amendment, to use the rules to get their amendment onto a bill and jump from General File to Final Reading and I applaud them for their cleverness. They have learned.

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: I'm going to use the rules to defeat them if that is possible.

SPEAKER BARRETT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 662, LB 662A, LB 663 and LB 663A, LB 678 and LB 678A. (See page 1751 of the Legislative Journal.) Additional discussion on the motion to return the bill, Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members, I know we're discussing an amendment but I think what we're really talking about is a process and a procedure. We're trying to amend LB 688 and LB 688 is Senator Lindsay's bill, but I've spent an awful lot of time and my staff have spent an awful lot of time trying to work out this piece of legislation. Senator Byars is talking to Senator Lindsay right now because Senator Byars has a certain interest in this measure as well. We have got a problem that we're trying to address with LB 688. It's a problem that is acute. We've got lawsuits filed, we've got to deal with this. It's statewide. It's a concern that have many people up in arms. What is symbolizes though beyond that specific problem is how our time spent on this whole abortion debate and the filibustering that has been going on directly or indirectly have lost opportunities to address real issues affecting real people, and every time we lose a minute or an hour or a day or days, we lose opportunities to help solve problems that people have in this state and we've got literally hundreds of bills pending on

remains constant. Oh, my time is up?

SPEAKER BARRETT: Time, yes. The question is the reconsideration motion. All in favor of that motion please vote aye, opposed nay. A record vote has been requested. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1754 of the Legislative Journal.) 5 ayes, 25 nays, Mr. President, on the motion to reconsider the vote on overruling the Chair.

SPEAKER BARRETT: Motion fails. Next item.

CLERK: Mr. President, I believe that puts us back to the vote on the motion to cease debate on Senator Chambers motion to reconsider the motion to return. So the question I believe before the body is the motion to cease debate.

SPEAKER BARRETT: The question is, shall debate cease? We are technically under call. May we check in. Senator Byars, Senator Lynch, Senator Chizek. Senators Abboud, Schellpeper, Haberman. Senator Scofield. Senator Haberman. Senator Schellpeper. Senator Abboud. Mr. Clerk, any items to read in?

CLERK: Mr. President, I do, a Reference Report referring LR 406 and LB 1247. Senator Abboud has amendments to LB 54 to be printed. Bills read on Final Reading have been presented to the Governor. (Re: LB 662, LB 662A, LB 663, LB 663A, LB 678, LB 678A. See page 1755 of the Legislative Journal.)

New resolutions, LR 414 by Senator Withem, and LR 415 by Senator Langford. Both will be laid over and considered at another time, Mr. President. That is all that I have. (See pages 1756-57 of the Legislative Journal.)

SPEAKER BARRETT: Only one remaining, do you want to...thank you. Senator Chambers, members, return to your seats. The question is, shall debate cease and a roll call vote has been requested? Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1757-58 of the Legislative Journal.) 32 ayes, 8 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. On the motion to reconsider,

a bill having to do with low income housing that we're never even going to get to talk about. And we won't even raise the ADC rate to help the mothers who have the little ones already and we don't address a lot of those problems. I am pleased at least that LB 662 got through today and LB 678. I hope they survive. There is a lot of variables and inconsistencies, ambiguities, whatever word you want to use when you start talking about birth and abortion, because all of us have different feelings about the idea of it. We all have different feelings about what Roe v. Wade allows, and so on. In fact, I know a lawyer in Maryland who is a Presbyterian and he is so pro-life and he got involved in it because a doctor in the Washington area came to him and said, I have women coming to me now who want abortions because now they know the child is going to be a girl and they want a boy. Now you see how far we have come to that point that we are allowing abortions simply because we don't like the gender. It seems to me way back in ancient times the Chinese drowned the little girls and we thought that was terrible. So I think that we have to...and this man started...this lawyer started reading Roe v. Wade and he hadn't paid any attention and so that's how he got involved in the movement. And he is the one who got Dr. Lejeune to come and testify in that case in Tennessee. I think we use a lot of words. We call the baby a fetus. We say terminate the pregnancy instead of having an abortion. All these things are smoke screens so we don't have to focus on what really happens. If you haven't read the article that I passed out from the Lutheran paper, please, just read it. Face up to it...

SPEAKER BARRETT: One minute.

SENATOR CROSBY: ...and read it because that young woman says some things that I think we all need to realize. So I will stop there and thank you for listening to me, and give you one more little line from Isaiah. If a mother forgets her baby in the womb, I will not forget her. Thank you.

SPEAKER BARRETT: Thank you. Senator Schimek.

SENATOR SCHIMEK: Mr. President and members of the body, I would like to follow up on a few things that have been said here on the floor this morning and this afternoon and I guess I would like to thank Senator Crosby for her remarks. She and I have talked about this issue many times and we have found common ground and we found many areas of agreement. And I wish that we

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Pastor Jim McGaffen of the Victory Outreach in Omaha. You might be interested to know that his father was the Chairman of the Board of Nebraska Education TV at one time and he was also News Director of WOW-TV. Would you please rise for the invocation by Pastor McGaffen.

PASTOR McGAFFEN: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Pastor McGaffen. We appreciate your being here. Roll call, please. Mr. Clerk, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do we have any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Do we have any messages, reports, or announcements?

CLERK: Mr. President, I have received a series of veto messages from the Governor, specifically a veto message on LB 163 and LB 163A, LB 164 and LB 164A, LB 187, LB 187A, LB 503, LB 503A, LB 520A, LB 536, LB 662, LB 662A, LB 678, LB 678A, LB 898, LB 1031, LB 1126, LB 1170, LB 1220. All of those messages will be placed in the Journal, Mr. President. (See pages 1912-25.) That is all that I have.

PRESIDENT: Thank you. How about the confirmation report, Transportation Committee.

CLERK: Mr. President, confirmation report offered by Senator Lamb is found on page 1852 of the Journal.

PRESIDENT: Senator Lamb, please.

SENATOR LAMB: Mr. President and members, the Committee on Transportation reports favorably on a number of appointments. We have three for the Board of Public Roads Classifications and Standards. They are Marvin Athey, William Lindholm, and Robert Stutzman. There were no negative votes for those appointments.

PRESIDENT: Question has been called. Do I see five hands? I do, and the question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: Debate has ceased. Senator Ashford, would you wish to close?

SENATOR ASHFORD: Sure. I just urge that the body overrule the veto. Thank you.

PRESIDENT: The question is, shall the override of LB 164 be overridden...shall the veto of the override by overridden? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read as found on page 2037 of the Legislative Journal.) 33 ayes, 9 nays, Mr. President.

PRESIDENT: The veto is overridden on LB 164. LB 164A, please.

CLERK: Mr. President, Senator Ashford would move that 164A become law notwithstanding the objections of the Governor.

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: I'd just move the A bill, Mr. President.

PRESIDENT: Any further discussion? If not, the question is, shall the veto of LB 164A be overridden? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read as found on pages 2037-38 of the Legislative Journal.) 35 ayes, 4 nays, Mr. President, on the override of 164A.

PRESIDENT: The veto on LB 164A is overridden. LB 678.

CLERK: Mr. President, Senator Wesely would move that LB 678 become law notwithstanding the objections of the Governor.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President, members. LB 678 is the omnibus child care bill, which I want to extend my appreciation to this body for passing last week. It was a major initiative to try and do a number of things to improve child care in the State of Nebraska and this Legislature took the action of passing it and sending it to the Governor. Unfortunately the Governor decided to veto the bill. As you know, we worked long and hard on that issue. And in general the issue of children in this state and different matters that concern children have been of high priority to this Legislature this session. We did pass LB 567, dealing with an early childhood training support center, and that was passed, and I thank the Governor for signing that bill. LB 662 was a bill that would have provided for different family support services across the state and the Legislature passed but had that bill vetoed by the Governor. That will be coming up later perhaps. LB 663 was passed in the Juvenile Services Act, that did get signed by the Governor. Again, appreciate it. And LB 720, a bill that increased caseloads for those caseworkers working with children in foster care and also for child abuse, was passed by this Legislature and signed by the Governor. Again, I extend my appreciation to this Legislature and the Governor for taking that action. So we did do some things and the Governor did sign some bills. So I feel good about that. Unfortunately one of the biggest pieces of the issue is the child care issue. There we have not seen the support of the Governor in signing the bill that we had hoped for. The Governor talked about, in her veto message, that the Lamb amendment, which I didn't particularly care for but did get adopted and provided an exclusion for those counties with 15,000 or fewer residents, was one of the concerns she had and raised constitutional questions with the bill. I agree, it raised constitutional questions. We have a severability clause. We could have dealt with that matter, and I had accepted that despite my reservations about it. So I think that's unfortunate. The other concern she expressed in her veto message, talked about coordination in the Department of Education. Clearly, that could have been done and done quite easily, and we expected it to be done. The Title XX day care rate increase, which is the big portion of the cost of the bill, the 1.2 million dollars, is a big ticket item, but we are talking about low income trying to move off of welfare, trying to get into the job...into jobs and trying to get training. These are the kind of folks we want to help. We want to provide them adequate child care to help them do that. But that costs money, and we need to do that. Unfortunately, this bill being

vetoed makes it difficult, of course, to accomplish that goal. Although last session we did pass and did make some improvement in that area. So the Title XX issue remains to be addressed. The training issue of our day care provides remains, and I think that is an issue we need to readdress. Coordination of child care in this state is nonexistent, we need to work together and try and bring about changes in that area. And the ABC bill before the Congress is pending and likely to pass, and we will see, on the federal level, some major initiatives, perhaps, by the end of the year. So what I'm saying is there are many other issues I could bring up in child care that we need to look at, LB 678 would have helped us address those issues. With the Governor's veto and with concerns expressed by some of my colleagues, I'm not going to actually go ahead with a vote on this override, and I'm very disappointed about that. I wish children were a higher priority. I wish children would be able to receive the kind of assistance and help that they deserve, but we've done some, and I appreciate that. We haven't done enough. I guess we'll just have to see if we can't come back next year and do more. With that, I'd withdraw my motion to override LB 678's veto.

PRESIDENT: The motion is withdrawn. Move on to LB 520A, please.

CLERK: Mr. President, the next motion I have is on LB 520A by Senator Schellpeper.

PRESIDENT: Senator Schellpeper, please.

SENATOR SCHELLPEPER: I'll pull that one.

PRESIDENT: It is pulled. LB 880.

CLERK: Mr. President, Senators Lindsay and Chizek would move to override the Governor's veto of LB 880.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Thank you, Mr. President and members. This body...this motion has been filed to override LB 880A. What 880 is is the bill to add two additional district judges to the district court system. And I apologize for the grin as Senator Chambers walks in waiving. The Douglas County system has been getting overloaded since the last time a district judge was