

January 20, 1981

LR 6, 7
LB 490 - 529, 144, 182

SENATOR BURROWS: I move the adoption of the resolution as amended.

SPEAKER MARVEL: Any further discussion on that motion? All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 42 ayes, 1 nay on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Members of the Legislature, it is my privilege to introduce to you a young lady who with her staff has put out at least 869 separate bills and I would like to have her stand, and if it is your will to acknowledge the work that is done. The Clerk will read.

CLERK: Mr. President, new bills: (Read title to LB 490 through LB 517, pages 305 - 311, Legislative, Journal.)

Mr. President, while we are waiting, new resolution, LR 7: (Read. See pages 212 and 213, Legislative Journal.) That will be laid over.

Mr. President, hearing notice is provided by the Business and Labor Committee for February 4.

Mr. President, Senator Labedz offers explanation of vote.

Mr. President, new bills: (Read title to LB 518 through LB 526, pages 314 - 316, Legislative Journal.)

Mr. President, Senator Burrows would like unanimous consent to have his name added to LB 144 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered. One last call, does anybody have any legislation that is buried someplace that you would like to dig up? Now is your chance. Last call for any legislation.

CLERK: Mr. President. (Read title to LB 527 and 528, pages 316 and 317, Legislative Journal.)

Mr. President, Senator Kremer would like to ask unanimous consent to have his name added to LB 182 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President: (Read title to LB 529, page 317, Legislative Journal.)

February 9, 1982

LR 217
LB 115, 115A, 131, 255A, 274A,
287, 314, 440, 454, 520, 591, 954

Your committee on Revenue whose Chairman is Senator Carsten reports LB 591 advanced to General File.

Your committee on Education reports LB 520 advanced to General File with committee amendments attached. Those are all signed by the respective Chairmen.

Mr. President, Senator Sieck asks unanimous consent to withdraw his name as co-introducer from LB 954.

SENATOR NICHOL: No objection, so ordered.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 115 and find the same correctly engrossed; 115A correctly engrossed; 131 correctly engrossed; 255A correctly engrossed; 274A correctly engrossed; 287 correctly engrossed; 314 correctly engrossed; 440 correctly engrossed, and LB 454 correctly engrossed, all signed by Senator Kilgarin as Chair.

SENATOR NICHOL: We will go on to LR 217, Mr. Clerk.

CLERK: Mr. President, LR 217 offered by Senator Koch, found on page 576 of the Journal. (Read LR 217).

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Mr. Chairman and members of the body, this is noncontroversial I hope. This is merely an endorsement of vocational education week and this is the week that we highlight and I don't think it needs a great deal of explanation, and I ask for the adoption of resolution 217.

SENATOR NICHOL: The question is LR 217. All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of LR 217.

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Mr. Chairman, I would like to have a record vote on this and I want to see whether we are really loyal or we are just making fun.

March 8, 1982

LR 244
LB 458, 520, 568, 605, 892,
629, 714, 799, 809, 817, 852

allowed to us by law. I move the advancement of 817.

SENATOR CLARK: The question before the House is the advancement of 817 to E & R. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted on the advancement of the bill? Have you all voted, one more time. Record the vote.

CLERK: Mr. President, Senator Cullan requesting record vote. (Read the record vote as found on pages 1049 and 1050 of the Legislative Journal.) 26 ayes, 15 nays, Mr. President.

SENATOR CLARK: The bill is advanced. The next bill is 852. The Clerk wants to read some things in.

CLERK: Mr. President, a series of items to read in. New resolution, LR 244 offered by Senator Chambers. (Read LR 244 as found on page 1050 of the Legislative Journal.) That will be laid over, Mr. President. Mr. President, Senator Fenger would like to print amendments to LB 714; Senator Vard Johnson to print amendments to LB 520; Senator Koch to 629; Senator Koch to 892; Senator Koch to 799; Senator Koch to 605; Senator Haberman to 568; Senator Fowler to 458; Senator Stoney to 809. (See pages 1051 through 1055 of the Legislative Journal.)

Mr. President, LB 852 was a bill introduced by the Public Works Committee and signed by its members. (Read title.) The bill was read on January 18th of this year. It was referred to Public Works for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending. In addition, I have an amendment to the committee amendments that is offered by Senator Kremer that is found on page 717 of the Legislative Journal.

SENATOR CLARK: Senator Kremer on the committee amendments.

SENATOR KREMER: Thank you, Mr. Chairman and members of the Legislature, I think I should first of all very briefly explain the bill and then you will understand the amendments. This is a bill submitted by the Public Works Committee and brought to us by the rural power people that would provide for joint financing simply because financing as in the past is being discouraged. The need for electrical energy in the rural areas continues to increase greatly and

March 17, 1982

LB 591, 520, 824

this is not the kind of bill ordinarily that I would support but because of a possible amendment on Select File on a subject in which I am deeply interested I'm going to vote to advance this bill and I want to make it clear as to why I'm making that vote because you have one more vote than perhaps it would have ordinarily.

SENATOR LAMB: You have thirty seconds, Senator Landis.

SENATOR LANDIS: Thank you very much. First I would ask if the Call is still in force, Mr. Speaker?

SENATOR LAMB: Yes, and everyone is here that is not excused.

SENATOR LANDIS: Thank you. I want to point out what we have now in 591 is a bill which authorizes primary and first class cities to ask their citizens for an additional one-half cent sales tax. Ultimately this constitutes financial self-determination for those kind of cities.

SENATOR LAMB: Time is up.

SENATOR LANDIS: Thank you. Before we proceed with this vote I would ask that Senator Wesely be in his chair, I understand that he is not excused.

SENATOR LAMB: Will all senators please take your seats. We are under Call. The Clerk will call the roll.

SENATOR LANDIS: . . .not excused, I believe that he is on his way. I'd ask that since we are under Call we wait until he gets here.

SENATOR LAMB: He is excused until he gets here. Please call the roll.

CLERK: (Roll call vote.) 25 ayes, 18 nays, 6 excused and not voting. (Vote appears on page 1232 of the Legislative Journal.)

SENATOR LAMB: The bill is advanced. Before we continue we have 60 seventh grade students from St. Paul, Nebraska from Senator Wagner's district, teacher Tom Willnerd in the north balcony. Please rise and be recognized. Welcome to your legislature. LB 520, Mr. Clerk.

CLERK: Mr. President, if I may right before that Senator Lasedz would like to print amendments to LB 824 in the Legislative Journal.

Mr. President, with respect to 520, it was a bill introduced by Senator V. Johnson (Read Title). The bill was read on January 20th of last year. At that time it was referred to the Education Committee, Mr. President. The bill was advanced to General File. There are Education Committee amendments pending to the bill.

SENATOR LAMB: Senator Koch to explain the amendments.

SENATOR KOCH: Mr. Chairman, members of the body, the bill that we are speaking to is the white copy in the book. That is the committee amendment. The committee held an interim study on the issue of child care and as a result of that with the cooperation of Senator Johnson the committee placed this bill before you so the white copy is what we are going to adopt as the committee amendments and I ask for adoption of that committee amendment.

CLERK: Mr. President, Senator Vard Johnson and Beutler would move to amend the committee amendments and their amendment is on page 1051 of the Journal.

SENATOR LAMB: Senator Vard Johnson.

SENATOR VARD JOHNSON: Mr. Speaker and members of the body, the amendment that Senator Beutler and I are proposing is very straightforward. LB 520 is a bill designed to deal with the care of children by persons other than the parent in the State of Nebraska. The bill has been put together frankly, over about a one and a half year period of time, it has been worked through an interim study, it has had a tremendous amount of input. The bill itself is in three parts. Part A redoes the basic licensing provision for child care, retaining the licensing provisions with the Department of Welfare. Part B establishes a voluntary accreditation function for quality child care with the Department of Education and Part C for this first time articulates a public subsidy to children from families of low income. Now, when I put this bill together with the assistance of a lot of folks, I wanted to make certain that we had a comprehensive bill to deal with child care so that people in our state who are interested in the well-being of children could understand what a full child care package would look like. But I recognize that ultimately effecting a comprehensive measure would take several years. So, what this amendment to the committee amendment does it really strips out of LB 520 those portions that deal with voluntary accreditation of quality child care with the Department of Education and it strips out of LB 520 the

provisions that deal with any kind of public subsidy for children from low income families. So what will be left when this amendment to the committee amendment is adopted are those sections that deal very simply with the licensing of care providers by the Nebraska Department of Public Welfare. Now I would ask you to adopt my amendment to the committee amendment and to adopt the committee amendment and then we will have the bill that I know a number of you wish to talk to,, that that would then be the bill that we really are talking too. So, at this time I would move the amendment to the committee amendment.

SENATOR LAMB: Senator Howard Peterson on the amendment to the amendment. Senator Cope on the amendment to the amendment.

SENATOR COPE: Mr. President and members, a question of Senator Johnson. I heard what you said but I just wanted to be reassured. There will be absolutely no cost to the state, no cost to local government in dollars.

SENATOR JOHNSON: Senator Cope, let me answer it as straightforwardly as I can. If my amendment is adopted and if the committee amendment is adopted all that will be left with this measure is the basic licensing provision. I do not have any fiscal note for the basic licensing provision. However, I have received a letter from the Nebraska Department of Public Welfare which indicates that with the licensing responsibilities that they suspect that they might have to increase their staff by four people. So that would be the only cost. That would be the increase of the licensing and inspection staff by four people but that would be the only cost that I am aware of Senator Cope.

SENATOR COPE: There will be a little revenue because there will be some charge for the licensing, right?

SENATOR JOHNSON: This bill . . . actually, no there will not be, Senator Cope. Under this bill, the current licensing charge is one dollar.

SENATOR COPE: I think that is going to be changed though.

SENATOR JOHNSON: Right. Now there is another bill that the Appropriations Committee has which is going to come to the floor. . . .

SENATOR COPE: On child care.

SENATOR JOHNSON: That is right. . .

SENATOR COPE: And, this probably would, should I would think, would go parallel with this.

SENATOR V. JOHNSON: It probably would, yes.

SENATOR LAMB: Senator Vard Johnson, do you wish to close or do you waive closing?

SENATOR V. JOHNSON: I will waive closing and just ask for the adoption of my amendment to the committee amendment.

SENATOR LAMB: All right, just as you spoke Senator Carsten asked to be recognized. Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I would like to ask Senator Johnson a question, if I may. Senator Johnson, does this deal with only day care or only preschool or both?

SENATOR V. JOHNSON: Regardless of how the bill is amended it will deal with the subject of people who care for children and that does include preschool, industry based child care, child care in homes, child care in centers, it deals with the gamut, Senator Carsten.

SENATOR CARSTEN: Then this in the small rural communities where a neighbor lady is keeping her neighbor's child or maybe two neighbor's children or maybe three, they would still come under this provision of this act, is that true?

SENATOR V. JOHNSON: Yes, they would, Senator Carsten.

SENATOR CARSTEN: Thank you, Senator.

SENATOR LAMB: The motion is the advancement or the adoption of Senator V. Johnson's amendment to the committee amendment. Those in favor vote aye, opposed vote no. This requires a simple majority on General File. Record.

CLERK: 25 ayes, 0 nays on the adoption of Senator V. Johnson's amendment to the committee amendment, Mr. President.

SENATOR LAMB: Amendment is adopted. Read the amendment.

CLERK: Mr. President, Senator Newell and Haberman would move to amend the Standing Committee amendment. (Read amendment.) It is found on page 3.

SENATOR LAMB: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature,

I oppose the bill but in case it should pass I would like to have you adopt this amendment so that it would make it a little more palatable. Right now you can have two children this says you can have four, anything over four you have to get a license. Now you can only have one from another family, if you have two from another family you have to get another license. This says you may have a total of five children in the house, in the home, in the babysitting place or whatever it is, then after that you have to get a license. Before that you don't. That is all it says. I'm just trying to make it a little more palatable. So it just changes it from two and inserts five. It gives them more outside of the family that they take care of in the home if they want too. So it doesn't do that much damage or harm to the bill or to what Senator Johnson is trying to do. I'd appreciate if you would support the amendment.

SENATOR LAMB: Senator Marsh.

SENATOR MARSH: Thank you, Senator Lamb and members of the Legislature. I rise to oppose this amendment. We fought this three years ago. As a matter of fact we fought the same concept earlier this year and this legislative body decided that it would not step backwards but would continue with adequate safeguards for children. I trust that you have not forgotten the many contacts that have been made by PTA members, by women and men in this field of child care, by the Junior League, by the concerned citizens across the State of Nebraska who want quality services and safety for children, not just in Lincoln, not just in Omaha but across the State of Nebraska. Each child is special, each child is valuable. Please do not adopt this amendment. This would make me have to vote to kill the bill and that may be exactly what Senator Haberman has in mind since he has already candidly admitted he does not like the bill. Let's just let Senator Haberman vote against the bill but let's not put his amendment on.

SENATOR LAMB: Senator Vard Johnson on the Haberman amendment.

SENATOR VARD JOHNSON: Mr. Speaker and members of the body, we have the issue that Senator Haberman is raising is one that we did argue, as Senator Marsh points out, with some vigor in connection with LB 270. I have never been totally unsympathetic to what Senator Haberman is wanting to do but I certainly have been in the context of existing licensing laws, because existing licensing laws literally provide licenser, the Nebraska Department of Public Welfare with no solid administrative ability to control the activities of

persons who do not register or who are not licensed with the department. In fact if somebody is not registered with the department and they find that a care giver is an unregistered individual they are. . .right now all they can do is to send a non-existing registration or non-existing license, so that is no punishment, or they in turn can send the matter over to the county attorney for prosecution and county attorney's don't prosecute. So, that is one reason why there are so many unregulated persons right now. LB 520 provides solid administrative structures for the regulation of the unlicensed individual. So if Senator Haberman would tell me, if he would tell me right this minute that he supports, that he will support LB 520 because for the first time it gives the Department of Welfare the tool to really deal with the unregulated facility then I could say to Senator Haberman, yes, I can accept this concept, I can accept this concept of not touching the very, very small home base care. But that is your choice, Senator Haberman, what do you say?

SENATOR LAMB: Senator Haberman, do you care to respond?

SENATOR HABERMAN: Not really. I can't support 520.

SENATOR V. JOHNSON: Now there you are, members, you know, it is kind of like Senator Vickers offering the amendment this morning on the Lincoln sales tax bill. Senator Haberman, I tried to come up with a very reasonable package and I know you to be a person of reason, and in fact, I am a person of reason and I'm more than willing to be helpful to you on this issue. But, I can't be helpful unless you in turn are willing to give the Department of Public Welfare the right authority, the right authority to go ahead and regulate those that currently are unregulated and who frankly never will be prosecuted by local law enforcement officials. Under those circumstances, I would have to ask this body to reject Senator Haberman's amendment. Senator Marsh is correct, if we continue to exempt even the small provider from coverage without providing the Department the regulatory authority to go after the non-exempted people, then we really do wrong by our children. So for those reasons I would have to urge you to not support Senator Haberman's amendment.

SENATOR LAMB: Senator Newell, would you close on the Newell-Haberman amendment. Which one wants to close?

SENATOR NEWELL: We will let Rex close. I would like to speak.

SENATOR LAMB: Then Senator Haberman (sic) on the amendment.

SENATOR NEWELL: I thought Rex was going to close and I was going to get to speak.

SENATOR LAMB: Then make up your mind.

SENATOR NEWELL: Could Rex close, let me speak.

SENATOR LAMB: Senator Newell, go ahead and then Rex can close.

SENATOR NEWELL: Mr. President, members of the Legislature, I rise in support of this amendment that I co-sponsored with Senator Haberman. Frankly, the issue here is one that we ought to pay attention to because it is not an insignificant issue. It is a very important issue. What is happening today is that we have had on the books since the 40's, since 1940 a provision that says, "anytime you take care of more than one child, for pay, you have to get a license." Now this has been a fine law, there has been no basic problem with this law as long as this law is not enforced. There is no problem with that. If you don't enforce the law there is no one that has a problem with this provision. And, we haven't enforced the law so we haven't had a problem with the provision. But, there is now in this country far more concern and very legitimate concern for the care of our children. That is a legitimate issue. In fact, in many cases we need greater enforcement and regulation of those providers of child care that in fact do it in a commercial way. I'm in agreement with that. I'm in agreement with LB 520. But, I say that the issue here is changing, it is no longer a law that hasn't hurt anybody because it hasn't been enforced. It is now a law that will and ought to be enforced. Consequently we have to ask ourselves in a very philosophical way, at what point in time is it legitimate for the state to regulate and at what point in time is it a nuisance, is it an unnecessary burden. Does the law have a legitimate argument throughout this issue? Where do you draw that line? I think that the line really ought to be drawn here. That those people providing child care, taking care of their own children and somebody else's children in excess of four, ought to have a license. They ought to be regulated, they ought to have their home inspected. I think that is a reasonable place to draw that line. On the converse side of that if you have fewer than four children then in fact, then in fact I think it becomes somewhat of a nuisance, it becomes somewhat unnecessary. It is not near as important to require the regulation. But, you see the issue is simply that we are no longer talking about those sleepy hazy days when we had a law that no one paid attention to because there are many more women working outside the home today than ever before and child care is of greater importance today than ever it has been before. For that reason we need LB 520, we need to provide a little better enforcement, a little more concern about those people who in a commercial

way are providing for child care but at the same time we ought not bother many, many Nebraskan's who frankly, who very frankly do not feel themselves to be in a commercial venture and find this to be an unnecessary intrusion, an unnecessary intrusion into the daily lives of working men and women throughout this state. That is the reason I support this amendment. For that reason I urge that you adopt this amendment. Senator Marsh, the sad thing is if you don't adopt this amendment and if 520 should pass and if we get the. . .

SENATOR LAMB: One minute Senator.

SENATOR NEWELL: . . .regulation and the enforcement that has been talked about you will find so much support to do away with these regulations that even you will be surprised. With that in mind I hope that this body would look at reason, not emotion, look at rationale, not all of the other side issues. The issue here is certainly not whether you love children or not, it is a question of when is the appropriate time for government to regulate.

SENATOR LAMB: Senator Haberman closing on the amendment.

SENATOR HABERMAN: Mr. President, members of the Legislature, quite obvious that Senator Marsh hasn't been outside of Lancaster County or she would know that out in western Nebraska we don't have this big problem. We do care for children, Senator Marsh, but we know what kind of homes we have. All the amendment says is this: Section four now reads: "No person shall furnish or offer to furnish a program for two or more children". The amendment says, "No person shall furnish or offer to furnish a program for five or more children". That is three children that we are adding to it, from different families, without having in full force, from different families is removed, so that means that four or more you have to get a license. Five or more. Or you don't. So we are adding two children is what we are doing. That is all. Now, I don't see anything wrong with that. As I say when I sit down and read what Vard has given me I might be able to support it with this amendment. It is going to make it more palatable. It is not going to harm or destroy what they are trying to do with LB 520. It is just being more reasonable. Do you understand? It says now, "No person shall furnish or offer a program for two or more". This says "five or more". That is all, from the same family. So it just gives you a little credit, that is all, for the children in the family. So I ask that you adopt the amendment and then we will go ahead with the bill. Thank you, Mr. President.

SENATOR LAMB: Motion is to adopt the Newell-Haberman amendment.

All those in support vote aye, those opposed vote no.
Simple majority.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Have you all voted?
Record.

CLERK: 17 ayes, 12 nays, Mr. President, on the adoption of the
Haberman-Newell amendment.

SENATOR LAMB: The amendment is adopted. We are back on
the committee amendments. Senator Johnson, Senator Howard
Peterson, did you wish to address the committee amendments
as amended? All right, Senator Koch, do you care to close
on the committee amendments as amended?

SENATOR KOCH: Mr. Chairman, I move the adoption of the
committee amendments as amended.

SENATOR LAMB: The motion is to adopt the committee amend-
ments as amended. All those in support vote aye, opposed
vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Record.

CLERK: 29 ayes, 1 nay, Mr. President, on the adoption of
the committee amendments.

SENATOR LAMB: The committee amendments have been adopted.
Senator Howard Peterson on the amended bill.

SENATOR H. PETERSON: Mr. Chairman, are there other amend-
ments? I can go ahead and speak to the bill because I am
opposed to the bill even as amended. I just call to the
attention of the body that they need to look carefully at
the back two letters on Senator Vard Johnson's memo that he
passed out yesterday so you get an idea of what really
happened here. You need to take a look at the glossary of
terms that have been passed out today. It just seems to me
that we have had in this legislature a lot of discussion about
the cost of things that we do. A lot of discussion about the
cost of hospitalization and the cost of everything else. If
we adopt this particular bill we are going to add to the cost
of child care, whether we like it or whether we don't. Besides
that we are opening the door, I would call your attention to
the fact that originally this bill came with the idea that

they were going to actually set forth exactly what it was going to be in these day care centers. I have a great concern we are getting to the point where we start to tell the children from the time they are three years old until the time they are through high school exactly what they ought to believe and that is what we are starting to do and those of you who are members of churches who have day care centers, if you want to get to the point where they start telling your church what you are going to teach in that day care center, exactly what is going to happen, then you just want to vote for this bill. I passed out yesterday a letter from the First Presbyterian Church in Grand Island that is next to the largest church in Grand Island, they have 2,500 members. Also a letter from St. Paul's Lutheran Church that has about the same membership, both of whom have day care centers, and they are in strong opposition to this bill. We have a day care center in the church where I belong and I just feel that when we start trying to tell everybody what they are going to do and parents get to the point where they can't check on the kind of a facility where they are sending their kids or they can't determine the kind of facility that they want and what they want those children to learn, it is a sad state of affairs. We are getting about as close to a Russian situation as we can get. I just would forewarn you that that is the direction we are going if we start with this bill.

SENATOR LAMB: Amendment on the desk.

CLERK: Mr. President, Senator Vickers would move to amend the bill on page 19, lines 6 & 7, strike the word "and approval".

SENATOR LAMB: Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, on page 19 of the white copy that is now the bill, Request 2635, the language says the fire safety standards for early childhood programs as defined in Section three of this act shall be developed and implemented with the advice and approval of the Department of Public Welfare. Now I believe that the State Fire Marshal's office should set the fire safety standards for these programs with the advice, perhaps, of the Department of Public Welfare but I don't think we should put the Department of Public Welfare in the position of approving fire safety standards developed by our own Fire Marshal's office. I don't think that is a good idea to have one agency approving standards that another agency's expertise is developed in and therefore I suggest that we strike the two words "and approval" on lines 6 and 7 so that it will just give the Department of Public Welfare the right to

advise the State Fire Marshal's office in defining those fire safety standards but will remove from them the right of approving them. Thank you, Mr. Chairman.

SENATOR LAMB: Senator Beutler, do you wish to address the amendment? Senator Cope. Senator V. Johnson on the amendment.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, this is what I would call a friendly amendment to the bill. When this bill was drafted, when this bill was originally drafted the problem that arose is that so often the Welfare Department would have some basic fire standards that were somewhat different, somewhat different from those of the Fire Marshal and everybody that deals with the licensing of child care said that you need to have one set of standards that attain. So the real question was how shall we make sure we have one set of standards that attains and initially the Welfare Department said to me, they said, why don't you give us the last word on the fire standards. Very recently they have said because we don't have any real expertise in the area of fire standards we would accept the Fire Marshal's being able to develop the standards so long as they have to at least check with us and get our advice and our input. What Senator Vickers in effect is doing is saying the last word on the fire standards does belong to the Fire Marshal but they always have to consult with the Welfare Department so whatever the standards there is still only one set of standards and people don't get mixed signals. So at this time I would ask you to support that amendment.

SENATOR LAMB: Senator Vickers to close on his amendment. The motion is to adopt the Vickers amendment. Those in support vote yes, opposed vote no. Twenty-five votes. Record.

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

SENATOR LAMB: The amendment is adopted. Senator Beutler on the bill.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to speak briefly in support of the bill. First of all I wanted to direct your attention to page 3 of the bill beginning with Section 5. In that particular part of the bill it says "The Department shall adopt and promulgate rules and regulations establishing standards for the health, safety and protection of children pursuant to the licensing of

providers". I wanted to direct your attention to that part of the bill in light of Senator Peterson's comments with regards to mind control and getting into the control of what is being taught in preschool. This bill has no intent to do that and there is no language in there that would enable you to do that. It is limited to health, safety and protection. With regard to protection I would ask you if you would yield, Senator Johnson, does protection mean exclusively and only physical protection to the children or are we talking about some kind of a standard definition?

SENATOR V. JOHNSON: No, Senator Beutler, protection as far as I am concerned means exclusively the physical protection of children and there is no expansion to that word.

SENATOR BEUTLER: Thank you. I would just point out to you in that regard then that the regulations that we are putting into effect for child care are very similar if not exactly the same as the regulations we have in effect with regard to our schools, that is we are saying let's protect our young children the same as we protect our middle aged and teenage children in whatever facilities they are being cared in. So, I see nothing radical in the proposal at all in that regard. Secondly, I just wanted to talk about licensing generally for a moment. This legislature for the four years that I have been here has reaffirmed year after year and area after area the legitimacy and the acceptability and our approval of licensing. We have licensed beauticians, we have licensed accountants, lawyers, physical therapists, we even license barbers. Now I ask you how you can justify licensing a physical therapist or licensing a barber, someone who takes care of your hair, and not license someone who takes care of your children. It seems to me that our priorities are all backwards if we are going to sit here in this legislature and say we are going to continue to license these types of things but we will not license the care of children. If you are going to wipe out the licensing law completely in all areas and start again to license only the most important things, it seems to me that the very first thing you would start with is the licensing of those, the reasonable licensing of those who care for children. So the concept, if you believe in licensing, then there is absolutely nothing wrong with the concept that you are being presented with today. In fact, it makes more sense, much more sense than much of the licensing that we have in effect today. Thank you.

SENATOR LAMB: Senator Cope on the bill.

SENATOR COPE: Mr. President, members a question of Senator

Johnson.

SENATOR JOHNSON: Yes sir.

SENATOR COPE: Senator Johnson, I need some clarification. With your first amendment and your reply to Senator Carsten would you tell me just what difference this bill is from the present legislation that we have on day care?

SENATOR JOHNSON: Yes. The present legislation that we have on child care has number one, the coverage is more limited. It does not, by virtue of an Attorney General's opinion any employer who offers day care in this state is not covered by any regulatory scheme.

SENATOR COPE: Say that again.

SENATOR V. JOHNSON: Any employer that offers child care in this state is not covered by any regulatory scheme. We have three hospitals in Nebraska right now that are providing day care to the children of their workers. They are not regulated, because that is employer based child care. Secondly, any preschool operation in Nebraska is not covered by any regulatory scheme in our state. The closest that you come to regulating a preschool is that there are fire standards that the state itself has. Now what that means if the state becomes aware of the fact that a preschool is being conducted in somebody's basement they can go down and inspect it and they can apply the fire standards. Other than that there is no regulatory coverage of the preschool offering in Nebraska. So, this bill makes certain that all persons who are caring for the children of others except for casual and irregular care, which is a basic babysitter, at least are covered under a regulator scheme. Secondly, this bill issues licenses to regulated providers for two years, current law is one year. Third, this bill establishes administrative procedure for examining complaints that are made against child care providers and under the administrative procedures the Department of Public Welfare following a full process and if of a hearing can rescind or revoke a license, can impose an administrative fine, can issue a cease and desist order. That is basically new, that is basically new. That replaces the only real sanction that currently exists which is a misdemeanor penalty for somebody that violates the current law.

SENATOR COPE: Why then couldn't we combine these two? They are both actually babysitting children, correct, because we have taken the education out of the preschool, correct, with your amendment?

SENATOR JOHNSON: Yes, what we did . . .

SENATOR COPE: So, what we are doing is babysitting children from a month or whatever on through, I guess there is no age limit, and that is the part that bothers me of having two separate bills doing the same thing now. Before I could understand.

SENATOR V. JOHNSON: Senator Cope, probably I haven't explained it correctly, and you don't misunderstand, it is my explanation. We will not have two separate laws, we genuinely will not. This law will literally replace the child care licensing statute that we adopted in our state in 1943. This is a rewrite of the child care licensing statute. As I say it expands the regulatory coverage to pick up industry based child care, to pick up preschool, provides a new administrative sanction, sets a two year licensing term, gives the Department of Public Welfare a basic authority to work with the other agencies that have some regulatory responsibility and also pre-empts any local regulation of a facility which would be more stringent than what the welfare department has, but that is basically what it does. It is a real clean up. Also because of Senator Haberman's amendment and Senator Newell's amendment for the first time it actually exempts from coverage children in homes where there are four or fewer children.

SENATOR LAMB: Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, I rise to support LB 520. I think it is a very good bill and I think basically I would like to remind people where I have been on this issue. When Senator Burrows proposed the deregulation of child care, I supported that. We offered the same amendment that we offered here today on that amendment because I honestly and sincerely believe that we have regulated, as long as we didn't do anything it was all right, but if we start enforcing the law we are going to have a problem. This bill deregulates to a greater extent than it regulates. It adds preschools and industrial kinds of day care facilities. Now those kinds of facilities really are the commercial type of operation. But the converse of that is that it deregulates the small family, the small non-commercial people. Now I know that there have been letters, people have received letters and concerns about this bill. But, if you look at it not as it was, not as it was as a big A bill and that sort of stuff, but if you look at the issue as it is, this is a decent and reasonable statewide approach to the regulation of child care, an important issue. Senator Von Minden, this bill deregulates more than it regulates. In your area it will be received much more warmly than the present law is. Senator Haberman, I wish you would have, I would have had a chance to talk to you earlier about why we should have agreed to support the bill because overall we are going to

do more positive things that you are concerned about, about the regulation of the small provider than it does on the other end. For that reason we should have accepted that and said we would have supported the bill and I urge you to support it now. Senator Johnson, this bill is much better and if you would have compromised earlier I think you would have had a lot stronger hand at this time. I urge the Legislature to adopt this bill. I think it is a good one and it deserves our consideration.

SENATOR LAMB: Senator Koch on the amended bill.

SENATOR KOCH: Thank you Mr. Chairman. I rise to support LB 520. I received as much mail as most of you have and I think that many of those people are misled by a certain kind of statement which have been made which are not appropriate. I would only remind this body that there are approximately 3,500 day care homes in the state that are not now licensed and that there are some 10,000 children that we have placed in these places, voluntarily, and they will still be there voluntarily. I would also remind you that there are many working mothers today and many of those mothers make up the League of Women Voters, American University Women, Coalition for Child Care, made up of mothers, some of whom I know and taught in high school. Yet by the same token, you and I when we walk into our barber shop we are going to someone who is licensed and I don't know if they can really hurt our hair that much, but they are licensed. Or, when you take your best pet to your kennel even the veterinarian has a doctor's degree, DVM, and we know that those kennels have to be policed and maintained as well. I don't think that it is unreasonable that we today take notice of the fact that we should be providing for these young people the best care possible under the safest conditions. And to Senator Peterson who is always worried about brain washing, I can assure him that there will be no brain washing and I have seen children brain washed by their parents, so it depends upon what you call brain washing. So I suggest to you that Senator Johnson has spent a lot of time on LB 520, the committee spent a lot of time on interim studies and there were many people that appeared, parents, day care providers and others who have a sincere interest in this piece of legislation. Senator Johnson has removed some of the things that were most objectionable, what we have now, I think, is legislation that this legislature can pass, walk away from and say we tried to do the best we could under the present conditions. So I ask you to treat LB 520 favorably. I want to make one other statement. I received letters people saying they opposed 520 and 938. They are also fouled up on 938. It is not mandatory at all. It is permissive. Absolutely permissive. So I want to clear the air on that subject as well.

SENATOR LAMB: Senator Kahle.

SENATOR KAHLE: I call the question.

SENATOR LAMB: Do I see five hands? Those supporting ceasing debate vote aye, opposed vote no.

ASSISTANT CLERK: Senator Lamb voting yes.

SENATOR LAMB: Record.

ASSISTANT CLERK: 26 ayes, 1 nay to cease debate, Mr. President.

SENATOR LAMB: Debate has ceased. Senator Vard Johnson to close on the bill.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I would certainly urge you to advance this bill to Select File. The bill, as amended and even as amended by Senator Haberman and Newell and by Senator Vickers, frankly does a lot in the area of child care in Nebraska. You have on your desk a white sheet, which I passed around, which pretty much describes what the bill does. I know that you have received a lot of letters from preschools and I have really been concerned about that because for the first time in my four years down here I have carried a piece of legislation that I think someone has seriously misrepresented. You know the old Quaker story about somebody that spreads gossip, the Quaker story is what you do to admonish the child gossip is tell the child to go out and pick up a ripe dandelion and then blow the seeds away, then tell the child to go pick them up. He can't pick them up. What has happened very simply is you received a lot of correspondence on this legislation that is a product simply of misrepresentation. The preschool, as far as I am concerned, need to be, need to be licensed at least for health, safety and protection of children. If I take my child to a preschool, I want to make certain...at least have a feeling in my own heart that somewhere along the line that that preschool has been inspected and that preschool is at least operating in a safe environment for the children. There is no way that LB 520 though is designed to deal with program content whether it be religious, whether it not be religious, whether it be humanistic, whether it not be humanistic or what have you in a preschool or a child care facility. All we are saying under this piece of legislation is that the Department of Public Welfare has the regulatory authority to govern health, safety and protection of children who are being cared for by persons other than their parents and that includes industry based child care, home based child care, preschool care, and what have you. The only basic exemption is this: If there are four children or fewer, four children or fewer in the care of another then they are not to be covered by our protective

statute. That would be the only basic exemption. This is a major rewrite of ancient licensing laws that we have. They represent, frankly, my best thoughts on the subject and I think the best thoughts of a lot of people who are in the area. It is a very positive bill and I would feel very good if the Legislature adjourned four weeks from now having passed this piece of legislation. Because, I would know that we have made a very large step in terms of the well-being of our children. I would ask you to adopt the bill.

SENATOR LAMB: Motion is to advance the bill. All those in support vote yes, all those opposed vote no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? A record vote has been called for. Record.

CLERK: (Record vote found on pages 1233-34 of the Legislative Journal.) 26 ayes, 12 nays, 6 present and not voting, 5 excused and not voting.

SENATOR LAMB: The bill is advanced. The next bill is LB 629. Please read in.

LB 520, 577, 591, 604A, 623, 629, 629A,
634, 651, 659, 697, 705, 716, 724, 759,
774, 779, 784, 792, 839, 877, 931, 941,
951, 626, 961, 962

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626 up to the point where it was the other day before this misunderstanding occurred. I thank you very much.

PRESIDENT: Any further discussion? Senator Rumery, do you have any closing on the advance?

SENATOR RUMERY: Just this, Mr. President, there has been reference made to sinister moves by a lobbyist and I would like to say that Mr. Paul O'Hare worked with us and I can truthfully say that we have not considered that he was doing anything underhanded at all, and I would like to have that for the record. I ask you to move the bill.

PRESIDENT: Did I hear a request for a record vote? I figured I would. Okay, Senator, we will go to the board then. All those in favor of advancing LB 626 to E & R for Engrossment vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 9 nays on the motion to readvance the bill, Mr. President.

PRESIDENT: Motion carries. LB 626 is advanced to E & R for Engrossment. You may read some things in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 591 and recommend that same be placed on Select File; 520 Select File with amendments; 629 Select File with amendment; 629A Select File, and 759 Select File. (Journal page 1305.)

Mr. President, Senator Warner would like to print amendments to LB 604A in the Journal. (Page 1304 of the Journal.)

Mr. President, the bills that were read on Final Reading this morning are now ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 577, 601, 623, 634, 651, 659, 697, 705, 716, 724, 779, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

PRESIDENT: Before we go into the next matter, the Chair takes the privilege of introducing 41 Seventh Grade students from Sandy Creek District from Fairfield, Nebraska. They are up here in the south balcony, Mr. David Nienkamp, their instructor. Would they kind of just wave to us. It is so crowded up there, let's see where you are up there. Welcome to your Legislature, to the Unicameral. Ready, Mr. Clerk, on LB 870.

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LB 591, 520

increases can't be borne out by the City of Lincoln who at this time does not enjoy a half cent sales tax permission under this bill. The argument is one of an ad hominem nature and simply can't be shown by the voting pattern on a hypothetical question like we were suffering under this morning, at least with respect to the City of Lincoln and the authority granted in 591. I simply want to ask the consideration of the body for the right of Lincoln to ask its voters to utilize the sales tax as a mechanism of raising revenue and I move the adoption of the bill.

SENATOR LAMB: The motion is the advancement of the bill. Those in support vote aye, those opposed vote no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Senator Landis.

SENATOR LANDIS: This is going slowly. Why don't we just... I'll wait for a minute and then...

SENATOR LAMB: Have you all voted? Record.

SENATOR LANDIS: I would like a Call of the House and a roll call vote, please.

SENATOR LAMB: Those in support of a Call of the House vote aye, those opposed no. Record.

CLERK: 19 ayes, 2 nays to go under Call, Mr. President.

SENATOR LAMB: The House is under Call. Please record your presence. Senator Higgins and Senator Hoagland are the two people we need. Would the Sergeant at Arms try to find Senator Higgins. Senator Landis, we're all here except Senator Higgins is in the phone booth. Shall we begin the roll call?

SENATOR LANDIS: Could we take call in votes for a moment? Senator Higgins is on the line with a very personal call and I don't think wants to be disturbed right now.

SENATOR LAMB: Call in votes are authorized. Proceed with the roll call, Mr. Clerk.

CLERK: (Read roll call vote as found on pages 1793-1794 of the Legislative Journal.) 25 ayes, 18 nays, Mr. President.

SENATOR LAMB: The bill advances. The next bill is LB 520.

CLERK: Mr. President, I have E & R amendments to LB 520, Mr. President.

SENATOR LAMB: Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 520.

SENATOR LAMB: Those in support of the E & R amendments say aye, those opposed no. They are adopted.

CLERK: Mr. President, Senator Vard Johnson would move to amend the bill. (Amendments are printed on pages 1794-1796 of the Legislative Journal.)

SENATOR LAMB: Senator Johnson.

SENATOR V. JOHNSON: Mr. President and members of the body, I have passed out the amendment to LB 520 and I have also passed out a little cover sheet which explains what each of the amendments would do. Let me go through them again with you. Let me refresh your memory on this bill. LB 520 as amended is a bill that basically deregulates the provision of child care when care is provided for in a home for less than five children. In addition it strengthens the current licensing provisions and it sets the licensing standard as health, safety and protection of children. That is the primary function of LB 520. Now the amendments do four things. First, they clarify a little point that was raised by Senators Newell and Haberman on the floor on General File. As you may recall on the floor we amended LB 520 to make it clear that if a care giver was caring for less than five children that care giver was not even subject to any of the licensing or regulatory provisions for child care and that represents a major change in current law and Senator Haberman and Newell specifically said that included in the count of the number of children in the care giver's home were children of the care giver's own family. What the amendment does, it says look, when you count the number of children that a care giver is caring for you only count in terms of the care giver's family, those children of the care giver that are aged eight or under and that essentially just...all that does is clarify exactly what Senators Newell and Haberman addressed on the floor. Secondly, LB 520 establishes a licensing fee. Now as you may recall current licensing of all care facilities in Nebraska occurs annually but again, the literature in the area says it is silly to license child care on an annual basis. So LB 520 says we only do it every two years and it establishes for the first time a licensing fee and the licensing fee is as follows. If the care giver is providing care for less than thirty children a day, regardless of whether they are happening in the home or in a center, the fee is \$25 so that works out to \$12.50 a year, in effect, or if the care giver is caring for more than thirty children a day, then the licensing fee

is \$50 or, in effect, \$25 a year. Now LB 928 which is a fee bill that has just moved off of Select File to Final Reading has some fees in it also for the first time and the fees that LB 520 would propose are actually higher than those in LB 928 so 520 would generate more revenue than 928 would do. Incidentally I want you to know I worked this bill over the long pull with a lot of people, including people who provide care in the homes and they have basically accepted the licensing fees. They don't think that is an unreasonably high fee. Right now the fee incidentally is \$1.00. Third, LB 520, as amended, says that the only people who could ever regulate in the area is the Nebraska Department of Public Welfare. Now inasmuch as we have deregulated the small facilities and inasmuch as there is one community, i.e., Lincoln, that still regulates the small facilities, Lincoln has asked for and I have agreed to and so, too, have other people who have been involved with this issue, a provision which says if a local subdivision wishes to continue to regulate those facilities that would be exempted under 520, they have the right to do so. That is sort of the local option right to do that. So if they want to regulate care provided in the home for only two children or three children or four children, they have got that right to do so. They can develop their own standards and they can do it but that is a local option. Then in addition it goes on to provide that if they want to regulate where the state is regulating, they can do so but their standards must be the same as the state's standards. They can have no deviation from the state standards because too often people are whipsawed by conflicting standards and that has been agreed to. Now if a local subdivision does that degree of regulation and conducts all the inspections, then they can retain the licensing fee. Finally, you've received a lot of letters from preschools, I know, because I have gotten a lot of letters from preschools. Preschools today are not licensed by the State of Nebraska and one of their basic concerns frankly, is that the Nebraska Department of Public Welfare will treat them exactly like day care centers and will regulate them overly extensively. So I have an amendment which just says that when the Department of Public Welfare regulates for health, safety and protection of children it is to recognize the natural differences that exist among the various kinds of programs that are around, i.e., the difference that exists between a day care home which right now is regulated less extensively than a day care center and the differences that naturally exist between a center and a preschool that provides maybe three or four hours of service a day. Those are the amendments. They are very straightforward. I would hope that nobody would have any basic dispute with those amendments and I would ask at this time that the amendments be adopted.

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LB 520

SENATOR LAMB: Senator Newell.

SENATOR NEWELL: Senator Johnson, I don't know that I have a copy of the amendments. Were they passed out on the desks?

SENATOR V. JOHNSON: Yes, I'll give you one right now. I've got some extras.

SENATOR NEWELL: Okay, I'd like to have those. Senator Johnson, I did kind of try to find out what is going on here. I've listened a little bit to your comments. Do I understand that you are putting in a local option license provision?

SENATOR V. JOHNSON: Yes.

SENATOR NEWELL: And could you explain that local option license provision which you have never explained to me before?

SENATOR V. JOHNSON: All right. The local option license provision goes this way. If a local government, i.e., Lincoln, i.e., Omaha, but Omaha doesn't do it now, but, i.e., Lincoln, they do it, if a local government wishes to regulate in the area it can do so under two conditions. Number one, it can regulate those areas that we're exempting out. It can make that choice. It can regulate those areas that we're exempting out.

SENATOR NEWELL: That's enough. Thank you very much, Senator Johnson. You know I talked to you earlier today and I asked you how we were doing on this bill and you forgot to mention these amendments and this local option stuff, et cetera. I'm very much opposed to the amendments and if they are adopted I'll be very much opposed to the bill. Thank you.

SENATOR LAMB: Senator Johnson, to close on your amendment.

SENATOR V. JOHNSON: Well you know you get a little distressed when you find Senator Newell saying that this just takes him blind sidedly. I don't know exactly why it would because what this does, Senator Newell, in terms of the local option, it just says simply that if those urban centers, if those urban centers decide that they want to regulate more extensively in the state exempted areas, they can make that local decision. Now I don't know what is wrong with a local urban area being able to make that local decision if it wants to do that. It doesn't have to. They don't do it in Omaha but they do it in Lincoln and that has been the problem, they do it in Lincoln. I frankly think that probably is good policy. It says the state regulating everything except very, very small care providers and if for some reason a local government decides it wants to regulate small care

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LB 520, 629

providers, I don't know why they should not be able to do so. I would move the amendments.

SENATOR LAMB: The motion is to adopt the Vard Johnson amendment. Those in support vote yes, those opposed no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Have you all voted? Record. I believe we are under Call. I don't think we raised the Call, however, would everyone record his or her presence. Will the Sergeant at Arms round up those that are absent. Senator Goll, Senator Wiitala, Senator Koch, Senator Kilgarin, Senator Fowler, Senator Newell, Senator DeCamp, Senator Wiitala, Senator Koch, Senator Remmers. Call in votes are authorized.

CLERK: Senator Clark voting no, Senator Goodrich voting yes, Senator Fowler voting yes, Senator VonMinden voting no, Senator Wiitala voting yes, Senator Vickers voting yes.

SENATOR LAMB: Please return to your seats. We are under Call.

CLERK: Senator Warner voting yes, Senator Hefner voting no, Senator Remmers voting no, Senator Cullan changing from yes to no, Senator Wagner voting no, Senator Haberman voting no, Senator Apking voting no.

SENATOR LAMB: Please begin the roll call, Mr. Clerk.

CLERK: (Read roll call vote as found on page 1796 of the Legislative Journal.) 23 ayes, 18 nays, Mr. President.

SENATOR LAMB: The motion failed.

CLERK: Mr. President, the next motion I have is from Senator Howard Peterson. He would move to indefinitely postpone the bill. That would lay it over unless Senator Johnson agreed to take it up at this time.

SENATOR LAMB: Senator Johnson.

SENATOR JOHNSON: I think I am going to lay it over.

SENATOR LAMB: Lay it over?

SENATOR JOHNSON: Yes.

SENATOR LAMB: The bill is laid over. LB 629.

CLERK: Mr. President, there are E & R amendments, Mr. President.

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LB 531, 212-212A, 520, 754
761, 807, 942, 970-970A

having been complied with, the question is, shall the bill pass? It takes 30 votes. All those in favor vote aye, opposed nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: (Record vote read. See page 1822, Legislative Journal.) 36 ayes, 11 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. We will now go to item #5.

CLERK: Mr. President, a few items to read in. The bills that were read on Final Reading this morning are now ready for your signature, Mr. President.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 531, 970A, 970, 942, 807, 754, and 761.

CLERK: Mr. President, I have an explanation of vote offered by Senator Higgins.

And Senator Cullan would like to print amendments to LB 212 and 212A. (See page 1823, Legislative Journal.)

PRESIDENT: Okay, anything else, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: We are ready then for as Senator Clark said agenda item #5, Select File, and I believe we start with LB 759, is that correct, Mr. Clerk? 520, is it? Okay, we will take up 520.

CLERK: Mr. President, LB 520 was considered yesterday by the Legislature. At that time the E & R amendments were adopted. Senator Howard Peterson then made a motion to indefinitely postpone the bill. That is presently before us, Mr. President.

PRESIDENT: The Chair recognizes Senator Peterson.

SENATOR HOWARD PETERSON: Mr. Chairman, last evening I handed out to this body a number of letters from a number

of people who strongly oppose this bill, people from the church groups, people from the private area. I just would say to this body it seems to me that we have got enough regulation in this state without having to go to the point where we start to regulate the preschool groups in Nebraska. I think all of us recognize that as this bill came originally to the Legislature the purpose back of the bill was not only to regulate in terms of the facility itself but to also regulate in terms of what was going to happen in that preschool in terms of instruction. Now that has been withdrawn by amendment. I don't think there is any question in any one's mind on this floor that that is exactly what is in line for us in the long run. That particular bill as it was originally introduced into this Legislature would have cost us \$5 million. It seems to me that we don't need that kind of regulation in this state. We don't need the kind of regulation that is in the bill at the present time. I think it is time for the members of this Legislature who feel that parents can make decisions for themselves as to where their children should go, what kind of a day school they should have, that we stand up and be counted. I, for one, as a grandfather of twelve grandchildren think my sons and my daughter-in-laws can make that decision without regulation by the state. It is the reason why I ask for this bill to be indefinitely postponed. I just would say to you that you will find that once you have heard from the constituents in your area, I have a letter from the St. Paul's Lutheran Church in Grand Island to that effect. I have a letter from the Presbyterian Church to that effect. I have letters from the Wockypatch School in Grand Island to that effect which is a private deal. You want to remember that you are going to have this happening in the hospitals of this state and you are going to be trying to regulate them more than you regulate them now. Don Wesely is concerned about the cost of hospitalization. We are going to raise the cost of hospitalization will go to raise the cost of day care and I would just suggest that it is time for us to kill this bill and put it out of its misery.

PRESIDENT: The Chair recognizes Senator Remmers.

SENATOR REMMERS: Mr. Speaker, members of the Legislature, I just want to add my comments to that same line. I think that we get carried away with regulation. It seems to me that there is a limit to how much we are going to regulate the lives of everybody in the State of Nebraska. I think parents are able to make this decision on their own. I don't think that we have a right to go in and make all these decisions for every parent in the state. I think it is

over kill. I hope that we can kill the bill.

PRESIDENT: Chair recognizes Senator Vard Johnson.

SENATOR VARD JOHNSON: Mr. Speaker and members of the body, I guess the arguments to kill this bill frankly come from people who really don't think we ought to do much of anything for children that happen to be in preschool. Now this bill is a bill that addresses child care. Child care can take place in a lot of different facilities. Child care can occur in a home, it can occur in a child care center, it can occur in a child care center located at a plant, in a hospital, it can occur in a preschool. Child care can take place in many different facilities. That includes preschool. We have on our books right now an antiquated licensing statute. It was created in 1943, it was a product of our women going off to work in the war plants and our children needing to be placed in the care of others. So at 1943 we as a state said we better at least regulate child care one way or the other. That statute has not been updated. So what 520 does, with the amendments that are on it at this point in time, is it simply establishes a decent regulatory scheme for child care. Now I have worked with this bill for two years. Not one year, not a half year but two years. I have worked with the most desperate group of well intended people I have ever worked with. By desperate I mean I have got one group that believes this thing and another group that believes that thing and a third group that believes this thing and a fourth group that believes that thing and right on down the line. But over the long pull, over the long pull and I mean a two year long pull, I have virtually brought consensus among the groups. However, in the last month a community of care givers known as preschools who have never been regulated, never been touched, for health, safety, and protection of children, took this piece of legislation, this simple piece of legislation, linked it up with another piece of legislation introduced by Senator Koch, LB 938, which as Senator Koch well knows allows the public schools to have their facilities used for a preschool program at a cost to the parents, which was a discretionary piece of legislation, took this piece of legislation hooked it up to 938 and said what we are doing is we are building a big monopoly, building a big octopus to put the care of children in the hands of the public, to have it tax supported and the like. They sent misrepresentations out throughout the State of Nebraska. These misrepresentations jangled the nerves of a community because the community did

not know the truth. They didn't know the truth of the bill. So, they sent letters back. They sent them back to Senator Higgins and Senator Sieck and Senator Peterson and Senator DeCamp, to everyone of us here. They took this piece of legislation which is a responsible piece of legislation and they sillied it, they sillied it, they besmirched it. So you know it is almost like being married to a woman who suddenly gets a bad reputation through absolutely no fault of her own, through no fault of her own. In my heart it is very angering to have that happen. There is no reason, there is no reason why I as a father of two children ought not to be able to place my child. . .

PRESIDENT: One minute Senator Johnson.

SENATOR V. JOHNSON: . . . in a day care center, a care home, a preschool without at least some minimal assurances, some minimal assurances that that home, that center, that school meets health, safety and protection standards. When I go to a grocery store and I buy my food, I at least have the assurance that I don't even think about any more, that that food has been inspected and meets the standards of the Pure Food and Drug Administration. You think it is too much to ask when I take my child, put my child someplace that that place at least has been inspected to see if it is safe, I don't think it is too much to ask. I am keeping tabs on the number of children who have been killed in this state, who have been injured or maimed in this state in the hands of others.

PRESIDENT: Time Senator.

SENATOR JOHNSON: And they are legion. This is a small step in the right direction.

PRESIDENT: Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, just a real brief comment. I guess I fail to understand why we have health and safety rules for our school children but for our younger children when they go to school we have no health and safety rules. It just doesn't make sense at all. I see nothing illogical or nothing overreaching about applying the same rules, the health and safety rules to preschools as we have applied to schools. If anything the younger children are more in need of protection than the older children. So it seems to me that this is a perfectly logical extension of principles that we have endorsed for a long, long time in this state. I see nothing radical or

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nothing in them to be apprehensive about. Thank you.

PRESIDENT: Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President, I would like to ask Senator Johnson a question.

PRESIDENT: Senator Johnson, would you respond to a question?

SENATOR JOHNSON: Yes.

SENATOR NEWELL: Senator Johnson, since last night when I got extremely unhappy with you, have we. . . we have resolved our differences, have we not?

SENATOR JOHNSON: You mean I bought you a drink at the Nebraska Club? Yes.

SENATOR NEWELL: That's not. . . yes. . . no, that is not what I meant. I meant. . .

SENATOR JOHNSON: Yes, we have resolved our differences.

SENATOR NEWELL: Did you offer. . . is incorporated in your amendments the proposal to limit it to only primary and metropolitan cities?

SENATOR JOHNSON: Yes.

SENATOR NEWELL: Okay, thank you, Senator Johnson. Senator Haberman. Senator Haberman, Senator Burrows, those who I have talked to in regards to LB 520, I believe that LB 520 is now in a position to keep faith with the amendments that I previously offered and deregulate homes. I know in Douglas County I doubt very much if we will create a different standard than the state standard although I understand Lincoln does. With that in mind and with the fact that we have come back as much as we possibly can to the understanding of the significant deregulation of the bill, on the whole I believe that LB 520 is the preferable route, is a reasonable route and accomplishes great, great things in terms of regulation and deregulation of many primary child care providers. I would encourage the adoption of the amendments and the advancement of LB 520.

PRESIDENT: Chair recognizes Senator Higgins.

SENATOR HIGGINS: Mr. President, I would like to ask Senator Johnson a couple of questions.

SENATOR JOHNSON: Yes.

SENATOR HIGGINS: Senator Johnson, if amended, what size of a care facility or child care home would this bill apply to, how many children?

SENATOR JOHNSON: You have to have five or more children in the facility for the bill to even apply.

SENATOR HIGGINS: Does that. . .

SENATOR JOHNSON: That is now in the bill.

SENATOR HIGGINS: Does that include your own children or exclude them?

SENATOR JOHNSON: That includes your own children.

SENATOR HIGGINS: Five or more children.

SENATOR JOHNSON: Right. So, if you are caring for children for others and you total up with five or more children in the home when you are caring for children of the others then you are subject to the little regulatory scheme in the bill. Current law Senator Higgins if you care for two children you are subject to regulation.

SENATOR HIGGINS: So you have raised it to five.

SENATOR JOHNSON: Yes, that was with the Senator's Newell and Haberman amendment, what seems like an eternity ago.

SENATOR HIGGINS: And, this is a bill that regulates to what extent?

SENATOR JOHNSON: Well the regulator standard is health, safety and protection of children. It does not regulate curriculum, it does not regulate teacher qualification, does not regulate programmatic offerings, it regulates whatever is healthy, whatever is in safety needs and whatever is protective of children.

SENATOR HIGGINS: Does it require, are you required to take your children to these places?

SENATOR JOHNSON: No.

SENATOR HIGGINS: If I choose to take a child to a next door neighbor, that is all right?

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SENATOR JOHNSON: Yes.

SENATOR HIGGINS: And if I chose to take them to a regulated place that is all right?

SENATOR JOHNSON: Yes.

SENATOR HIGGINS: What would be the reason for wanting to regulate something like this?

SENATOR JOHNSON: It depends upon what this is. We have been regulating in the area of child care, like I said since 1943 and again it is basically to assure ourselves as a society that a given facility happens to be a safe facility, that is that a child is not likely to be injured or harmed at that facility and to assure parents of the same thing.

SENATOR HIGGINS: Then, Senator Johnson, why are we calling this regulation when it basically comes down to protection?

SENATOR JOHNSON: I think that is a safe concept. Basically it is protective of our young people.

SENATOR HIGGINS: Would you say that it is comparable to Ford Motor Company in regulating that they ought not put gasoline tanks right up to the back bumper so that if somebody gets hit and the car explodes. . .

SENATOR JOHNSON: Yes I would, yes I would.

SENATOR HIGGINS: So what you are trying to prevent is people taking a calculated risk in figuring out how many people will be killed and how much will it cost us in insurance not to do this. . .

SENATOR JOHNSON: Yes.

SENATOR HIGGINS: And, it won't make any difference.

SENATOR JOHNSON: That is correct.

SENATOR HIGGINS: So you are really talking about the protection of children.

SENATOR JOHNSON: Right.

SENATOR HIGGINS: And the opposition is talking about regulation?

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SENATOR JOHNSON: That is correct, Senator Higgins.

SENATOR HIGGINS: So it comes down to which is more important, the protection of children, or the alleged regulation of a private enterprise or a private business.

SENATOR JOHNSON: I think that is correct.

SENATOR HIGGINS: Are there any other businesses that we have regulations on?

SENATOR JOHNSON: Yes.

SENATOR HIGGINS: Do you think in any way, Senator Johnson, that this is important as the regulations we have on bars and what time they have to close?

SENATOR JOHNSON: Yes.

SENATOR HIGGINS: Who are we protecting when we say a bar has to close in Nebraska by 1:00 a.m.?

SENATOR JOHNSON: We are supposedly protecting the public at large.

SENATOR HIGGINS: Who are we protecting with the Real Estate Commission, with the laws they have?

SENATOR JOHNSON: Supposedly the public at large.

SENATOR HIGGINS: Don't you think if we are going to regulate private enterprise that way there ought to be a bill introduced next year by the people that are against regulation in business to number one, let's do away with the Liquor Commission.

SENATOR JOHNSON: Right.

SENATOR HIGGINS: Let's do away with the Real Estate Commission?

SENATOR JOHNSON: Right.

SENATOR HIGGINS: Let's do away with the Department of Insurance. Those are all regulatory agencies and they deal with business. They don't deal with children. Would you agree with me that next year somebody ought to introduce a bill on behalf of those people that are against regulation of business?

PRESIDENT: One minute, Senator Higgins.

SENATOR HIGGINS: And see if we can't save the taxpayers some money, because I get the feeling from this Legislature that there is too much regulation of business and by golly I agree with them. I own a business, I have an insurance agency, I don't like a lot of the laws that I have to comply with. So, Senator Johnson, would you be willing to co-sponsor a bill next year with me that we eliminate these regulatory agencies that are interfering with private enterprise and we can save the taxpayers millions of dollars and I think we ought to be able to get every senator here that talks about getting regulations out of business, they ought to co-sponsor that bill, wouldn't you agree?

SENATOR JOHNSON: I would think that they should be asked.

SENATOR HIGGINS: Thank you, Senator.

PRESIDENT: Chair Recognizes Senator Koch.

SENATOR KOCH: Mr. President, members of the body, I rise to oppose Senator Peterson's motion to indefinitely postpone LB 520. The Public Health Committee held an interim study, the Education Committee held an interim study on the same issue. Senator Johnson has taken great pains in trying to get everyone involved in the issue. It is interesting that the issue at one time was opposed by many in the child care providing business have now generally accepted Senator Johnson's bill to be reasonable. I'll remind you that many cases we have humane societies to protect animals and provide them in most cases better care than we do many times of some children. I would remind you also that this is not mandatory that parents place their children there. It bothers me when I have a bill about the same subject getting letters saying, we are going to brainwash kids, we are going to do all of these things. As I watch the Legislature sometimes I think some people have been brain washed a long time. It depends who is brain washing you. This bill is a good bill. We owe it to young people that they should have minimal care. There will be no effort made to control curriculum, control minds, all we are worried about is a decent environment that is safe. If you can't live up to those standards then you shouldn't be in the business of providing care for children for pay. That is all that this bill amounts too. I may sometimes by the stupid letters I receive, by the misinformation which people get, they don't take time to find out the facts before they shoot of their mouth with emotion and this bothers me a great deal. So for us to postpone Senator Johnson's 520 would

be folly. We owe it to young people who can not protect themselves against things that they have no responsibility for in the first place. So we are just saying, when you take care of children you are going to provide minimal standards because you are getting paid and the least you can do is provide minimal standards and that is what Senator Johnson's bill does. Therefore, I oppose Senator Peterson's motion to indefinitely postpone LB 520.

PRESIDENT: Chair recognizes Senator Stoney.

SENATOR STONEY: Mr. President and members of the Legislature before beginning my remarks Senator Beutler made a comment relative to the requirements that we have for those children that are presently in public schools saying that this standard should be established for these also. There is a distinction those who are attending the schools is. . . it is mandatory that they be there. So I can certainly understand why that standard should exist. In the case of those that have their children in preschools, this is strictly voluntary on their part. I think the parents are in the best position to make a determination as to what place and what setting they wish to have their children involved in. I have just circulated and I believe Senator Peterson did last night also, a document that was given to me, by the Early Education Cooperative, the group which is opposing the passage of LB 520. I have shared that with you so that you might refresh your memory if you had read it last evening, and would also like to say that I support Senator Peterson's motion to indefinitely postpone LB 520. I believe, ladies and gentlemen, that I do this, is I feel that if this bill were passed, that...an initial step by the state to begin to control the care, the education of preschool aged children. This area has historically been reserved to the family. As it is now parents are at a liberty to decide when and if and how they wish to educate their preschool children. Historically the parent has had the sole right to evaluate, judge the right kind of early childhood experience that he or she wants for his or her child. Now who could be more familiar or interested, accountable for a child's well being than a parent who lives with that child, has daily contact with the child and in Nebraska there exists a diversified preschool industry. It has spontaneously grown to meet the diverse needs and values of the various parents and children of our state. In choosing a school a parent deals directly with the staff and is responsible for his or her own choices. Now if the school proves to be an unsatisfactory one, then the parents have immediate recourse. They can communicate their concerns to the school and if they are not satisfied then they can make a decision to remove or withdraw that child and choose another alternative by seeking another

establishment with which they would be better satisfied. I perceive LB 520 seeks to interfere with this relationship and the responsibility both in the bills current form as a licensing provision and in its long range objective involving the state in financially supporting students in early childhood centers and influencing the centers program content and methodology. We have talked a lot about fire and safety regulations. I think it should be noted that 520 as amended is not dealing with the issue of whether or not preschools should be inspected by the fire department and the health department. As a matter of fact it is my understanding that there exists in Nebraska law provision for annual inspections for fire and safety of early childhood educational establishments and provisions for investigating complaints received from parents. I think a conclusion to be drawn from this analysis is that safety is already provided for. LB 520 means to open the door for the state by giving it limited precedence in establishing standards in areas other than health and safety. It also grants the state power to enforce. . .

PRESIDENT: One minute, Senator Stoney.

SENATOR STONEY: Thank you, and impose values on the citizens of Nebraska. It appears there is a subtle shift that will have taken place with the passage of this bill in that preschool age children are not seen solely as the wards of their parent any longer but a responsibility of society wholly. Hence, the state's interest is not solely to protect the child from harm but to educate the child for good and the good is not individually determined by each parent based on his or her conscience and value system but by the good of the state as interpreted by an administrative bureaucracy. Ladies and gentlemen, I think this is the first step, should we pass this measure, to seeing the curriculum control of those who operate preschools and I still feel genuinely that the responsibility should rest with the parents of these children, not with the public sector in government. Thank you.

PRESIDENT: Chair recognizes Senator DeCamp.

SENATOR DeCAMP: (No response).

PRESIDENT: Chair recognizes Senator Marsh.

SENATOR MARSH: Thank you very much, Mr. President. Senator Vard Johnson, I would like to pose a query, if I may please. Is there anything in this legislation that I have missed

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that speaks to what kind of programming you have?

SENATOR JOHNSON: No.

SENATOR MARSH: Thank you. I don't believe that Senator Stoney meant to say that. He just felt that this might be, but it is absolutely is not in LB 520. I appreciated the open letter to senators which was dated March 8th. "The girl who died in the accident described in the accompanying news article was our daughter Julie. Appropriate regulations and the enforcement of those standards might have saved our little girl's life. We hope that you will take the initiative in protecting other children's lives by passing the necessary legislation to require adherence to basic health and safety standards. Parents need your help in assuring the safety of their children when they are in the care of others." It is signed, Sincerely, Gary and Gayleen Broadstone. I join with the Broadstone's in giving support to LB 520. I would like to believe that this legislative body wants to support citizens like the parents who lost a child, who feel that the state needs to speak so that parents can be assured of the safety of their children when those children are in the care of others. I oppose the kill motion.

PRESIDENT: Senator Vard Johnson, did you wish to speak again?

SENATOR V. JOHNSON: Yes, I did. You know, I am speaking to a kill motion and one of the things that I distributed this morning is a letter from parents whose child was killed. Can you imagine what it must be like to put your child with somebody else, to pay the fee to somebody else, and to get a phone call sometime during the day from the police department telling you that your child has been killed? And you know what it must be like to find out that the reason your child was killed was because your child was being carted somewhere by this facility in a car and the car had a broken safety latch on the back door, and the owner had propped the door shut with a stick and another child had removed the stick and your three year old child tumbled out into the path of oncoming traffic and was killed? But that is only one. I believe that we are engaged in a long-standing struggle to assure ourselves as a society that when parents for whatever reason put their children in the care of others that at least those care-givers will be protective of the children. How many of you read Charlie Dickens years ago? How many of you read about the incidents in England and London in 1830 and 1840 on baby farming when working mothers would have to give their babes to other nursing women, farm them out, and their babes would die? How many of you read about child labor in this country in the 1870s and the 1880s and the 1890s where working parents would have to take their five-year olds, their six-year olds, their seven-year olds, put them in our New England mills, put them in our mills because they didn't have the money? And the children would die an early death. Or put them down in the coal mines to pick up the little nuggets of coal that the grown men couldn't reach? You know, it wasn't until 1916 that we passed child labor laws to prohibit that type of a practice. It is a long-standing progression and now we are at a point where we have lots and lots of single parents and lots and lots of working parents where we are basically compelled by economics to put the children in the care of others. And all I am doing with 520 is establishing a reasonable regulatory scheme to at least provide some assurance to those parents and to those children that the facility in which they find themselves will be safe, healthy and protective of children. Now I have a long...you bet, Senator Stoney alluded to it and I think Senator Peterson alluded to it, I have a long-standing rationale for what I think needs to be done with child care. I think the first thing you need to do is you need to improve the licensing standards. I think ultimately you need to improve the quality of offerings and you do that through a voluntary...a voluntary accreditation process. I think we also need to assure ourselves that low income people have the

financial wherewithal to provide child care. We do it right now, incidentally. We do it right now through the Title XX Social Services program. The State of Nebraska commits \$4 million a year....commits \$4 million a year just to meet child care needs of the lowest of our low income people, and I think it is a long-standing struggle, and, yes, in my book this is one step in the progression. Yes, this is the camel's nose under the tent. But, you know, you can always cut off the camel's nose if you want to, but I don't think in the final analysis you ultimately will. I think simply speaking you want to assure yourselves that we have appropriate regulatory and licensing standards, and that is... and what we do is we provide for the protection of our children. It is very important to me and it is very important to all the parents and it is very important to us as a society that we at least assure ourselves of that. So again, of course, I rise in opposition to the motion to kill.

PRESIDENT: Senator Newell, did you wish to discuss it further? It won't be necessary because this. . . you were the last speaker. Senator Peterson, you may close on your motion.

SENATOR H. PETERSON: Mr. Chairman, members of the Legislature, I appreciated Vard Johnson speaking the second time and saying yes, it is the camel under the tent, you bet it is. The decision is going to be made this morning whether or not the children of this state belong to their parents in preschool or whether they belong to the state. That is the truth of the matter. That is the decision that is going to be made this morning. I think it is time for us as parents and grandparents to say to the State of Nebraska we can make some decisions on our own. We don't need the state trying to tell us everything. As has been indicated before as far as safety and fire and the other things are concerned those are all covered presently in present statutes. I just want to say to you that what you do this morning will depend upon whether or not, number one, you open the door; number two, you increase the cost of child care in this state because you put this kind of regulation in effect and I just want to say to you this is very much like the Christian school deal. You are starting the same kind of thing all over again. I just think it is time for us to say no on the front end.

PRESIDENT: Question before the House is the motion to indefinitely postpone LB 520. All those in favor vote aye, opposed vote nay. Two are excused, Senator Peterson, so you know where we are. Have you all . . .

SENATOR PETERSON: Mr. Chairman, I would ask for a Call of the House and a roll call vote.

PRESIDENT: All those in favor of a Call of the House vote aye, opposed vote nay. Record the vote.

CLERK: 21 ayes, 0 nays to go under Call, Mr. President.

PRESIDENT: The motion carries. The House is under Call. The Sergeant at Arms will see that all members are returned, secure the Chamber, all unauthorized personnel will leave the floor and all members will register your presence at this time. Senator Peterson, did you want then a roll call vote when they are all here? Two persons are excused. Two members are excused. While we are waiting the Chair takes pleasure in introducing some guests of members from all over the state in this Legislature. Seated in the south balcony are the Nebraska Doctors of Chiropractic, their families and their friends from Omaha, Lincoln, Broken Bow, and places all over the State of Nebraska, some forty to fifty visitors. Would you folks stand and be recognized, up here in the south balcony. Welcome to your Unicameral Legislature, doctors. We are ready then. . . will all members please take your seats, be at your desks, the House is under Call. Prepare for a roll call vote on the motion to indefinitely postpone LB 520. The Clerk will call the roll on the motion to indefinitely postpone. Proceed with the call.

CLERK: Roll call vote. 22 ayes, 24 nays, 2 present and not voting, 1 excused and not voting. Vote appears on page 1826 of the Legislative Journal.

PRESIDENT: Motion fails.

CLERK: Mr. President, Senator Vard Johnson would move to amend the bill.

PRESIDENT: Read the motion on the desk. Chair recognizes Senator Vard Johnson to explain the amendment. Senator Johnson.

SENATOR JOHNSON: Mr. Speaker, members of the body last night I moved to amend the bill and the amendment that I submitted last night was advanced, or not adopted. One of the reasons why was my colleague, Senator Newell came unglued. But that is understandable. You know there are only three days left in the legislative session. So these amendments, what these amendments do is the only. . number

one, a more carefully refined, the exempted home; number two, they set fees; number three, for primary and metropolitan cities, i.e. Omaha and Lincoln, they will allow a local option so long as the local community uses the standards developed by the Nebraska Department of Public Welfare. Number four, they make certain that whatever rules and regulations the welfare department openly adopts for the regulation of the childhood programs reflect the variations in kinds of programs, i.e. the differences between a preschool and a day care center and a day care home and what have you. It is just as simple as that. They are very straightforward amendments. Again, they have been worked out over the long pull with a lot of different people who are interested and concerned about this issue. I would ask that they be adopted.

PRESIDENT: Chair recognizes Seantor DeCamp.

SENATOR DeCAMP: Senator Johnson, I'm a little more ignorant on this bill than I would like to be, particularly in light of the interest of the state in the Christian schools issue and how certification and these things develop pretty rapidly from just an idea of a little bit of state supervision. As I understand now you have moved this up to five children where you used to have two.

SENATOR JOHNSON: Yes.

SENATOR DeCAMP: And your amendment moves it to the metropolitan basically Omaha and Lincoln?

SENATOR JOHNSON: No, everybody can. . . the state standard simply is that if you have fewer than five children in your care you are exempted from any regulation whatsoever. However, in respect to Omaha and Lincoln, if Omaha and Lincoln choose by local ordinance to either regulate, that is more closely, to regulate the two, three or four child home, they may do so. They may do so. Now Lincoln presently does, Omaha does not, nor has it ever so far as I know. If they do so they have to regulate with the same standard the Department of Public Welfare uses. There can not be any conflict in standards.

SENATOR DeCAMP: Are there any standards in here, and I apologize for not having studied it in depth, but quite frankly these regulation bills usually have more in them than can ever be found out anyway, has a lot of rule and regulation making of power, is there anything in there that goes beyond so to speak fire and safety?

SENATOR JOHNSON: The only thing that goes beyond fire and safety is the expression, "protection of children". Senator Beutler asked me a question three or four weeks ago on General File what that meant and I said that means physical protection of children. That is it. Nothing goes to programs, nothing goes to curriculum, nothing goes to teacher certification.

SENATOR DeCAMP: Okay, lets talk about that. Protection of children. There are some people that think, for example, that a child should be protected from what they read, what they see, what they are told, what they are taught, isn't that protection of children? Isn't that open enough and broad enough for somebody at the Department of Education under some rule making authority to come up and say, well children that don't learn this or do learn that or. . .are exposed to this are not being protected. Isn't that wide open for that? And if not, why not?

SENATOR JOHNSON: I think protection has a specific definition. I think protection refers to the physical well being of a child. I don't think it refers to the kind of values that are imparted to a child. I think if we had wanted to make it clear that the Department of Public Welfare could regulate educational quality, we would have said that. But we made it clear that the Department of Public Welfare can only regulate health safety and protection of children. . .

SENATOR DeCAMP: Where does it say health safety and physical protection like you are talking?

SENATOR JOHNSON: Not in these amendments, Senator DeCamp, but in the original bill.

SENATOR DeCAMP: Does it talk about strictly physical protection in the original bill?

✓ SENATOR JOHNSON: The word is protection and as I said, Senator, it does not use the word "physical protection" it just uses the word "protection".

SENATOR DeCAMP: Well, I guess I will be honest with you. I have grave reservations based upon how I know administrative departments interpret their authority in the broadest way possible, it seems, when they want, and it seems that you are leaving it wide open for exactly that interpretation. I have got some concerns, I will say that.

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PRESIDENT: Chair recognizes Senator Higgins.

SENATOR HIGGINS: Mr. President, just for a point of clarification, Senator DeCamp, according to our state issue, American Heritage dictionary, the definition of protect is "To keep from harm or injury", so I don't think protection in this case is addressing teaching or schooling. I think, I see under your questioning of Senator Vard Johnson a very thin veil to bring up Faith Christian Schools. I really question whether you are talking about protecting people from what they are taught as opposed to just protecting their little bodies long enough to see that they can get to maybe your Faith Christian Schools and be taught whatever you think they should be taught. But, in this bill, I think it has been made very clear that we are talking about protecting their. . . protecting them physically from harm. That is the reason for the fire codes and the other types of regulations that they have in effect. I think that pretty much should answer Senator DeCamp's question as to what protection is, it is to keep someone from harm and even though the dictionary does not spell out intellectual or physical, I think anybody with common sense would know that it is implied in this bill. Thank you.

PRESIDENT: Chair recognizes Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. President. I would have a question of Senator Johnson, if he would yield.

PRESIDENT: Senator Johnson, would you respond?

SENATOR JOHNSON: Sure.

SENATOR PIRSCH: Senator Johnson, I really didn't like this amendment yesterday and I don't think I like it any better but I was not able to speak because I was too late pushing my button. When you have added, "including his or her own children who are age eight or under, or children under his or her legal guardianship who are age eight or under", this applies to all programs including the house wife who perhaps is taking care of neighbor's children, is that correct?

SENATOR JOHNSON: Yes.

SENATOR PIRSCH: So if you had three of your own and maybe you had one preschooler and two that came home from school and then you took care of others after school or all day, you would have to license, is that correct?

SENATOR JOHNSON: Yes.

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SENATOR PIRSCH: And, meet all of the health and fire standards?

SENATOR JOHNSON: You would right now. Yes. Under current law you would have to do that.

SENATOR PIRSCH: But, with your amendment, it specifically can . . .

SENATOR JOHNSON: Yes, but that is simply a refinement of what the Newell-Haberman amendment was. They included children in the family.

SENATOR PIRSCH: Okay, why did you specifically add that then?

SENATOR JOHNSON: Well the . . .

SENATOR PIRSCH: Under age eight.

SENATOR JOHNSON: The Newell-Haberman amendment just said simply, we won't regulate those people who care for fewer than five children including their own child. That is all it was. You know it is kind of silly, Senator Pirsch, to include in the count a child for example a child who is 15 or 16 years old, you know, so I just went back to the people I have been working with and they said, oh, lets just make it age 8 or less than age 8, that is all. It is simply a refinement of what Senator Newell and Haberman did.

SENATOR PIRSCH: Okay, so this would preclude then any of your own children who were over the age of eight.

SENATOR JOHNSON: That is right, being. . .

SENATOR PIRSCH: Not necessarily other people's children who are over eight.

SENATOR JOHNSON: No, that is right.

SENATOR PIRSCH: Okay, thank you. I do have some reservations about the city of the metropolitan or primary class adopting other rules, because I feel that there is an effort in Omaha particularly to go back to more stringent number of children and I would be opposed to this amendment and urge the body to be opposed to them also. Thank you.

PRESIDENT: Chair recognizes Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, I'm sorry, I would just call the question.

PRESIDENT: All right, and again you are the last speaker so it won't be necessary. We are ready for closing on Senator Vard Johnson's motion. Senator Johnson.

SENATOR JOHNSON: Let me just deal with a couple of issues. Senator DeCamp has raised a concern about the expression "protection of children", that is in the bill, it is not in the amendment, so if you want to talk about that with respect to the bill, that is fine. Senator Pirsch is concerned that both Omaha and Lincoln are given by this measure the right to regulate in the cracks, so to speak, to regulate the non-regulated areas. The areas that have been exempted under this bill. Currently Omaha does not regulate, Lincoln does. Lincoln has a fairly aggressive program and it was Lincoln that came to me, Lincoln came to me with that basic request that they be permitted to continue to regulate those homes that have fewer than five children because the original bill wouldn't let them do that. I spend a lot of time talking to Lincoln people about how effective their regulating was, how good it was so on and so forth, and I finally became convinced that they were probably doing a decent job with it. If a local community wants to regulate more extensively than the State of Nebraska wants to regulate, at least in the exempted areas I felt that there wasn't a major problem with that. In the end, you know, if the people in Omaha, if Omaha decides it wants to regulate and it wants to regulate those homes that have fewer than five children in them, that would have to be a city council ordinance, it would be up for a public hearing, you know, it is a political decision. I would assume that those that don't wish to be regulated and a lot of others can come forward and testify and can convince the city council why that is not a good deal just like we have been convincing this body that it is not a good deal to regulate those very... those homes which have such few children in them. So, I don't have any real misgivings about the local option issue. The rest of the changes I think in these amendments are pretty innocuous. They do increase the fees, they increase the fees more significantly than LB 928 does and again those have been agreed to essentially by persons who are in the business. I think that it is very straightforward I would ask you to adopt it.

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PRESIDENT: Motion before the House is the adoption of the Vard Johnson amendment to LB 520. All those in favor vote aye, opposed nay. Have you all voted? Senator Johnson.

SENATOR JOHNSON: I want to ask for a Call of the House and a roll call vote.

PRESIDENT: All right, I think it will save time. We will go to the motion, shall the House go under Call. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 17 ayes, 1 nay to go under Call.

PRESIDENT: The House is under Call. The motion carries. Sergeant at Arms will bring all members back to their desks. All other people leave the floor, all members please register your presence so we know where you are and then Senator Johnson, what do you want, when they come in get a roll call vote? A roll call vote then all right. Senator Johnson, one excused. Senator Koch, for what purpose do you rise?

SENATOR KOCH: Mr. President, a point of special privilege.

PRESIDENT: All right, special. . .

SENATOR KOCH: Personal privilege.

PRESIDENT: State your point.

SENATOR KOCH: Thank you, Senator Goll, for the coaching. You know we have been under a rigorous schedule for the last several days and I just wondered if there was a doctor of chiropractic medicine in the House to help us?

PRESIDENT: I'm sure you would get some attention up there. You know where you can get help, Senator Koch, right now, right. We are all here. Okay, ready then for a roll call vote on the Johnson amendment. We are voting on the Johnson amendment to LB 520. Proceed with the roll call, Mr. Clerk.

CLERK: Roll call vote commences.

PRESIDENT: Now lets have it so the Clerk can at least hear the vote, it is bad enough we are all here but now we can't hear. So lets keep it down to a dull roar at least.

CLERK: Roll call vote continues. 21 ayes, 20 nays, 7 present and not voting, 1 excused and not voting. Vote

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LB 520

appears on page 1829 of the Legislative Journal.

PRESIDENT: Motion fails. Any further motions on LB 520?

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Johnson, do you want to move the bill. Senator Johnson, would you advance the bill please.

SENATOR JOHNSON: (mike not activated)...except Senator Warner needs to put an amendment on right this minute...

PRESIDENT: Oh, we have got another amendment.

SENATOR JOHNSON: Because he has got to take care of the fee issue.

PRESIDENT: So an amendment is on the desk. Read the amendment Mr. Clerk.

CLERK: Mr. President, Senator Warner would move to amend the bill.

PRESIDENT: Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, the amendment is, you will recall yesterday, the other day 928 was amended by Senator Johnson to make. . . to fit 520 and it was written...conditioned on the amendment that was just not adopted being made a part of the bill. This amendment needs now to be put on LB 520 so that the provisions of 928 are consistent with not having the amendment adopted. All it affects is fees, nothing else, and there was no objection at least there was an acceptance of that fee in 928 as we originally proposed it and this puts it back in place. If the bill is passed, it needs to be on. If the bill does not pass it doesn't make any difference.

PRESIDENT: Any further discussion of Senator Warner's amendment? If not, Senator Warner that is your opening and your closing. The motion is the adoption of the Warner amendment to LB 520. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Warner's amendment.

PRESIDENT: Motion carries, the Warner amendment is adopted. Any further discussion. . .

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LB 520

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Mr. President, members of the body, you know the world doesn't come to an end simply because my amendment didn't get adopted. But, I will tell the Lincolnite senators that they have some reason to be concerned. Because without that amendment, that amendment means that the local option feature is gone totally and absolutely. Okay? But that is the way I wrote the bill in the first instance. I never did think the local option feature was the very best thing to have. But Lincoln has, Lincoln does regulate this area fairly extensively, but Omaha does not, Grand Island does not, North Platte does not. Now rural senators, Senator Burrows, Senator Haberman and everyone here who voted to support LB 270 which attempted to deregulate the small homes, you should vote to advance this bill. Because, this bill deregulates the small homes. If you supported the concept in 270, you will support the concept in 520. Because, it does deregulate those small homes. It has always been a solid piece. It has always been a solid piece. But, you know there comes a time when they accommodate just one too many. That one too many was Lincoln, bless their hearts, but the amendment was not adopted. That means that there will be no local option, you have full state Department of Public Welfare regulation, you exempt the small homes which represents a significant change to current law. You decriminalize, you decriminalized care givers who violate regulations, you know current law now says somebody can be prosecuted, fined, put in jail. This bill takes that out. It allows an administrative sanction. No criminal penalties, it allows an administrative sanction. This bill allows licensing every two years rather than every one year, which is the current law. Now this bill does cover the preschool, it covers the preschool because the preschool ought to be covered. You know the preschools are covered now in a majority of states. A majority of states cover preschool. A majority of states have the regulation of preschools done by the Department's of Public Welfare or their equivalence. I don't see any reason why Nebraska can't at least do the same thing and regulate in the area of health, protection and safety. That's all I'm asking. That is all we want. I think that is all our children want. So at this time I would move the bill be advanced.

PRESIDENT: Chair recognizes Senator Newell.

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LB 520

SENATOR NEWELL: Mr. President, members of the body, I rise to support LB 520. I think it is a good bill. I supported Senator Johnson's amendment and it did not pass and frankly it makes me feel more comfortable about the bill than previously. As I have said earlier with the Haberman-Newell amendment this bill deregulates more than it regulates. It makes penalties fit so that they can be administratively applied, it makes it a workable proposal. Because of that, I think this is in the best interest of the entire state. I would urge adoption of LB 520.

PRESIDENT: Chair recognizes Senator Beutler.

SENATOR BEUTLER: Call the question.

PRESIDENT: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 0 nays, Mr President, to cease debate.

PRESIDENT: Motion carries, debate ceases, Senator Vard Johnson.

SENATOR V. JOHNSON: I'm not going to close, but I am going to ask for a Call of the House and a roll call vote.

PRESIDENT: It is under Call, do you want everyone to check in to see. . . .

SENATOR V. JOHNSON: Check in.

PRESIDENT: House is under Call so would everybody at this point check in to see that we are all here. Then we will have a roll call vote. Everyone is supposed to be at your desks anyway. We are ready for the roll call on the advance of LB 520 to E & R for Engrossment. This is on the motion to advance. Record vote. We can go to the board. All those in favor vote aye, opposed vote nay. They should all be here Senator. Have you all voted? Record the vote.

CLERK: 26 ayes, 21 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: Motion carries and LB 520 is advanced to E & R for Engrossment. Do we have some matters to read in, Mr. Clerk?

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LB 602, 602A, 520, 759,
799, 799A, 868, 605,
755, 756, 807, 970, 970A

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Senator Kremer.

SENATOR KREMER: Prayer offered.

PRESIDENT: Thank you, Senator Kremer. Roll call. While we're waiting for everyone to check in showing their presence, the Chair would like to announce that Senator Lamb has announced that on agenda item #6 there will be a fifteen minute limit on the motions today, fifteen minute limit on agenda #6. And Senator Lamb also wished me to announce that his plan calls for a recess from six to seven o'clock. Senator Sieck, would you do us the honor of allowing us to get started. If you would just push that little button why we can get started. Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: (Read Journal corrections as found on page 1844 of the Legislative Journal.)

PRESIDENT: The Journal will stand as corrected. Any other messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 868 and find the same correctly engrossed; 799, 799A correctly engrossed; 602, 602A correctly engrossed; and LB 520 and 759 all correctly engrossed. Those are signed by Senator Kilgarin as Chair.

Mr. President, I have a couple of letters from the Governor addressed to the Clerk. (Read messages from the Governor Re: LB 605, 755, 756, 807, 970 and 970A. See page 1847 of the Legislative Journal.)

Mr. President, I have a unanimous consent request from Senator Vickers to add his name to LR 275 as cointroducer.

PRESIDENT: Any objection? If not, so ordered.

CLERK: I have nothing further on the desk at this time, Mr. President.

PRESIDENT: The Sergeant at Arms would then clear the Chamber for Final Reading and see that all members are at their desks,

SENATOR HABERMAN: If this were separated into two sections, section one and section two, would section two then be germane because it deals with salaries which deal with research which deals with cancer?

SENATOR CLARK: I'd have to check that out. I don't know that. It is not germane. We cannot allow any appropriation on any A bill. Otherwise we'd be doing it all the time. Any A bill would be subject to amendment by any appropriation. We can't do that. You can only have one appropriation in the A bill. The A bill is designed specifically for one bill.

SENATOR HABERMAN: Okay.

SENATOR CLARK: Do you have anything more on the bill? We will now go to 520.

CLERK: Mr. President, I have a series of motions on LB 520.

SENATOR CLARK: The first motion.

CLERK: Mr. President, the first motion I have is from Senator DeCamp. I understand, Senator, you want to substitute an amendment that you just gave? Okay.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President...

SENATOR CLARK: Any objection to the substitution? Senator Beutler objects. Senator DeCamp, did you want to move that? There is an objection.

SENATOR DeCAMP: Who is the objection from? Senator Beutler?

SENATOR CLARK: Senator Beutler and Senator Wesely I think.

SENATOR DeCAMP: Well I will make it simple. I'll offer this as an amendment to my other amendment. Pardon?

SENATOR CLARK: You cannot do that. This is a specific amendment. You cannot alter the amendment.

SENATOR DeCAMP: Well I'd like to substitute this. It is the same principle, same everything, simpler, better language. You don't want that? Why? I'll move to substitute it.

SENATOR CLARK: All right, the motion before the House is to substitute the amendment for the one he had up here. All those in favor of that will vote aye. All opposed will vote nay. Senator Haberman, for what purpose do you rise?

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LB 520

SENATOR HABERMAN: A question of the Chair.

SENATOR CLARK: Yes.

SENATOR HABERMAN: Did I understand that we're voting now to substitute an amendment for an amendment?

SENATOR CLARK: Right.

SENATOR HABERMAN: Didn't I ask to do that earlier and you said no?

SENATOR CLARK: No, not that I know of. He is moving to do this. They had an objection so he could not do it by unanimous consent. Now he has moved to do it. It takes 25 votes to do it.

SENATOR HABERMAN: Well he isn't going to get 25.

SENATOR CLARK: Have you all voted on the DeCamp motion to substitute one amendment for another? He cannot amend an amendment on Final Reading. It can only be brought back for one specific amendment. Have you all voted? If we could have just a little order we could probably get something done. Have you all voted on whether you want to change or not? Senator DeCamp.

SENATOR DeCAMP: Mr. President, I ask for a Call of the House and then take call ins or something. I just don't see it is that big a deal. How many are excused, by the way?

SENATOR CLARK: Two.

SENATOR DeCAMP: Okay, well that is good.

SENATOR CLARK: All right, a Call of the House has been requested. All those in favor of a Call of the House will vote aye, opposed vote nay. Do you want call in votes?

SENATOR DeCAMP: Yes.

SENATOR CLARK: All right. Record the vote.

CLERK: 12 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All senators will take their seats. We will take call in votes. Call ins will be accepted.

CLERK: Senator VonMinden voting yes.

SENATOR CLARK: Senator Haberman, for what purpose do you arise?

SENATOR HABERMAN: I rise to ask the Chair, is it germane?

SENATOR CLARK: Germaneness is not an issue right now. We're trying to find out if he can substitute the motion. I haven't even seen the motion. I think that question will come up but it hasn't come up yet. Have you all voted? He is accepting call ins. Everyone is supposed to check in.

CLERK: Senator Newell voting yes. Senator Kilgarin voting no. Senator Remmers voting no. Senator Wagner voting no. Senator Barrett voting no. Senator Clark voting yes. Senator Richard Peterson voting no. Senator Haberman voting no. Senator Higgins voting yes.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 15 nays, Mr. President, on the motion to substitute.

SENATOR CLARK: All right, now we will have the substitute motion.

CLERK: Mr. President, Senator DeCamp would move to return the bill to Select File for a specific amendment. The copies, I believe, have been distributed. It is Request #1864, Mr. President.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. Chairman, I'd like to have a ruling from the Chair on the germaneness of this amendment. The amendment would waive requirements imposed under Chapter 79. The bill, LB 520, deals with Chapter 43 and Chapter 71 and I would like a ruling from the Chair as to the germaneness of this issue.

SENATOR CLARK: Senator DeCamp, do you have a reason to think it is germane?

SENATOR DeCAMP: Mr. President, the bill deals with the Department of Education, its rule and regulation authority. That is exactly what we are dealing with.

SENATOR CLARK: In Chapter 79.

SENATOR DeCAMP: Yes, sir.

SENATOR CLARK: Where is Senator Johnson? Is he here? Do you have a reason to think it is germane?

SENATOR V. JOHNSON: LB 520 deals with the amendments with child care licensing. LB 520 as originally introduced dealt with licensing and with education and with financing. This amendment is probably not germane to the bill as it is currently amended but I would have to say that the amendment is germane to the bill as I originally introduced it way back in 1981. That is my honest opinion.

SENATOR CLARK: Then you don't think it is germane?

SENATOR V. JOHNSON: I don't think the amendment is germane to the bill in its current form in all truthfulness. We've taken all education out of the bill.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I do not think it is germane. We have used the article rule as an outside reference but in recent times we've been more reasonable about it and we've looked at the subject matter and I don't think there is any way that you could say that child care is related to Christian schools. I mean, you really have to be stretching the point, don't you?

SENATOR CLARK: I'm inclined to agree. I don't think the subject matter is the same, the chapters certainly aren't the same and I'm going to rule it not germane. Now if you want to challenge that you can do that. Senator DeCamp.

SENATOR DeCAMP: Mr. President, then I would move to suspend the rules and allow me to take up the amendment and in defense of that I would say, it deals with the Department of Education and the only Chapter 79 involvement is that they can waive certain requirements of that particular chapter but it's authority to the Department of Education.

SENATOR CLARK: All right, the question before the House then is suspension of the rules. Is there debate on that? Would you clear the board, please. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to argue strenuously that you not suspend the rules for the purpose of hearing a complete rewrite of the Christian school bill again. We have been through the Christian school bill. It has failed on Select File. What we're doing with this attempt is to elevate a bill that has failed once on Select File over a whole number of bills that

are now on Select File which we may not get to this evening. So in the first place, it is a subterfuge in that we're getting around the priority system that we have set up. In the second place, it is an entirely new bill. It strikes all of the original sections of the bill. This is the third or the fourth entire re-write of the Christian school bill and I don't know how the rest of you feel but I think we've been through this subject enough this year and I think that it is not appropriate to suspend the rules to start all over again on the Christian school bill. Thank you.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Very briefly, Mr. President and members, I, too, rise to oppose this motion to suspend the rules. If you will look at your agenda, you can see that if we wanted to operate with this issue all we have to do is proceed on down the agenda and LB 652 is down there. Obviously this is an attempt to deal at this late hour with an issue that has been dealt with at quite some length in this body. No matter whether you are for or against this particular issue it seems to me the mechanism we are using is wrong and should be opposed for that reason. I also would like to point out to you that we're supposed to have one subject in a bill and it would certainly seem to me that if we suspend the rules in this instance that we're going to have more than one subject in this bill. Now whether or not that might affect anybody's decision on this bill in the end I have no idea but I do think that it is definitely an issue that we need to be very, very aware of and this body should not suspend the rules in this fashion to insert this piece of legislation in LB 520.

SENATOR CLARK: Senator DeCamp, we have two minutes left on the bill.

SENATOR DeCAMP: Mr. President, very briefly, this is the last attempt I am going to make to resolve the Christian school issue. The amendment offered, which I am asking you to suspend the rules for, simply recognizes the Wisconsin v Yoder case which recognized that the Amish and Mennonites do have some distinct differences. If you won't even do this, then I would believe you are reaching the point where you are just telling these religions, hey, we're punishing you for the sake of punishing, we're hurting to prove we can hurt and so on, and I think that is wrong.

SENATOR CLARK: The question before the House is suspension of the rules. All of those in favor will vote aye, opposed vote nay. It takes 30 votes. Have you all voted on the

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LB 520, 242

suspension of the rules? Once more, have you all voted? Record the vote. Senator DeCamp.

SENATOR DeCAMP: Mr. President, it is theoretically possible and so I'd ask to have a Call of the House.

SENATOR CLARK: I think the House is still under Call. Everyone can check in, please. We have two excused, Burrows and Marvel. Have you all checked in, please? Regardless of how it comes out, there will be no further debate on the bill. Senator Labedz checked in. Senator Chambers is not here and Senator Labedz is just now checking in. That is all we have except Senator Chambers. Did you want to take a roll call or what did you want? A roll call has been asked for. We must have quiet up here so we can hear, please. The noise is terrific. Call the roll.

CLERK: (Read roll call vote as found on page 1892 of the Legislative Journal.) 23 ayes, 21 nays, Mr. President.

SENATOR CLARK: The motion failed. The time is out on the bill. We come to LB 242. The Call is raised.

CLERK: On 242 the first motion I have is one from Senator Labedz and Nichol to return 242 to Select File for a specific amendment. The amendment is on page 1668.

SENATOR CLARK: Senator Labedz.

SENATOR LABEDZ: Mr. President, I don't know the procedure but evidently I am going to need 30 votes. I'm gutting LB 242 and amending it with LB 824 which is the studded snow tire bill. I'm assuming then I will need 30 votes.

SENATOR CLARK: You are right.

SENATOR LABEDZ: Thank you very much.

SENATOR CLARK: You can vote to suspend the rules if you like.

SENATOR LABEDZ: I move to suspend the rules and add...just to suspend the rules.

SENATOR CLARK: Suspend the rules and to insert your amendment.

SENATOR LABEDZ: Yes. I'm not going to go into detail and explain the bill at this time. Everyone knows what I am trying to do and I would rather not use up fifteen minutes

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LB 488, 520

District, School District 14 at Oakland, teacher, Teresa Wagner, in the north balcony. Would you please rise and be recognized and welcome to your Legislature. Please read the bill.

CLERK: (Read LB 488 on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, those opposed vote no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Have you all voted? Record. Roll call has been requested. Could we have quiet? Would all senators please take your seats for the roll call. It is hard to hear up here. Please begin the roll call.

CLERK: (Read the roll call vote as found on page 1985 of the Legislative Journal.) 25 ayes, 22 nays, Mr. President, on passage of the bill.

SENATOR LAMB: LB 488 passes on Final Reading. LB 520.

CLERK: Mr. President, the first order of business I have on 520 is a request from Senator Johnson to unbracket the bill to permit its Final Reading.

SENATOR LAMB: Senator Johnson.

SENATOR V. JOHNSON: Yes. Mr. Speaker and members of the body, I would like to pick up with Senator DeCamp's horserace analogy. Senator DeCamp was discussing the last bill with Senator VonMinden and he indicated that oftentimes a piece of legislation in this body is like the racing season where you start out at the very beginning with the races out in Grand Island and you pick up and you finally get to Aksarben and the like. Well 520 is an interesting bill because 520 was introduced January 20, 1981 and after a fairly slow start it came out of committee in early 1982 and finally on March 31, 1982 only 17 days ago for the first time an A bill appeared, and the A bill after amendments and a considerable amount of work is at \$55,000. But the A bill has not advanced with this bill, so it is not up on Final Reading. Interestingly enough the A bill to 488, the bill we just enacted, is likewise not up on Final Reading. Now I did not feel it appropriate to withdraw the A bill as I did for 522

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LB 520

because there the A bill was not a necessary item at all. But I do think...I do think that this particular bill, 520 should be read notwithstanding the fact that the A bill is not on Final Reading. And accordingly I am exercising my prerogative to ask this body to unbracket this bill which by virtue of the A bill not being on Final Reading is bracketed, to unbracket the bill, and that is it.

SENATOR LAMB: Senator Newell. Is Senator Newell in the Chamber? Senator Chambers. Senator Dworak.

SENATOR DWORAK: I would call the question.

SENATOR LAMB: Senator Johnson, you asked for unanimous consent to unbracket the bill, is that correct?

SENATOR V. JOHNSON: Yes.

SENATOR LAMB: And we do have an objection from Senator Clark.

SENATOR V. JOHNSON: Senator Clark, as you know it is a majority of those voting to unbracket the bill.

SENATOR LAMB: Senator Dworak.

SENATOR DWORAK: I call the question.

SENATOR LAMB: The question has been called for. Do I see five seconds? I do. Those in support of ceasing debate vote yes, those opposed vote no. Record.

CLERK: 30 ayes, 0 nays to unbracket the bill, Mr. President.

SENATOR LAMB: Cease debate.

CLERK: I'm sorry, excuse me.

SENATOR LAMB: That was cease debate. Debate is ceased. Senator Johnson to close.

SENATOR V. JOHNSON: No. I made my remarks. Thank you.

SENATOR LAMB: The motion is to unbracket LB 520. Those in support vote yes, those opposed vote no. Have you all voted? Have you all voted? This requires a majority of those voting. Record.

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LB 520, 547E

CLERK: 21 ayes, 17 nays, Mr. President, to unbracket the bill.

SENATOR LAMB: That motion was adopted. If all senators will return to their seats and if we could have a little more quiet on the floor, we would proceed with reading the bill. Please read the bill.

ASSISTANT CLERK: (Read LB 520 on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in support vote yes, those opposed vote no.

ASSISTANT CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Record.

ASSISTANT CLERK: (Read the record vote as found on pages 1986 and 1987 of the Legislative Journal.) The vote is 17 ayes, 30 nays, 1 present and not voting and 1 excused and not voting, Mr. President.

SENATOR LAMB: LB 520 fails on Final Reading. The next bill is LB 547E.

ASSISTANT CLERK: (Read LB 547E on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? Those in support vote yes, those opposed vote no. It takes 33 votes.

ASSISTANT CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

ASSISTANT CLERK: (Read the record vote as found on pages 1987 and 1988 of the Legislative Journal.)

SENATOR LAMB: The bill passes on Final Reading.

ASSISTANT CLERK: The vote is 41 ayes, 6 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SENATOR LAMB: LB 547E passes on Final Reading with the emergency clause attached. The next bill is LB 602.