

January 18, 1984

LB 130

will be eliminated. Forty years of experience have concluded, have taught us that criminal sanctions to have people comply with health and safety requirements are not adequate, primarily because local prosecuting attorneys simply don't want to enforce criminal sanctions, and I can't say that I blame them, because to enforce the criminal sanctions sometimes means going after a very nice person who is caring for children, who simply has more children in her home than current regulations allow, and that causes a real problem for prosecuting attorneys. So the sanction remedy is changed to a remedy of cease and desist orders administered by the Nebraska Department of Social Services to a remedy of civil fines administered by the Nebraska Department of Social Services, but the criminal process is totally eliminated. So in one area this is an important step we are taking. We are decriminalizing an activity that a number of people engage in. The third thing that this does, that LB 130 does, is it attempts, it attempts to eliminate some aspects of overregulation. Today a child-care giver in the City of Omaha can be inspected by the Omaha Department of Health, the Nebraska Department of Social Services, a county office of social services, and can be inspected on a variety of occasions and can have a variety of conflicting standards applied. LB 130 says it is the Nebraska Department of Social Services that develops the standards and those will be the standards that will be applied so that conflicts in standards will not be present and in addition the Nebraska Department of Social Services either does the inspecting or contracts out the inspecting. And the effect of that is it is designed again to make life a lot easier for people who do provide care for the children of others. Now that is the bill. Now the only thing that I have currently heard in opposition to the bill, and I am just going to address it right up front, is that there have been a number of pastors, primarily the Fundamentalist Pastors that have been concerned about our oversight of private schools, who are saying, well, this bill would inhibit the Sunday School programs. Well, let me tell you about the Sunday School programs. In 1955...in 1955 our Attorney General rendered an opinion regarding the definition of casual care. Casual care has never been a licensed or regulated activity.

PRESIDENT: One minute.