

FEBRUARY 12, 2001

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FLOOR DEBATE

February 12, 2001 LB 25, 25A, 152, 152A, 166A, 193, 238, 238A
840

SENATOR COORDSEN PRESIDING

SENATOR COORDSEN: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. Our chaplain of the day is Pastor Charles Bichel, Fontanelle Church, Fontanelle, Nebraska, which is in Senator Janssen's district.

PASTOR BICHEL: (Prayer offered.)

SENATOR COORDSEN: Thank you, Pastor. I now call to order the twenty-seventh day of the First Session of the Ninety-Seventh Legislature. Roll call.

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

SENATOR COORDSEN: Thank you, Mr. Clerk. Corrections to the Journal?

CLERK: (Read corrections, Legislative Journal page 625.) That's all that I had, Mr. President.

SENATOR COORDSEN: Thank you, Mr. Clerk. Messages, reports, and announcements?

CLERK: Mr. President, your Committee on Enrollment and Review reports they've examined and reviewed LB 193 and recommend that same be placed on Select File, LB 25, LB 25A, LB 238, LB 238A, LB 152, LB 152A, and LB 166A, all those reported to Select File, some of which have Enrollment and Review amendments attached, Mr. President. And that's all that I have. (Legislative Journal pages 625-626.)

SENATOR COORDSEN: Thank you, Mr. Clerk. Moving to the agenda for the day, first item.

CLERK: Mr. President, Senator Foley would move to withdraw LB 840.

SENATOR COORDSEN: Senator Foley, on your motion.

SENATOR FOLEY: Thank you very much, Senator Coordsen. Good

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morning and good morning, members of the body. Every day tens of thousands of Nebraskans receive telephone solicitation calls, often at the dinner hour, urging them to switch their credit card or to switch their long distance or to by this or that, and these calls in many respects, in many instances, are regarded as a nuisance and harassment by those who receive the calls. And I can tell you, from having worked about 20 years on consumer protection issues, there's no issue of greater importance to consumers than finding some way to find relief from these telephone calls. LB 840 is modeled after legislation introduced in the previous Legislature by Senator Beutler, and a similar bill offered by Senator Vrtiska in this session. Unfortunately, neither of those legislative efforts have proved to be successful. I have another approach to this problem. It's embodied in LB 839, which has not yet been heard by the Transportation Committee, and I'm hoping for a favorable result there, but it takes a completely different approach. So, in light of the fact that my LB 840 is so similar to that offered by Senator Beutler last year and to the bill offered by Senator Vrtiska this year, which have not been successful, I now move to withdraw that bill so that I can focus my energies on LB 839, which I think will be a more constructive and hopefully more fruitful effort to address this terrible problem of abusive telephone solicitation calls. With that, I move the withdrawal of LB 840.

SENATOR COORDSEN: Thank you, Senator Foley. To speak to the motion to withdraw, Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I dashed up here because I read on the agenda what Senator Foley was going to do. I applaud him for it. This goes a step beyond what I'm always saying committees should do, that is to kill these bad bills, and it's not necessarily saying his is bad but he has a wise reason for pulling it out. So I will say that what he has done is not to kill a bad bill but rather to abort a bill, and for that I am grateful.

SENATOR COORDSEN: No further debate. Did you wish to say anything in closing on your resolution (sic), Senator Foley?

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SENATOR FOLEY: With that, I'm almost tempted to withdraw my motion (laugh), but I think I will not. I'll proceed to withdraw the bill. Thank you.

SENATOR COORDSEN: Thank you. The question before the body is the withdrawal of LB 840. Those in favor please vote aye, those opposed nay. Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to withdraw the bill.

SENATOR COORDSEN: The bill is withdrawn. Next item, Mr. Clerk.

CLERK: Mr. President, LB 225A, a bill by Senator Landis. (Read title.)

SENATOR COORDSEN: Senator Landis. Okay. Senator Landis apparently has not arrived yet. Is there anyone authorized to speak to...on behalf of Senator Landis? We'll pass over LB 225A temporarily. Mr. Clerk, next item.

CLERK: Mr. President, LB 244A, by Senator Brown. (Read title.) Senator Bromm, excuse me, Senator.

SENATOR COORDSEN: Senator Bromm, to open on LB 244A.

SENATOR BROMM: Thank you, Mr. President. LB 244 did move from General to Select File and that is the Midwest Rail Compact bill, if you'll recall, and we did...we did agree that we would keep an eye on what was happening in our other midwestern states, as to whether they join or not, but in the meantime it does appear that it would be wise to introduce and advance, along with LB 244, LB 244A. The Midwest Rail Compact, for those states that have joined, had a assessment this year of \$25,000, for an annual assessment. They project that that will probably go down as more states join, but this...this bill would suggest \$25,000 for Fiscal Year 01-02. I have had one group approach me with an offer to place \$5,000 into the fund to help defray the cost of this compact membership. I am amending LB 244 on Select File, or I'm proposing to ask you to allow me to amendment...to amend it to accept gifts and donations to help defray the cost

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of this membership. So the '02...or '01-02 is \$25,000; '02-03 we have reduced to \$20,000 because we know we'll have at least \$5,000 as a donation. So that's the A bill, Mr. President. If there are any questions, I'll be glad to try to answer them.

SENATOR COORDSEN: Thank you, Senator Bromm. There's no other lights on. Did you wish to say anything in closing? Closing is waived. The question before the body is the advancement to E & R of LB 244A. Those in favor please vote aye, those opposed nay. Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to advance LB 244A.

SENATOR COORDSEN: LB 244A is advanced. Senator Landis is now here so we will return to LB 225A, Mr. Clerk.

CLERK: LB 225A by Senator Landis. (Read title.)

SENATOR COORDSEN: Senator Landis, to open on the bill.

SENATOR LANDIS: Thank you, Senator Coordsen. Members of the Legislature, this is the Governor's Venture Capital Forum program bill, LB 225. My guess is I may not meet the same congenial fate that Senator Bromm had; there may be discussions on this one. For Fiscal Year 2001 to 2002 there is appropriated \$100,000 in funds; for Fiscal Year 2002 to 2003, \$200,000 in funds. That will take us through the bienniums that we can speak about, however, it is expected that we will put language in the statutes in which we are contemplating another \$200,000 in Fiscal Year 2003-2004, but we cannot bind ourselves that far in advance, so this A bill is for \$300,000. I ask for its advancement, Mr. Speaker.

SENATOR COORDSEN: Thank you, Senator Landis. For discussion on the bill, Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to pose a question to Senator Landis.

SENATOR COORDSEN: Senator Landis, would you respond to a

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question?

SENATOR LANDIS: Well, either now or on my own time, but go ahead, Senator Chambers.

SENATOR CHAMBERS: Senator Landis, do you think that this bill is going to get a free ride and not enjoy discussion this morning?

SENATOR LANDIS: It is my...my best guess that there will be at least some discussion, Senator Chambers. I don't think it will get a free ride, if I had to roll the dice.

SENATOR CHAMBERS: Thank you. Senator Landis is so clever. What we've done thus far could qualify as some discussion, but I have nothing to say on this bill. I'm just going to vote against it. I will vote against the underlying bill. But Senator Landis won the battle on General Filc. He dealt in an honorable fashion, although he's misguided in taking the bill, so I don't want him to feel that he has anything to worry about from me based on the way the bill is unless a new issue arises, but not any extended discussion. Thank you, Mr. President.

SENATOR COORDSEN: Thank you, Senator Chambers. Senator Landis, your light is next. Did you wish to say more, or did you wish to use this time as closing?

SENATOR LANDIS: Oh, gosh, I'd rather not talk anything more. I'd just like to sit down and not raise any other issues that might get in our way this morning.

SENATOR COORDSEN: Well, thank you. We will honor that request. The question before the body is the advancement to E & R Initial of LB 225A. Those in favor please vote aye, those opposed nay. Record, Mr. Clerk.

CLERK: 30 ayes, 3 nays, Mr. President, on the advancement of LB 225A.

SENATOR COORDSEN: Thank you. LB 225A is advanced. Next item, Mr. Clerk.

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CLERK: LB 334, Mr. President, a bill introduced by Senator Jensen. (Read title.) Bill was introduced on January 8, referred to the Health and Human Services Committee, advanced to General File. I do have committee amendments, Mr. President. (AM0105, Legislative Journal page 430.)

SENATOR COORDSEN: Thank you. Senator Jensen.

SENATOR JENSEN: Thank you, Mr. President. Members of the Legislature, LB 334 requires that the Nebraska Commission for the Deaf and Hard of Hearing to establish a telehealth system to provide access by the deaf and hard-of-hearing persons to mental health, alcoholism and drug abuse services. The bill also permits the commission to charge a reasonable fee for the use of the system. The bill also requires compliance with provisions of the Nebraska Telehealth Act, LB 559, which was passed in 1999. The commission has identified necessary components of the system. How many people will actually use the system isn't known as yet, but costs for the system include about \$18,300 a year for line charges that would, at least in part, be paid for by the usage fee charged by the commission. There's a small fiscal note, about \$9,000 a year for the biennium, to cover some initial cost as the system becomes operational. Any fees collected by the commission are credited to a separate Telehealth Systems (sic--System) Fund for expenses related to the operation and maintenance of the system. The bill also allows money in the Commission for the Deaf and Hard of Hearing Fund to be used for that purpose as needed. After the biennium, it is thought that there will be...this will be a revenue-neutral bill with no more charges from the General Fund. With that, I would ask to present then the committee amendment from the Health Committee.

SENATOR COORDSEN: Amendments to the bill, Mr. Clerk.

ASSISTANT CLERK: Mr. President, I do have committee amendments offered by the Health Committee.

SENATOR COORDSEN: Thank you, Madam Clerk. Senator Jensen, to open on the committee amendments.

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SENATOR JENSEN: Thank you, Mr. President. The committee amendment simply removes references to the Nebraska Telehealth Act in the bill. The committee believes the reference is unnecessary. The Nebraska Telehealth Act relates to Medicaid reimbursement for telehealth services and some persons who receive services under LB 334 may be Medicaid eligible and reimbursement for those services would be governed by the Telehealth Act. I would simply urge adoption of the amendment and advancement of the bill. Thank you, Mr. President.

SENATOR COORDSEN: Thank you, Senator Jensen. There are no other lights on. Did you wish to say anything in closing further on the amendments? Closing is waived. The question before the body is the adoption of the committee amendments to LB 334. Those in favor please vote aye, those opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of committee amendments, Mr. President.

SENATOR COORDSEN: Committee amendments are adopted. Senator Jensen, did you wish to say anything further on LB 334 as amended?

SENATOR JENSEN: Thank you, Mr. President. We did pass around a sheet, both last week and again this morning, that puts bullet points on what the bill actually does. I would just ask for its adoption. Thank you, Mr. President.

SENATOR COORDSEN: Thank you, Senator Jensen. The question before the body is the advancement to E & R Initial of LB 334. Those in favor please vote aye, those opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 0 nays on the motion to advance the bill.

SENATOR COORDSEN: Thank you, Mr. Clerk. LB 334 is advanced. Next item, Mr. Clerk.

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ASSISTANT CLERK: Mr. President, LB 334A was introduced by Senator Jensen. (Read title.)

SENATOR COORDSEN: Senator Jensen, to open to LB 334A.

SENATOR JENSEN: Thank you, Mr. President. Members of the Legislature, there is appropriated then \$9,000 from the 2001-2002 General Fund, and \$9,000 from the 2002-2003 to the Commission for the Deaf of (sic--and) Hard of Hearing to aid in carrying out the provisions. Thereafter, it would...it should be a revenue-neutral situation. No expenditure for permanent or temporary salaries and per diem of the state employees shall be made from the fund appropriated in this section. Thank you, Mr. President.

SENATOR COORDSEN: Thank you, Senator Jensen. There's no discussion. Closing is waived. The question before the body is the advancement to E & R Initial of LB 334A. Those in favor please vote aye, those opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: 35 ayes, 0 nays on the motion to advance the A bill, Mr. President.

SENATOR COORDSEN: LB 334A is advanced. Next item, Mr. Clerk.

ASSISTANT CLERK: Next item, Mr. President, is LB 400, which was offered by Senators Brown, Bruning, Jensen, and Suttle. (Read title.) Bill was read for the first time on January 8th, referred to the Health and Human Services Committee. That committee reports the bill to General File with committee amendments attached. (AM0115, Legislative Journal page 430.)

SENATOR COORDSEN: Thank you, Mr. Clerk. To open on LB 400, Senator Brown, please.

SENATOR BROWN: Thank you, Mr. President. LB 400 is one of those pieces of legislation that connects the life that I had before being in the Legislature with the one that I have now. Prior to the Legislature, I was involved in many policy committees around what happens to young children. I was one of the people who established the Child Abuse Prevention Fund for

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the state of Nebraska, which has made sure that funding goes out to small communities especially for child abuse prevention activities. But in chairing one of the committees that I chaired on childcare, I spent one day of my life, an entire day of my life, talking about how close a dog dish should be to children in a child-care facility, because that's one of the things that we regulate. And at the end of that day I knew that I never wanted to spend another day doing that myself and I really questioned whether that is the best way that we impact children, by determining that distance rather than assuming that there are some kinds of things in terms of information and training that we can provide to the people who care for the children and that they can make the decisions and they can make decisions about what is best for the children and what is also best from them...for them from the standpoint of liability, because the other issue is that this is a business. LB 400 was considered last year by the Health and Human Services Committee and advanced and was...it's essentially the same this year and was advanced by the committee. It increases the required training hours for early childhood professionals caring for children in home-based or center-based programs from the current 12 hours per year to 22 hours per year. Training received for cardiopulmonary resuscitation and first aid count towards the 22 hours. Some of the hours are required to be in a group setting. There are other states that have similar requirements. This legislation was based pretty much on Iowa, which...which has the same number...essentially the same number of hours. Nebraska is one of those states that has no precertification requirements for people who are going to take care of children. The legislation also establishes a three-tiered system of license for childcare and early childhood programs. One tier are programs that meet minimum licensing requirements. Another tier are programs that meet minimum licensing requirements, have a history of compliance and then meet additional quality criteria that would be determined in rules and regulations. The final tier and...is programs that not only meet licensing requirements and have a history of compliance, but are also accredited by a national accrediting organization. The reason that I have introduced this legislation...well, actually there are two reasons. Census data tells us that Nebraska has the highest number of children under the age of six in childcare. Over 70

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percent of mothers with children under 6, and 80 percent of mothers with children 6 to 17 years of age are in the work force, and that figure is pretty consistent across the state, urban and rural. I feel it is imperative that we continue to improve the quality of childcare available for the children of Nebraska because of the number of children we have in childcare. The other thing is that we have lots of data from studies that have taken place about...about how, if we invest money in young children, it results in savings in social programs and incarceration costs and all kinds of things longitudinally. One study, the study that's been going on for the longest time, says that for each dollar spent on young children we save seven dollars in reduced social costs long term. But that one dollar that is spent can't be any dollar. It has to be a dollar that's spent on the right things for kids--on quality, on good things. And, yes, I can get into a discussion later about what...what we mean when we talk about quality. Research in the last decade about the early brain development conflicts with many of our long held beliefs about how children...when and how children learn. One example is that we, I think, always sort of assumed that children were born with a fixed intellectual capacity. Research now shows that much of the brain's capacity is developed after birth and depends on the experience that infants and children have. Those areas of an infant's brain that continue to develop after birth develop especially fast in the first three years of life in response to stimuli, such as being talked to, sung to, read to, or played with. Infants and toddlers need a safe environment to learn, but they also need stimulation to maximize their capacity to learn. I passed out on Friday a copy of a piece called "Starting Smart", which is a very good piece about some of the data about brain development. One of the interesting things is that for people who are very concrete, there are actually pictures that you can show of a baby's brain before and after they've been talked to, and you can see in the "neurophotography" the differences that happen just because of that, of the verbal stimulation. For some of you, it may be I can probably get some...some pictures, if that would be a good way to...to reinforce what I'm saying. We can all agree that it is important, as it has always been, that children are cared for by competent, loving adults in a safe environment, and safety is what Health and Human Services has

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always focused on. But today we know that if we want our children to grow up to be the best that they can be that competent, loving adults that take care of them must also know and understand child development and be able to translate that knowledge into activities that will enhance a child's learning capacity. If we know that doing "A" results in "B", and we want "B", then why aren't we doing "A"? I literally could bring in to this...on to the floor a wheelbarrow full of all the studies, every single study. I started doing this a long time ago. The first study that I was involved with was the Council on Economic Development, a national business organization, that said that childcare was not only important for the work force that they had currently to make sure that they were productive, but it was the most important thing that we could do for the future work force. That was a major national study. Every single study says the one thing that we can do to improve what happens to young children in out-of-home care is to improve the training that goes into...that...the training for the individuals that provide that care. If you take care of children in your home and don't charge for it, that's one thing. But when you charge for your services, you're a business. The state has the same responsibility in the child-care business as they do in banking or trucking, and that is to determine what the requirements are. I have a list that I will pass out of all the...the programs that we license and this is even only a partial list, but we have made the policy in this body to...to determine what is required for people to do certain kinds of businesses and then enforce it. There's a difference between a driver's license that you get because you want to drive a car, and a commercial driver's license that you get because you drive a truck and are paid for it. And there are different requirements...

SENATOR COORDSEN: One minute.

SENATOR BROWN: ...for those...those two kinds of licenses and I think that there should be different requirements for those people who take care of children. In Nebraska, childcare is a thriving business. There are 4,500 child-care and preschool licensed programs in the state. In my mind, child-care providers are among the most valued professions in our society. They are entrusted with our most valuable resource--our

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children. It is essential that we establish a policy that ensures that child-care providers have the skills and education required to do the job that we ask them to do--providing for the physical and emotional care and development of our children in a safe environment eight or more hours a day, several days a week. Parents need a tool to assess the quality of childcare and the tiered licensing...

SENATOR COORDSEN: Time.

SENATOR BROWN: ...concept helps to do that. Thank you, Mr. President.

SENATOR COORDSEN: Amendments to the bill, Mr. Clerk?

CLERK: Mr. President, the Health and Human Services offers committee amendments.

SENATOR COORDSEN: Senator Jensen, on the committee amendments.

SENATOR JENSEN: Thank you, Mr. President, members of the Legislature. The committee amendment just makes a small change in the tiered licensing provisions of the bill. The amendment suggests...suggested to the committee by Senator Brown and others, simply changes the numbering of the tiers. Right now, Tier I is numbered as Tier III; Tier II or III is numbered as Tier I. The purpose of the amendment is to make more clearly the designation of the highest licensure level as Tier I, then Tier II, then Tier III. That's all it does. It just reverses those numbers. With that, I would just simply urge adoption of the amendment. Thank you, Mr. President.

SENATOR COORDSEN: Thank you. You've heard the opening on the committee amendments. I have a long series of lights on and I don't know whether they're on the bill or the amendment, so if you could indicate to me as I go through with a wave off if you're on the bill, please, and if you're on the amendment of course you'll be able to speak to that. Senator Maxwell. Senator Bourne. Senator Tyson. Senator Cunningham. Senator Janssen. Senator Butler, on the amendment.

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SENATOR BEUTLER: Senator Brown, if I may, I wanted to get some information from you so I could think about it a little bit here...

SENATOR BROWN: Sure.

SENATOR BEUTLER: ...as people are talking. I...I certainly don't have any problem with what you're doing and I certainly believe that the direction in which you're going is the proper direction. The bill has a significant fiscal note on it, as you know, of about a million dollars a year.

SENATOR BROWN: Actually, we have a revised fiscal note, but...but...

SENATOR BEUTLER: Do you?

SENATOR BROWN: ...it still...

SENATOR BEUTLER: Okay.

SENATOR BROWN: ...it still...it still has a fiscal impact.

SENATOR BEUTLER: Okay. My question is this. The original fiscal note indicated an increase in federal funding coming down in a federal childcare block grant of about a million dollars, which is about the cost of this bill. So my question to you is this. Is there the possibility that we could simply, in the A bill, increase federal funds for this program and rely upon the increased federal funding to some extent or entirely? That would...that would be my question. What are...

SENATOR BROWN: We...

SENATOR BEUTLER: ...and...yeah.

SENATOR BROWN: ...we could...we could...we could rely totally on...on federal funds. I think that as far as the fiscal note is concerned there are a couple different issues, the first issue being whether the fiscal note that you have is realistic, which I don't think it is, and I think that perhaps the one we

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have is a little more realistic. My...my concerns about the fiscal note were that most of the costs were associated with the tiered licensing part of it, which I see more as a desk audit function and should not have required as much as was being projected in terms of new personnel to do site visit work. But that...we can rely on the federal money. There...there can be a minimal impact. That federal money will be available for quality, quote, unquote, projects for Nebraska, and so what we don't use for this purpose could be used for some other kinds of quality initiatives; could be used to further enhance, as we have been using the federal money that we've been getting for quality to expand training opportunities for child-care providers, especially training opportunities in...in different delivery ways so that we can make sure that people can access that training. And so it's not that I want to use all of this...all of the federal money for this program, but I think all of it will be used in some way to support what we're doing with this...with this bill.

SENATOR BEUTLER: Okay. So, at least in a legal sense, we have the option of using more or less of this federal money. I understand what you're saying about wanting to use it for...

SENATOR BROWN: Yes.

SENATOR BEUTLER: ...other purposes too, but that...

SENATOR BROWN: Yes.

SENATOR BEUTLER: ...but that flexibility exists here.

SENATOR BROWN: Absolutely.

SENATOR BEUTLER: Okay. Thank you very much.

SENATOR COORDSEN: Thank you. Senator Brown, did you wish to speak to the amendment?

SENATOR BROWN: Yes, just quickly I would say that some advocates, children's advocates, came to...to me and suggested that being number one is better than being number three, and

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that was the genesis for the change in the way that we were designating the tiers, and so I approached the committee and they agreed that that was a change that they were interested in looking at, and it's a minor change and I would suggest that...that we can go ahead and adopt this amendment and then consider some of the other concerns about the bill that I think are more substantive. Thank you.

SENATOR COORDSEN: Thank you, Senator Brown. Senator Schimek, did you wish to speak to the amendment? Okay. There are no further lights on then on the amendment. Did you wish to say anything in closing? Closing is waived on the committee amendments. The question before the body is the adoption of the committee amendments to LB 400. Those in favor please vote aye, those opposed nay. Record, Mr. Clerk.

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

SENATOR COORDSEN: The committee amendments are adopted. To debate on the bill, Senator Maxwell.

SENATOR MAXWELL: Mr. President, members of the body, I voted for this bill in committee because I thought it deserved to be heard on the floor of the Legislature. I did promise some constituents and some child-care providers that their concerns would be aired on the floor. I've already visited with Senator Brown about some of these concerns, but I want to make sure they get on the record. The main thing I'm hearing, especially from providers, is that ratcheting up the requirements will ratchet up their costs which, of course, get passed on to the customers, with the end result being that a significant number of families may be priced out of day care. So I'm going...I'm going to raise that issue and then yield the balance of my time to Senator Brown, to let her respond to that concern.

SENATOR COORDSEN: Senator Brown, you have about four minutes.

SENATOR BROWN: Thank you, Mr. President, and thank you, Senator Maxwell. I think that that is absolutely the most critical issue that we need to deal with as we deal with this bill, and I

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would...I...the only thing that I can do is point to other states that have raised their requirements and what the result has been in those states. Florida raised their requirements. It's somewhat similar to what we're proposing in LB 400, and they did a study of the impact of that change over a period of years. Their findings were...and I can pass this out. It's a fairly lengthy...the entire thing is fairly lengthy, but these two findings are...I can pass out to you. There was no change in the number of children served, but a small change in the number of staff or providers, so there was some decrease in the number of...of individuals who are providing care. It was an understandable concern in Florida that the new regulations would prove burdensome to programs, especially leading in changes in the number of children that were able to be served. Comparisons between 1992, when they instituted it, and 1994, however, revealed that there had been no changes in the number of children served when the...when the requirements went into effect. The average program size remained at approximately 80 families. The number of subsidized children did not change significantly. In addition, the number of infants, toddlers, preschoolers, and school-age children served by the programs did not shift, but there had been a number...a change in the total number of staff or providers. There was no change in...well, anyway, there were slight increases in teacher salaries and parent fees, but those increases were comparable to the cost of living. According to teachers, their salaries increased from \$5.76 per hour to \$6.17--a 39-cent raise, or 6 percent, over the 2-year period, which was comparable to the cost of living increase. And...and more than half of the teachers receiving CDA credentialing, a credentialing training, received some sort of assistance toward their training and that had a cost that...of assistance and then their increase was a little bit more than the increase for people who just were under the regular increase in training that was required. So I think that we...I think it's a concern. I...I don't perceive this change as impacting significantly on salaries or cost to parents, although I do think that at some point in the future we are going to have to figure out a way to deal with the...

SENATOR COORDSEN: One minute.

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SENATOR BROWN: ...issue, especially in light of making more professional, by requiring additional training, this...this career and what that means in terms of what...how low the pay is for the people who participate, and we're going to have to figure out a way to do that in a way that does not impact negatively on parents. But one thing that I would say is that over the last couple years we have increased substantially the amount...the number of families that receive assistance from the state. We now pay for childcare up to 185 percent of poverty across the board, not just for people who are leaving welfare but across the board, so that...that it...I mean we are already subsidizing a great deal of childcare in this state. I think if we are going to be spending \$50 million of state money that we should be making sure...

SENATOR COORDSEN: Time.

SENATOR BROWN: ...that we're spending \$50 million of state money in the right way, on the right things. Thank you.

SENATOR COORDSEN: Thank you. We've had some questions. I would indicate for your own information that our speaking list is Bourne, Tyson, Cunningham, Janssen, Schimek, Brown, Bruning, Jensen. Senator Bourne, please.

SENATOR BOURNE: Mr. President, members, I have some concerns about this bill as well, when I was reading through it, I...along the lines of Senator Maxwell. My first concern is that this is going to create an increased cost to parents who have their kids in day care and, while Senator Brown has addressed that, I think we need to explore that a little further. My son is eight years old so it wasn't too...too far in the recent past where I was paying for day care and I remembered it was a huge expense. I want to say it was \$95 or \$100 a week and it about broke me. And, although he got good day care, which is absolutely vital, the expense is unbelievably high and I'm afraid that if we increase that even...even a little bit that it's going to place a huge burden on parents. I think if we have excellent childcare, and I do believe we have a lot of that in this state, but I think if we increase the requirements so that the care is...is second to none but nobody

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can afford it, I don't think that we've gained very much. I also have a concern that if we go from the required 12 hours of continuing education each year to 22, which is almost double, that we will lose child-care workers. Already, I think there's a shortage of workers. Particularly in my area, I can think of my son has an after-school program that he goes to right after school, and I'm going to ask Senator Brown in a little while if that applies to these after-school programs, but this program was almost discontinued this past year because they couldn't find anybody to staff it, and so I'm afraid that if we increase the hours, almost double the hours, that that would become even a more significant problem. I'm also concerned about the fiscal note. While Senator Brown mentioned that there is a revised one, the current fiscal note, I haven't seen the new one, but the current fiscal note indicates that Health and Human Services is going to have to add 26.5 people to administer the program and I think the cost was about a million dollars a year, so I'm kind of concerned about that as well. And then, lastly, Senator Brown mentioned that we do have a significant amount of subsidized childcare in this state and, while I think that's important, I'm concerned that if we do place these increased education requirements that the costs of the care will go up and I'm curious as to how much the state's subsidized portion is going to increase. I don't know if we've given any thought to that. So I'm going to listen to the debate, but I do have some serious concerns about the bill in that...as it relates to the availability and the affordability of childcare. Thank you.

SENATOR COORDSEN: Thank you. Senator Tyson, please.

SENATOR TYSON: Thank you, Mr. President. Members of the body, this is a rerun. We had this bill, which was exhaustively discussed, last year. It went nowhere. This bill I hope suffers a similar fate. It really comes down to if you have a problem and the problem can be solved by legislation then we should have legislation; however, in trying to solve a problem, I don't believe that we should take this shotgun approach. Let's use the rifle approach. If there is a problem with a particular aspect of childcare, say in child-care centers, fine, let's deal with it; if there is no problem, let's leave it alone. Ask yourself how far you want government to intrude in

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everyone's lives. I have been inundated, and rightly so, by people in my district who look upon this as being absolutely the worst type and the worst example of the worst type of this legislation that can be. There are a goodly number of people in and around my district, because I've been contacted by people in Senator Cunningham's district, in my own, I don't believe I got over into Antelope County, but in some cases we're talking about ladies who are running a home business that are taking care of the children of the children they cared for when they first went into business 20-plus years ago. They really don't need the state of Nebraska, the Department of Education, the Department of Health and Human Services and Senator Brown to tell them their business. They are caring for young children. That is what they do. They don't need people to tell them how when they have been doing so successfully, not for a year, not for two or three years, in one case 26 years that I know of, in another 23. These are small home businesses. Now, if a problem exists in day-care centers, and I don't know of any evidence that would lead us to believe that there is, then we should address that problem, but LB 400 doesn't address that problem. LB 400 is going to cure all the ills of this business. I agree with Senator Brown, it is a business, but if no problems have occurred in the small home care business then we should keep our fingers out of it. There is an old saying that if the government took over management of the Sahara Desert, within five years there would be a shortage of sand. (Laughter) That is what we are dealing with here. These are women who spend 12 and 14 hours a day taking good, responsible care of the children given to them by their parents. If a problem exists I'm sure...none of the...none of the people I represent are shy. If they have a problem and they think I can have something to do with it, they'll be in my face right now, and I appreciate that. None have come forward. The only parents that I've been contacted by are those that say, leave us alone; laissez faire. I would ask you to consign this bill where this bill should go. The British have an expression--bumf. That's what this is.

SENATOR COORDSEN: One minute.

SENATOR TYSON: It is bad legislation. Thank you very much.

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SENATOR COORDSEN: Thank you. Senator Cunningham, please.

SENATOR CUNNINGHAM: Thank you, Mr. President, members of the body. I, too, rise up in opposition to this bill. I almost feel bad doing it when listening to Senator Brown's introduction of this bill. She's very impassioned. I have received much letters, many letters from constituents. Most of the concerns have been addressed today, but I'll just briefly go through them. First, the training, every year they go for training and it's repetitious. They say they don't learn anything new, so that would be the number one issue. The other issue, they can't find enough employees. It will increase the expenses. Many people in rural Nebraska, the income levels are so small, so small that they can't afford to pay any more, and an advantage we have, we know the child-care provider. We know who they are. We're...we're able to just not take our children there if they're not good. So it's kind of a one-size-fits-all solution and it just doesn't work in rural Nebraska. Thank you.

SENATOR COORDSEN: Thank you. Senator Janssen, please.

SENATOR JANSSEN: Thank you, Senator Coordsen. Members of the Legislature, it was just about exactly four years ago that I introduced a bill, LB 310, which dealt with child-care providers. When we talk about our children, we're talking about our number one resource in this state and in the country. The state of Nebraska has a very low unemployment rate. One of the reasons for that is that both parents are working. They're doing that so that they can enjoy the good life along with everyone else, but then that leaves the situation with the children. My grandchildren all went to day cares, I'm sure, as the rest of you in here have grandchildren, unless they've got a real...real "steady Eddie" grandmother to take care of them. That makes a difference. In my home I know my wife does a lot of baby-sitting. Senator Schrock's wife does the same thing. But, nonetheless, you have to have an adequate child-care system in the state. Senator Brown, I appreciate what you're doing. I think it's a great idea. We all need continuing education in some way, shape or form. Four years ago what we did was we put a licensing fee in that did...it did not raise that fee but it made more inspections. We had to have more inspections in the

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in-home day cares and in the centers. Right now, we're asking those people, under Senator Brown's proposal, to go back and pick up or start picking up more hours, 12 hours in...on the small in-home day cares, but only 6 hours of that is in a group setting. So half of it is studied at home and the other half is in some type of classroom situation. And the larger ones would be 22 hours, and only 14 of that...or 8 hours of that would be in a group setting and 14 hours would be in self-study. What I'm afraid will happen, I like the concept, everyone should have more continuing education, that's right, but what...what I fear is going to happen is we are going to have more unlicensed day cares. People are going...that are having...that run the day cares now have run them for probably in some cases, 20-30 years. They've watched generations come through there. I'm afraid they're going to say, to heck with it, I'm not going to do that, I'm going to be unlicensed and take my chances the way some of my competitors do; they don't get any...any inspectors come in, they don't have that. And have you ever tried to turn someone in running an in-home day care that's unlicensed? Pretty hard to do. They know exactly what...how to work the system. They've learned that over years of manipulating not having children there when they know the inspector is coming. So I...I applaud the idea behind this. I'm going to sit and listen to the rest of the arguments. I'm not going to say I'm on one side or the other. I would like to see how the bill progresses, see if there are any other amendments on it, but what I fear the most,...

SENATOR COORDSEN: One minute.

SENATOR JANSSEN: ...what I fear the most is having more unlicensed centers in this state and we don't need to do that. Our children are our number one natural resource in this state. They need to be protected and I think in licensed day cares is the best and I don't want to see more unlicensed ones in this state. Thank you.

SENATOR COORDSEN: Thank you. Senator Brown, please.

SENATOR BROWN: Mr. President, members, I have passed out a number of things and I'd like to talk a little bit about what

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I've passed out. One of the things I passed out is a list of the licensed occupations that we have for Nebraska, and it's an incomplete list. I mean it's quite lengthy, and it's still incomplete. We seem to think that it's the appropriate role of government to have standards for all of these professions and yet we're talking about children and we seem very resistant to increasing the standards for those. I...I, frankly, can't see what difference it is whether we know the child-care provider or not that we would hold them to a different training requirement. Because we happen to know our attorney do we assume that they don't need to have gone to law school or to do whatever kinds of continuing education things that they may have to do? I don't believe that that is a valid argument. And the other thing I've passed out is a list of all the programs that are accredited in the state. Now, we have...we have had a substantial number of programs that have become accredited in the last few years and, yes, many of those programs are in larger communities. But there are some in smaller communities and one of the things that's happening today that we should all be extremely proud of, it is...it's a first, I believe, in the nation, the Macy pro...the program in Macy is being accredited by a national accrediting organization; that a program on a Native American reservation has been able to attain the standards that are necessary for accreditation and today they're being recognized for that. It may be the first Native American program that has ever been accredited in the nation, so if a program in one of the lowest income parts of our state is able to become accredited in a very small community, then I'm not certain that I believe that...that this is something that is out of reach for programs all over the state. And the reason that we don't hear from programs like that is because they're already attaining the standard that we're talking about here and we haven't heard from a lot of programs and from a lot of people who think that this is a good idea, because they think it is a good idea; because they think that in the best interests of children that we should be attaining these kinds of standards. I've been involved in this for a long time and whenever we've talked about quality issues it's just never the right time. There's always some reason that we can't do it now. Everybody keeps saying that this is what we're supposed to be doing. Everyone agrees that we should be doing it. The Governor had a task force on

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child-care financing. One of their recommendations had to do with this. Every single report that comes out, whether it's about business or about childcare, it makes a recommendation about increasing the standards and, yet, we...we don't take...we don't grab it when we need to. We've lost a lot of opportunities to make a difference and I'm not willing to lose this opportunity. I don't think we can keep saying, well, maybe tomorrow we can make things better. I think we need to make things better right now and I think that this...that LB 400 is a perfect opportunity. Now, that's not to say it's a perfect bill. There...

SENATOR COORDSEN: One minute.

SENATOR BROWN: ...may be...there may be things in this bill, we may be moving too quickly, and I could look at some phase-in situation. I know that Health and Human Services is concerned about the tiered licensing and I'm working with them on that, but I don't want to lose this opportunity. Don't turn our backs on this opportunity to make a difference for children. Let's figure out what it is that we need to do, what kinds of changes that we need to make to this bill to make it more workable. There are fiscal issues around it. Yes, I'm willing to work on those, but I'm not willing to give up what I think is best for children and so that's what I'm going to keep arguing for. And I think that arguments against...against this bill based on us not being able or willing to make requirements,...

SENATOR COORDSEN: Time.

SENATOR BROWN: ...we make it for other professions. Thank you.

SENATOR COORDSEN: Thank you. Senator Bruning.

SENATOR BRUNING: Mr. President and members of the Legislature, I rise in support of this bill and I want to talk to you a little bit about why. Last Tuesday, I went and spoke to a group of child-care providers over at a church near my house and these were...these were all women and these women obviously were very dedicated to what they do. My wife and I, Deonne, are probably one of a handful of senators in here who have kids that are of

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day-care age right now and so we've recently been through the experience of searching for day care. These particular women that I spoke to that night were dedicated to the point where they would give up a, I think it was a Tuesday night, a Tuesday night to go and learn about different things that would help them be better day-care providers. This bill is designed, in my mind, to recognize those type of people. When Deonne and I were out searching, we haven't had to search for awhile, our...we have a three-and-a-half-year-old and a one-and-a-half-year-old. When we were out searching, it's, I've got to tell you, it's a pretty scary thing. You go to some places that you wouldn't want your children to be. You walk in and you think to yourself that this is not a safe environment and it's pretty...it's pretty scary to you. With this type of a bill, when we begin to have a tier system, it seems to me that we're going to be recognizing those day-care providers who want to excel, who want to learn more, who want to be a cut above the rest, and I want to know who those people are. Right now, basically everybody, at least in the area we were searching, has the minimum accreditation from Health and Human Services. That's 12 hours a year they have to go through to get that. I believe that's right, Senator Brown, 12 hours a year they have to go through? This bill raises it to 22 hours for the minimum. If you then want to go on to Tier II or Tier I to be a little bit higher as far as your standards, you have to jump through some more hoops, and you can see those on page 3 of the bill. But for a parent like me, I want to know who those women are that I met last Tuesday night. I want to know who those people are who want to reach that higher level of accreditation. That helps me as I go through the process of determining who I want to care for my children. And I would expect that the people at Tier I are...they may charge more, but, as a parent, I'd gladly pay more. I mean in some cases when you're...when you're out getting sheets for your bed, do you want to get the cheapest three-dollar version that's scratchy when you sleep on it, or sometimes you want to pay more? In this particular case, I want to know who does a better job. I want to know that quality. This is the only way really to do it. Right now, it's hard to tell. When you're out in the marketplace there's no way to distinguish between one or another. What we're doing is we're raising from 12 to 22 hours the amount of time these people have

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to spend each year to be accredited, and for those who want to go the extra mile, put in extra programs, perhaps become nationally accredited, we're going to put them up on another tier, and as a parent I'm going to know that and I want to know that. So I understand there's an element of big government here but this is one of those places where I think it's warranted and it seems to me the extra ten hours that we're asking is appropriate. Now, how can you get those 22 hours? Eight hours has to be in a group setting, but 14 can be done independent study. You can do it over the Internet. You can do it with an independent study workbook. These people are going to learn a little bit more about their profession and how to do it better and I think there's merit to that. There's merit to asking people to know more about their profession. We talk about it, as a lawyer, we talk about it in the Bar Association all the time--should we have mandatory continuing education? As somebody who's licensed to sell securities, I have my Series 7 license, I have to go through an incredible amount of continuing education, so in my mind we're saying it's more important that I know about securities than it is that my day-care provider learn more about childcare. I'm not sure that's...I'm not sure that's a trade that I'm willing to make. I'd like to see more training for these people, and more recognition for the ones who are already doing it. I also want to talk a little bit about the fiscal note.

SENATOR COORDSEN: One minute.

SENATOR BRUNING: I do worry and I'm...I'm not going to point the finger at Health and Human Services because I think this is common among fiscal notes, but here in my fifth year in the body I would say it is relatively common to see a fiscal note that is much greater than it needs to be. And I understand why agencies to that. I mean they certainly don't want to lowball themselves. If we do indeed pass the bill, they want to have enough money there. But in this particular case it was a great deal higher than it needed to be. The new fiscal note I think is more on track. This is going to be a desk job as far as processing these additional accreditation requirements. I don't think you're going to need 20 new people or even 10 new people out on the road. They can do this behind their desks. So I

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think the fiscal note is much lower than initially speculated and, in fact, in my mind, probably lower than they've asked here in the latest version. With that, I would urge you to consider this bill and continue thinking about the fact that it does allow parents to differentiate between providers, and I think for that reason it's a worthy bill...

SENATOR COORDSEN: Time.

SENATOR BRUNING: ...of our passage. Thank you.

SENATOR COORDSEN: Senator Dierks, please.

SENATOR DIERKS: Thank you, Mr. President. Members of the Legislature, I've been anxiously waiting to see if there's an amendment comes up that...that takes the small child-care centers in my district out of this bill, because I can't support it without that. The calls that I get from the people who have been doing this for 30-40 years are real and they affect me and they affect my grandchildren. And I think that until we can reach some reasonable amendment here that will exempt these small day-care centers in my district that I can't support this legislation. Thank you.

SENATOR COORDSEN: Thank you. Senator Raikes, please.

SENATOR RAIKES: Thank you, Mr. President, members. I would like to ask Senator Brown a question or two if I could.

SENATOR COORDSEN: Senator Brown, would you respond?

SENATOR BROWN: Yes.

SENATOR RAIKES: Senator Brown, my question concerns use of the tiers. You have three tiers distinguished, and Senator Bruning may have answered this question for me, but what...what role would those tiers serve?

SENATOR BROWN: The tiers serve primarily to let parents know a little bit more about the...the level of training on the part of the provider or program that the child might be attending.

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SENATOR RAIKES: So, as you see it now, they wouldn't necessarily be a part of any requirement.

SENATOR BROWN: Well, no, they're...they're...this is a voluntary tiered system. It would...the program or the provider would initiate whether they wanted to be in a...considered for a tier that was higher and then they would provide documentation that showed that they were, let's say, certified would...might be part of the Tier II, or a copy of their accreditation to prove that they're a Tier I. And...and so it would just be a desk audit function, but it would be a voluntary program. Now, right now, we already, in terms of our reimbursement, pay programs that are accredited at a slightly higher reimbursement rate, but...but there would be no cost necessarily attached to the different tiers.

SENATOR RAIKES: Okay, one follow-up question on that. Tier I would...would require...to achieve your proposed Tier I, that would require something additional to what it...what is required now for licensure. Is that right?

SENATOR BROWN: It would require...Tier I would require national certification.

SENATOR RAIKES: I thought that was Tier III.

SENATOR BROWN: Oh, I...well, we change...in the amendment we just adopted, we changed it so, no, Tier III requires the same thing that our current license...it's our current licensing level.

SENATOR RAIKES: So there's no additional...

SENATOR BROWN: No.

SENATOR RAIKES: ...hours of training...

SENATOR BROWN: No.

SENATOR RAIKES: ...required?

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SENATOR BROWN: No. No.

SENATOR RAIKES: So part of your bill would allow someone to stay, a licensed center, to stay right where they are.

SENATOR BROWN: Yes, but...but to be licensed it would require the 22 hours, rather than the 12, under this bill.

SENATOR RAIKES: Okay. One alternative may be to leave the...for the lowest level, would be to leave the training hours the same?

SENATOR BROWN: I...I happen to believe that the train...increasing the training hours is absolutely critical for all levels of programming.

SENATOR RAIKES: I think that's a "no". Okay. But I thank you, Senator Brown. Another, I guess, comment that I would have would concern Senator Tyson's comments about where the state should and should not be involved, and he made the case that state involvement in childcare is an intrusion beyond what at least many people would consider reasonable. I have a question for Senator Tyson, if he would respond. Would you consider reasonable, Senator Tyson, to offer tax credits to businesses to get involved in child-care provision?

SENATOR COORDSEN: Senator Tyson.

SENATOR TYSON: Senator Raikes, to me, a tax...the offer of a tax credit is an automatic...automatic admission that we're taxing too much. In other words, we're going to give you back some of what we have taken from you if you will do things our way. It is a type of fiscal coercion.

SENATOR RAIKES: So am I hearing you say you don't think it...it would be a good idea to offer a tax credit to a business who...who developed a child-care program?

SENATOR TYSON: I find it hard to answer that, Senator Raikes, because I...I think that we're talking...I'm talking about one

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type of thing and I believe that you're talking about a day-care center, and we have those in my hometown,...

SENATOR RAIKES: Well, actually, let me try to be more specific.

SENATOR TYSON: ...but the day care that concerns me are the...the small business where one woman, in her home, suitably modified to state regulations which are in place now,...

SENATOR RAIKES: Okay.

SENATOR COORDSEN: Time.

SENATOR TYSON: ...is taking care of a few children.

SENATOR RAIKES: Thank you.

SENATOR COORDSEN: Senator Bourne, please.

SENATOR BOURNE: Thank you, Mr. President. I guess, unlike Senator Tyson, I do believe the state should be involved in childcare and I guess what I see us debating today is to what extent should they be involved. Again, like I mentioned, if we have the absolute...we have to find a balance. If we have the absolute best childcare in the world but nobody can afford it, I don't think we've gained that much. I wondered if Senator Brown would answer a few questions.

SENATOR BROWN: Yes.

SENATOR BOURNE: You had handed out a revised fiscal note. The original fiscal note indicated that Health and Human Services would have to increase staff by 26.5 people, including 20 licensing specialists, 2 supervisors, 2 resource specialists and 2 clerical positions, as well as a part-time attorney, and the cost in 2002 would be \$713,000 and now it's...the revised fiscal note indicates is about \$300,000. And then the original fiscal note for year two indicates that it's \$890 thousand and this...and the revised one indicates about \$540. What has changed in the bill that would reduce this fiscal note by over half?

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SENATOR BROWN: Well, I think that it was...it was the Health and Human Services Department reevaluating exactly what was going to be...need to be done, because their fiscal note was based mostly on the tiered licensing aspect and that was why the attorney, the part-time attorney, because they thought that there would be a number of people that would challenge the designations. But since it's a voluntary program and it...the criteria is pretty objective, it did not seem to be something that was going to require a lot of on-site visitation, and so that I think that that was the...that's the difference in the fiscal note, is that they reevaluated how much on-site visitation was required, especially by the...the tiered aspect; that that was really much more of a desk audit function, as Senator Bruning alluded to, much more of just...for those programs that requested it, they would be providing documentation and somebody would just then approve that documentation.

SENATOR BOURNE: Okay. So it looks like, instead of 26.5 people, all they need is one part-time attorney, and I guess that's why the fiscal note has decreased quite a bit. And, again, I want to reiterate that I do believe the government should be involved and the state should regulate this, but I just...we need to find a balance as to how extensive the state's involvement should be. Senator Brown, where I come from, up in Omaha, it's kind of difficult to find good day care and, if you talk to day-care providers, it's difficult to find employees. And have we evaluated what...or have you evaluated, when you were putting together this bill and researching it, what impact this additional continuing education would have on day care? I know you indicate other states feel it's minimal, but my fear is that under the law now if you have three or less children you don't have to go through any of this licensure and I'm afraid that that's what we'll do to; instead of having five or six kids we'll have two or three centers with less than three. Have you evaluated that at all?

SENATOR BROWN: I...I...I'm not certain that...I think that Senator Janssen's concerns about...about not being licensed, I don't know that people will go to having three or fewer children

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and not being licensed in that respect. I think that there's probably a fear that they would just try to skirt the law. But...

SENATOR BOURNE: But that...that...

SENATOR BROWN: ...but I think that there are a lot of programs that are going to comply and I,...

SENATOR COORDSEN: One minute.

SENATOR BROWN: ...in my research, would say that there has not been the kind of impact. But I am not blind to it and certainly on Select File, if we can advance this bill, I am looking at some things in terms of phase-in if...if this is...if making this change. You know, I believe that we have done a lot in the last year to accommodate training opportunities and in a variety of methods...

SENATOR BOURNE: Right.

SENATOR BROWN: ...of accessing that, but I think that we may need to look at some way to phase this in over a period of time.

SENATOR BOURNE: But currently under the law, if a person or a day-care center did not want to go through with these requirements, they could just limit the number of kids they take to three and they wouldn't have to go through any...

SENATOR BROWN: That's correct.

SENATOR BOURNE: ...they wouldn't...okay.

SENATOR BROWN: That's correct.

SENATOR BOURNE: Let me ask another question. Again, even with the new fiscal note, we're still talking about \$800,000 or so over the biennium, which, you know, of course, to protect our children is probably pretty reasonable, but...

SENATOR COORDSEN: Time. Senator Schimek, please.

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SENATOR SCHIMEK: Yes, thank you. Mr. President, members of the body, I rise because I'd like to ask Senator Brown a few questions, but before I do that I'd like to say that recently I had an invitation to go visit at a home day-care center in my area and had a chance to observe the provider in action and also the children, and she was a very professional day-care provider. She had been in the business a number of years, and she really is supportive of ideas for increasing the professionalism of day-care providers, but she had several questions and several concerns and one of them dealt with training and, Senator Brown, that's really what I would like to ask you about, are the training provisions.

SENATOR BROWN: Yes, Senator Schimek.

SENATOR SCHIMEK: What is available? Now, her...her comments to me were that a lot of this training is stuff that she's had before that she, you know, because she's been in the business so long she's...she's familiar with that. How do you...how do you provide training that year after year after year is up-to-date and challenging, and how is that training provided now? Could you give us a little insight into that?

SENATOR BROWN: There are...there's so much, and we have spent probably the last seven years taking a lot...as much of the federal money that we get that doesn't go to assistance for families and using it for developing our training opportunities in the state, and different methods to do it so that we can get...get that. I'll pass out some information about the Early Childhood Training Center which we have in the state which is a wonderful resource. They...they check out thousands and hundreds of thousands of books and videos and things so that...that people can access it. Nebraska developed a program on infants that's available via the Internet and through NETV and it is...it's going to be nationally recognized. It is such...such a high-quality interactive training module. I just did an event with some home child-care providers in the last couple weeks also and one of the providers was in response to one of the other providers who was concerned about new training opportunities. This young woman had just participated in a

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program about brain development, which was a fairly intensive program, and she said it was the best thing that she'd ever been in and she...I mean she was a very educated young person and just felt that it was really challenging new information for her. Where...Nebraska is also participating in a national program called, I think, "What's Up, Reading" (sic--"HeadsUp! Reading") is the name of it. It's an early literacy program. It's going to be one of the keystones, I think, of the current administration in Washington, this early literacy. There are 500 providers from around the state that are participating. They're paying for it. It's through...they have to...it's a continuing education thing and so they're paying fairly significantly to participate. It's 44 hours. And so these are the people that we are not hearing from because they're already doing over and above...

SENATOR COORDSEN: One minute.

SENATOR BROWN: ...the number of hours that we're talking about. But there are a lot of different delivery methods that we have been working on because Nebraska is an unusual state in terms of...of, you know, the distance that there is for a lot of people, so we really are trying to do that.

SENATOR SCHIMEK: Thank you, Senator Brown. I've turned my light on again because I didn't get to all my questions, but that was very helpful. Thank you.

SENATOR COORDSEN: Thank you. Senator Beutler, please.

SENATOR BEUTLER: Senator Brown, I also, if you would, would like to ask you to respond just to a couple of items to indicate what may or may not be possible.

SENATOR BROWN: Okay.

SENATOR BEUTLER: The first item has to do with education levels which child-care providers may come to the job with. I don't know what's happening at the university level, for example, with regard to degrees that are related to early childhood education. The thought is this. With teachers, for example, you don't

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require continuing education, as such, I don't think. If you come to the job of childcare with a degree in early childhood education, ought there to be a difference between the educational requirements for that kind of a person and one who comes to the job with...without any such training? In fact, you need to remind me, do you need to have a college education? You don't, do you?

SENATOR BROWN: You don't. We have no precertification. You don't even have to have a high school...

SENATOR BEUTLER: Okay. So question number one is, would it make some sense to provide some additional flexibility with regard to those who may come to the position with a certain level of education or training? Second question is, with regard to the level of educated...educating or with regard to the level of training required in the bill, would it make any sense to differentiate as between your three tiers as to how much you require and just let the parents choose what level of competency they might want? Those are...those are my two questions.

SENATOR BROWN: Well, it might make some sense. One of the...one of the real fears is that we would require some sort of college level...to be able, in terms of precertification. But I...and we're not in this and Nebraska has no precertification. You, you know, anyone, you could decide tomorrow that you're going to become a child-care provider and that's about all you need to do, is make that decision and contact Health and Human Services and then over the next year you would need to get 12 hours of training. I happen to believe that ongoing training is useful whether or not there is precertification or precicensure requirements. And what I've found is that most of the people who have, like, a two-year degree already participate in almost 20 hours, 22 hours of ongoing training anyway. It's like the 500 people who are participating in this early literacy program for 44 hours. It doesn't seem to be as big of an issue with them, this training require...this ongoing training requirement. And I will make a...I will make a comment and it's a comment that has caused...gotten me in a lot of trouble. I'm not making a comparison between child-care providers and animal technicians,

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but I will say that we, in this Legislature, have determined that it is our policy that we set standards for the people who care for animals, and that...those standards are that they have a 2-year degree that includes college level courses and 20 hours of ongoing training each year. Now, that's the policy that we have set for the people who care for animals and so, you know, I...I think that that says something about whether there's...

SENATOR COORDSEN: One minute.

SENATOR BROWN: ...a role for government in this, and also what kinds of new information are coming up all the time about...that I think everybody, whether they have prelicensure training or not, need to avail themselves of. The new information about brain development I think takes a lot of people, even people who may be teaching in colleges, and really challenges some of the things that they've thought about the way that children develop, and I don't think it's unreasonable for us to expect that this could...I mean, and that's not to say that I wouldn't look at that as something, and I would prefer to look at it on Select File because, as I said, I am...I'm really concerned about...about this. This is something I believe in, but I don't want it to...I don't want to hurt the field. And so if we need to move maybe to, like,...

SENATOR COORDSEN: Time.

SENATOR BROWN: ...20...18 hours rather than 20, then I'd look at that. Thank you.

SENATOR COORDSEN: Senator Erdman, please.

SENATOR ERDMAN: Thank you, Senator Coordsen. Members, good morning. Exciting day for us here and I've discussed this issue with Senator Brown in great detail. I heard this bill in committee and I appreciate Senator Brown's passion for this, as Senator Cunningham has already displayed. But I do have some concerns and I guess we're going to start with a question that I haven't had answered yet. And in the bill it talks about quality and Senator Brown alluded to the fact that she would explain to me what that definition means, so I'd just offer that

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to Senator Brown, is what is your definition of "quality"?

SENATOR COORDSEN: Senator Brown, would you respond, please?

SENATOR BROWN: I'm sorry, I was in a conversation.

SENATOR COORDSEN: Would you repeat your question, please, Senator Erdman.

SENATOR ERDMAN: You bet. Senator Brown, we've discussed about quality and you mentioned in your opening on this bill that you would explain what you think quality means and, since it is in this bill, I'd like to know specifically what that is going to entail.

SENATOR BROWN: Well, I...I think that quality is a very subjective term and what I've tried to do in this bill is talk about objective criteria. I think numbers of training hours are an objective criteria. I think that certification by a nationally recognized program is one aspect. I think accreditation is another aspect. Those...those...that does not necessarily guarantee that what happens to that child is going to be quality, but what it does say is that, rather than us, as a state, determining how close the dog dish should be, we're going to determine, as we do with other professions, what kinds of...of prelicensure requirements there are, the kind of objective things that we think...we hope will lead to quality.

SENATOR ERDMAN: Okay. You also mentioned the national certification standards. Do you know what the current certification standards are for three years on a national level as far as hours?

SENATOR BROWN: Well, the...when we talk about certification there's a CDA credential, and I can get all the requirements for that, but by...I think it's by the year 2002 all...all employees in Head Start programs are going to have to be certified, and Head Start already requires 22 hours of ongoing, in addition to the CDA, 22 hours of ongoing training, and programs that are operated through the military also require 22 hours. So...so it's not an unheard of requirement in terms of training. In

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fact, the requirements for military programs, as I've learned, are very stringent.

SENATOR ERDMAN: Okay. I've...I've received a number of letters and e-mails as well, and if...if this e-mail is correct, and I'm assuming it is, this is a lady that's involved in this day care providing, is that the Nebraska requirements would be one more year in those three years or one more hour of credit hours in those three years than it would be to be nationally certified. And know that's...that might be fine if we want to go ahead and jump ahead of that, I have no problem with that, but the other question I have is we're going to have a lower child-to-staff ratio. Sounds like a great idea but my question is, do we have a surplus number of individuals to work in these facilities? Are we going to be able to guarantee that, as we continue to put higher regulations on our facilities, on the child-care providers, are we going to be able to provide then that actual service with the number of people we have in our work force? As has been stated earlier today, we have a low unemployment and my concern is, as we continue to pile on more regulations, especially on child-care providers or day-care centers in rural Nebraska, where I represent, we're going to be losing a lot of people to go to other businesses that won't require them to take as much time but will give them the opportunity to build their skills on the job. I do have a couple other questions for Senator Brown, if she would yield.

SENATOR COORDSEN: One minute.

SENATOR ERDMAN: Senator Brown?

SENATOR BROWN: Yes.

SENATOR ERDMAN: Are the...the training programs we're talking about, these additional hours, are they free?

SENATOR BROWN: Some of them are free. Most of them require some small payment because what...what the programs that do the training have found is that people are more likely to fully participate, complete the program, if they...if they pay a small amount. But all the training that has been developed under

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the...when I said that a lot of money...a lot of the federal money for quality has gone towards developing regional training approaches. There are regional training projects in all parts of the state and one of their goals is to make sure that the training is available at a...at a nominal amount so that...

SENATOR ERDMAN: Okay.

SENATOR BROWN: ...everybody can afford to participate...

SENATOR ERDMAN: Okay.

SENATOR BROWN: ...and there are a lot of programs that provide stipends.

SENATOR ERDMAN: Well, one other thing...

SENATOR COORDSEN: Time. Senator Tyson, please.

SENATOR TYSON: Thank you, Mr. President. Members of the body, earlier in this discussion, Senator Brown mentioned that if there were issues we should define those issues and improve her bill. I think there are issues here but the time to define issues is when you start to write the bill. This is not good legislation. Am I concerned on a personal level? Yes. I have two children in Wayne...two grandchildren in Wayne, two grandchildren in Hebron who are taken care of during the day while their mothers work. They were able to enter into an exhaustive search which consisted primarily of calling the people whose children had been cared for. And I recommend that to Senator Bruning. Senator Bruning is searching for childcare. Ask the customers. Always a good idea. The thing that we have to bear in mind is that a lot of the people who are able to work because of childcare, day care, are marginally employed, and if they have several children being cared for that rapidly eats up a good portion of their work. Then add the other usual expenses of work, it could be that we are very, very close to the mother involved, or the father involved, adding things up and saying, wait a minute, I'm working for 11 cents a hour. If you start to mess around with cost you can very, very rapidly drive your market away, and no one profits from that. I think that this is

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primarily a metropolitan, an Omaha and Lincoln, problem. We tend to know, in rural areas or in small towns, who does a good job, not just a...I don't care what it is, we either know or we know someone who knows. Senator Bourne mentioned that he thinks the state should be involved. For God's sake, the state is involved. They have been involved for years. This is not talking about involving the state. This is talking about involving the state more and more and more and more. How far do we go? How much can these people, whose interests we are here to serve, how much of our tender ministrations can they stand? Now I speak from some experience because I had six children turned over to the tender mercies of a day-care provider, and she was licensed. It was a marriage license. The state is just one step away from telling her how to raise her children. Well, that's a done deal, but the thing of it is the state has an interest; the state has addressed that interest. This is being more and more intrusive. Now if I could address Senator Raikes. Mr. President.

SENATOR COORDSEN: Senator Raikes.

SENATOR RAIKES: Yes.

SENATOR COORDSEN: One minute left.

SENATOR TYSON: Senator Raikes, we were in the middle of a dialogue. Have I...did I sufficiently answer your question as to what I felt about the credits?

SENATOR RAIKES: I don't think so, Senator, but let me see if I can recount what you said. You didn't...you don't think the state should be involved in child-care regulation and...

SENATOR TYSON: Beyond...pardon me, beyond where they are currently involved.

SENATOR RAIKES: Okay. All right. I think it...my question dealt specifically with tax credits. If they shouldn't be involved and they should not be involved beyond where they are currently, then that would mean the state should not get involved in a tax credit program for businesses to develop

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childcare. Would that be the case?

SENATOR TYSON: Yeah. Number one, yes, I would say that, but I would say...

SENATOR COORDSEN: Time.

SENATOR TYSON: ...how about a...how about a...

SENATOR RAIKES: Sorry.

SENATOR TYSON: ...tax credit on the parents?

SENATOR COORDSEN: Senator Brown, please.

SENATOR BROWN: Yes. Oh, I'm...oh, I thought some...I was answering a question, I'm sorry.

SENATOR COORDSEN: It's your turn, Senator Brown.

SENATOR BROWN: Mr. President, members, I would yield to Senator Bourne to finish a question that he had. Senator Bourne.

SENATOR COORDSEN: Senator Bourne, about four and a half minutes.

SENATOR BOURNE: Thank you, Senator Brown. What the question that I had started to ask you the last time I was talking about is basically what are the harms? We want to almost double the amount of continued education that these day-care providers are required to take, and I guess what has occurred that would justify the increased regulation that we're going to subject these individuals to? Can you relay a particular incident or...

SENATOR BROWN: I don't like being reactive in that sense. I don't think that...I guess if there were one thing, it would be the whole brain development, the new information that we have about the way that...that brains develop. But it's more that we've known, we've known for as long as I've been involved in this what we need to do, that every single report, and as I said, I could bring you a wheelbarrow full of reports from very

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admirable groups, some not necessarily even social groups, but other kinds of groups, all saying the same thing. As recently as last year with the Governor's Commission on Childcare Financing, that this was one of the things--increase the training. Everybody says it and we just haven't...we haven't done it, and I think that this is the time to do it. And so it's not reactive as much as it is, do we know what we need to be doing for children? I think we do. I think all the groups say the same things, and I just think it's time to do it.

SENATOR BOURNE: Great.

SENATOR BROWN: But how we go about doing that is another question.

SENATOR BOURNE: I have a few more questions if you'd like to answer them; otherwise, I...

SENATOR BROWN: Go ahead.

SENATOR BOURNE: Okay. The goal is, as Senator Bruning mentioned, to let parents know whether or not they're getting good childcare. And I remember when my son was in day care, the program that he attended was one of the few that were nationally accredited. And if you had a national accreditation, that was supposed to be a very good thing and the parents could rest easy that that was good day care. Wouldn't that, a national accreditation, accomplish the same thing; i.e., letting parents know what type of care they're getting, without spending this kind of money and subjecting to these people...these people to additional regulation?

SENATOR BROWN: Well, there are two...two different things and I would argue that we're not subjecting them to any additional regulation. In fact, I think it's...the very opposite thing may happen, but the tiered program is all voluntary, and so that absolutely is not any additional regulation.

SENATOR BOURNE: Well, the tiered...I'm sorry to interrupt, but I just want to clarify because maybe I'm misunderstanding. Even for the very basic, the number one...or excuse me, the

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number three now pursuant to the committee amendment, you'd still be required to have 22 hours a year of continuing education.

SENATOR BROWN: Yes.

SENATOR BOURNE: Okay.

SENATOR BROWN: But I still think that I believe that as we get to more objective criteria about training that we very well may be able to let go of some of the criteria that we have right now in terms of regulation, that I think is, you know, it's...I'm back to my dog dish thing but I mean, seriously I think that it's much better for us as a state to have objective criteria about training rather than this other kind of criteria, so...

SENATOR BOURNE: Okay. You had also...you might have spoken about this earlier, but...

SENATOR COORDSEN: One minute.

SENATOR BOURNE: ...what type of continuing education do other states require for day-care providers...

SENATOR BROWN: Well, I said...

SENATOR BOURNE: ...hours wise?

SENATOR BROWN: ...that this legislation is patterned after Iowa. Iowa actually has 22 hours, and they don't allow the CPR and health and safety issues to count towards those 22 hours. So they're even a little bit higher than we are. Nebraska is about in the middle of states. It's on the lower side, but it's close to the middle in terms of requirements. We will, by making this change, we will be in the top half rather than in the bottom half. But we are...most states have some sort of precertification requirements which we do not.

SENATOR BOURNE: Okay.

SENATOR BROWN: I'll go ahead and yield the rest of my time to

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Senator Jensen.

SENATOR COORDSEN: No, Senator Brown, you won't because...

SENATOR BROWN: No, I won't? Okay. (Laugh)

SENATOR COORDSEN: ...you've got about three, two, one second left.

SENATOR BROWN: Thank you.

SENATOR COORDSEN: Thank you. Senator Raikes, please.

SENATOR RAIKES: Thank you, Mr. President and members. I'm supportive of certainly the idea, if not the specifics, of this bill. There have been, I think, tremendous advances made in child development. I think it's important for the state to encourage that providers take advantage of those advances. I would certainly be interested in a proposal that would allow perhaps people to stay, or centers to stay where they are now, but also an opportunity to distinguish themselves by a tier designation if, in fact, they've advanced beyond that. To me, that seems like a very reasonable policy and one that is very consistent with what I see as the state's role here. And let me comment a little bit about on what I see as the state's role. I certainly think that this is an important place for the state to be involved. The extent is certainly a question, but I would mention two characteristics of childcare which I think are very important and turn out to be costly. That is achieving high quality and the other one is providing services for young children. Certainly I see it is vital for the state's interest, in its role to provide public education and in other facets, for the state to do everything it can to encourage that childcare be provided at the highest level that is available, given our current and developing understanding, and that we try to encourage that that care is provided for young children, that is preschool-age children. So anything that helps us along in those two regards, I am strongly supportive of and, as I say, this bill, I think, moves us in the right direction so I'm going to support it. Thank you.

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SENATOR COORDSEN: Thank you. Senator Bourne, please.

SENATOR BOURNE: Thank you, Mr. President, members. Senator Brown had mentioned that, as far as continuing education, that Nebraska is in the lower half of day-care providers' continuing education. And I think that we're actually in the lower half probably for most other professions as far as what we require in continuing education. And I guess that maybe this might put this in perspective, because again I'm concerned about the impact that requiring these additional hours would have. I was on the Health and Human Services web site this morning and I pulled up some requirements for various professions. For dental anesthesia permits, there's no continuing education required. A dental hygienist, 30 hours biennial, so are 15 hours a year, so a dental hygienist would actually have less than a day-care provider. A dentist is required to perform 30 hours biennially, biennially of continuing education, 15 hours a year. So a dentist would actually have less of continuing education a year than would a day-care provider. Physicians, surprisingly enough, according to this page on the Health and Human Services, Nebraska Health and Human Services web site, physicians do not have any continuing education, nor do physicians' assistants. An optometrist has 16 hours a year which is, of course, 6 hours less than a day-care provider would be required to have. Lawyers, Senator Beutler just mentioned lawyers, lawyers do not have any continuing education requirements, none, which you could debate on whether or not that good or bad. (Laugh) But the fact is, they have no continuing education requirements. Medical radiographers, 24 hours biennially, so 12 hours a year. Veterinarians, let's see, a veterinarian, 16 hours a year. Let's see, cosmetologists, cosmeticians, or excuse me, cosmetologists, 16 hours a year, so it would be less than a day-care provider. This one is for Senator Dwite Pedersen, an embalmer, only 16 hours a year. (Laugh) So a day-care provider would have more continuing education. Then you get down...about the only professions in the state that have continuing education hours that are more than a day-care provider, should this law pass, would be psychologists. They require...oops, they're only 12 hours a year. So it looks like a nursing home administrator has 50 hours biennially, that's 25 hours a year. And according to this Health and Human Services web site, the nursing home

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administrator would be the only profession licensed in the state of Nebraska that would have more continuing education hours than our day-care providers. So, while that doesn't necessarily mean that we shouldn't have more for these other professions, it certainly puts this in perspective. And I'm afraid that we're putting an onerous burden on these day-care providers when we require more continuing education each year than for a lot of the medical professions: dentists, physicians, optometrists, things of that nature. So I think it does kind of put it into perspective. With that, I'll waive my time back to the Chair. Thank you.

SENATOR COORDSEN: Thank you. An amendment.

ASSISTANT CLERK: Mr. President, I have a motion on the bill. Senator Tyson would move to indefinitely postpone.

SENATOR COORDSEN: Senator Tyson, on your motion.

SENATOR TYSON: Thank you, Mr. President. Members of the body, I think that what we have done to date on this bill is to show that this bill isn't something that can generate wide support in this body. I think in the interests of allowing Senator Brown to go back and regroup and think out what it is that she wants to accomplish, we should start afresh. That will save us going over LB 400 line by line and eliminating the references that need to be eliminated. It's already been discussed that this is too broad a brush with which to paint over a situation. And the purpose of my motion is to set it aside. Can always come back next year, come back with something and if there's a definite, provable, definable problem, let's address that problem. Right now, everybody that's in the child-care business is subject to the regulations, I've got 30 pages of them here, that does everything that you can possibly think about and some things that you can't possibly think about, in taking care of children in a home. Now if there's a day-care center problem, address that problem. If there is a problem with an individual who is opening his or her home to the care of small children, and we're not talking about a big crowd here, we're talking about a lot of homes that are taking care of three, four, five, six children, some of them small children, some of them more advanced in age.

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Everything that I think is needed and, quite frankly, I was surprised when I read these regulations and found out all the things that a day-care provider already has to do, any problem is being addressed now that I can think of. The state already has inspection rights, so this isn't something that is existing out there in a vacuum. This is something that is being looked at every day. That's what we have Health and Human Services for. Why go beyond unless we have a clearly defined area that cries out for our attention? Let's leave the state doing what the state is doing now. If something else exists beyond that, let's address it. Let's address it clearly defined, clearly written, and not restricting people who are now doing everything that they should be doing. Thank you.

SENATOR COORDSEN: Thank you. Senator Brown, did you wish to take up the motion or did you wish to lay the bill over?

SENATOR BROWN: No, I'll take up the motion.

SENATOR COORDSEN: Okay. Okay, to speak to the motion then, Senator Brown.

SENATOR BROWN: Yes, Mr. President. As I said before and I will say again, this is the time that we do need to deal with this. If we don't believe that our children do better in care programs where the people are well trained, then fine. I'm willing to say, then we don't do this. If we don't believe that the state should be spending \$50 million a year on subsidizing care and that care should be the very best that we can afford for our children, then fine, let's don't do it. But to once again say, oh, you know, we've got all this documentation that says this is what we should be doing for our children, this is how our children develop, this is how their brains work, but we're not going to deal with it right now, I don't... I don't think that that's the right thing. I happen to believe that we are presented with an opportunity. We can either choose to take advantage of that opportunity or we can choose to say, this is not that important to us. Now as I've said, I'm willing to work on... if there is a concern that the training is not yet available, I happen to believe that we've made great strides in that regard, but I also would be willing to look at maybe

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phasing this in. Those kinds of things I'm willing to look at. But I believe that we have been presented with the case here, and it's just whether we're going to choose to do it or not. Do we care about what happens to the children of our state who disproportionately are in childcare, or do we not? Because everything that we have...we know says that...that this is one of the things that we should do. And we have been presented with information about other job categories, but those job categories I don't believe in many cases are as critical as my child, but also those are all jobs where they have extensive educational requirements before they can be in that profession. Maybe what we need to do is have extensive requirements before someone can be in the child-care business. I don't want to lose people who are doing this because they care desperately about children, and I think that there are a lot of them and I value them enormously. But I also think that even the people that care the very most about children can stand to learn something. I think that we can stand to learn something every day of our lives, and certainly being a senator has taught me a lot of things that I didn't know before. And so I don't think that we should be threatened by whether or not this is a role for government because I think it is the role for government. As I said to Senator Jensen when this bill was in committee, he is a banker. We have very stringent regulations on banks because they care for our gold. Well, I happen to think that children are a whole lot more important than gold, and so I don't think that there's anything wrong with what we're talking about...

SENATOR COORDSEN: One minute.

SENATOR BROWN: ...in terms of what we're going to do for children. So I would ask you to vote down the Tyson amendment...I mean the Tyson motion to indefinitely postpone; advance this bill. If you have specific issues that can...that we can deal with on Select File that still allow the essence of this bill, which is children deserve to have caregivers who understand their development as best as they can, then we'll look at those kinds of things. But...and I'm more than willing to look at it. I want a reasonable approach but I'm not going to give up on what I believe is the right things for children.

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SENATOR COORDSEN: The question before the body is the motion to indefinitely postpone. We have a number of lights on. I will go through and ask if you wish to speak to the motion to indefinitely postpone. Senator Schimek, please.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members of the body. I would like to echo what Senator Brown just said, and I would like to argue against adoption of the motion. I don't believe, in some respects, there's a more important bill that we could discuss this year, and I would encourage you to stay with it, to stay with it and make the amendments that need to be made to make it acceptable to the majority of the people in this body. Just to simply give up on the bill because you don't like it in its current form I don't believe is a...is the right approach, and I would strongly encourage us to keep debating, to keep working on it. I was encouraged by some of Senator Brown's remarks earlier when she was answering my questions about training, and I have to tell you when I came up here on the floor, I didn't know if I was going to support this bill or not. But I think I am now because I think that she has given us every indication that she's willing to make some changes in the bill. One of the things that I would like to mention to you is that some of the best training that we ever get, and I'm sure most people ever get, is the training that comes through interaction with other providers. And I think that's what some of these requirements can do, in addition to the more formal training. I am also encouraged to know that there is long-distance-type learning for people who are particularly in rural areas, because I know this is a problem and I sympathize with that problem. I also think that we should keep in mind, Senator Bourne, that these day-care providers are not required to be degreed like the other people that you have talked about and enumerated for us the kinds of training that they are required to have on an ongoing basis. So I'm basically in favor of looking at this bill and dealing with its concepts. I kind of like Senator Raikes' idea that maybe we could make one of these tiers, like Tier III, maybe could require less training, and you, as a parent, that would be something that you would be aware of when you're looking for day care. I also think that you could maybe grandfather, or maybe I should say grandmother, in something for years of experience. And maybe if

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you've been in the child-care business for 20 years, maybe your training requirement should be a little bit different than those who are just coming into being providers. And maybe Senator Brown's idea that she just expressed that you make some of that training up-front would be a really good idea. I also think that we haven't talked about the immunization question much at all today, and I'd like to have some discussion on that eventually. But maybe we could also consider the "grandmothering" in of providers who have been at this for 20 or 30 years, have...don't even have records of their immunizations anymore, no way to get them. I think some of the arguments could be made that if they've been treating numbers of children for numbers of years, maybe they could be excused from...

SENATOR COORDSEN: One minute.

SENATOR SCHIMEK: ...this particular provision. What I'm saying to you, I guess, is, what Senator Brown has said about a step-by-step phase-in, I think that might be worth considering. I think it might be worth considering making Tier III, maybe, a little less stringent training requirements, and finally giving some thought to those particular day-care providers who have been in the business a long while and maybe the training requirements and the immunization requirements are not quite as necessary for those providers. And I'd like you to at least consider those notions, and please don't vote to indefinitely postpone this bill. It's a discussion we need to have.

SENATOR COORDSEN: Thank you. Senator Erdman, to speak to the...no, Senator Jensen to speak to the motion to indefinitely postpone.

SENATOR JENSEN: Thank you, Mr. President. Members of the Legislature, I also would ask that you not vote to postpone, or to indefinitely postpone this bill. Nebraska, as the statistics tell you, have a large number of children, 72 percent of the moms that are working, and we do have more children per capita in day care than any other state. We do have in this state, however, some tremendous helps. The Early Childhood Training Center has a library with lots of materials. They have on-line training, they have regional centers across the...regional

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training centers across the state that people can also tie into. You talk to any elementary school teacher and ask her, what kind of kids do you have coming into your class today, and they say, it's different than it used to be. Sometimes there's some problems in controlling the children, sometimes there are some...also areas that they need help on. With all the children that we have in day cares, it's more than a baby-sitting service. It should be an educational process that they go through. This state is involved in that we spend over \$50 million a year in childcare. We spend more on childcare than we do on ADC. So the state is involved and I think that we should ensure that the state gets its money's worth by providing the proper childcare for these young kids. As Senator Janssen mentioned, they are our highest resource. This is where, I think, that we should be concentrating some effort and some education also. This came before the committee last year and again this year. We had a number of people testify. We have some that say, no, we don't need continuing education; that what we're doing is good enough. I really have a problem with that, that saying what we've done in the past is good enough, we don't need to do any more; we don't need to do it better. There are better ways of education children and handling children, and I think that it requires continuing education to not only keep up but also to do the best job that you can. The interaction that would come from the group settings I think would be excellent. There's nothing wrong with sitting down with people of...who are in an industry that you're working with that can help you with advice, that can help you with systems that they've used that could be applied. I really think that, with the number of children that we have in this state in childcare, that they deserve the best that we can, the best quality that we can offer, and to provide a small amount of continuing education I think is a right step in the right direction, and so I would support LB 400 and would vote no on indefinite postponement. Thank you, Mr. Chairman.

SENATOR COORDSEN: Thank you. Senator Landis, please, to speak to the motion to indefinitely postpone.

SENATOR LANDIS: I call the question, Senator Coordsen.

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SENATOR COORDSEN: The question has been called. Do I see five hands? I do. The question before the body is, shall debate cease? All those in favor of ceasing debate vote aye, those opposed nay. Record, Mr. Clerk.

CLERK: 27 ayes, 4 nays, Mr. President, to cease debate.

SENATOR COORDSEN: Debate has ceased. Senator Tyson, to close on your motion to indefinitely postpone.

SENATOR TYSON: And while I'm doing that, Senator Coordsen, I would appreciate a call of the house.

SENATOR COORDSEN: Shall the house go under call? Those in favor of going under call please vote aye, those opposed nay. The house is under call. Those who are not excused, please return to the Chamber and record your presence. Senator Tyson.

SENATOR TYSON: Mr. President, members of the body, I don't know how many, I assume most of us or all of us, have read this bill, but let me read just a few things that this bill calls for, and bear in mind then what we are talking about. They're going to have to have training, a minimum of 22 hours, in more than one of the following topical areas.

SENATOR COORDSEN: Excuse me, Senator. Mr. Clerk, would you record, please.

CLERK: 32 ayes, 1 nay, Mr. President, on the motion to place the house under call.

SENATOR COORDSEN: Senator Tyson, my abject apologies for not properly processing the vote on the under call, so please continue.

SENATOR TYSON: But you've made everything right now, Senator Coordsen, so it all...stop and think about what we're asking in this 22 hours of training: child development, guidance, discipline, developmentally-appropriate practices, nutrition, health, safety, communication skills, professionalism, business practice, multicultural competence, and maintaining current

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certification and training for infant, child and adult... I don't know what the adult is doing in there but we can discuss this if this fails; cardiopulmonary resuscitation and first aid. And it goes on, at least eight hours shall be obtained in a group setting, so on and so forth. If you were to have all of these, I would assume that you would have at least a bachelor's degree. And this is to, in essence, be a baby-sitter. Now, it is very obvious when you read these requirements that we're not talking about taking tender loving care of an infant or a young child. We are talking about guiding that child as someone, I know not who, wishes them to go. This is not childcare; this is child training. Is it training the way you want your child trained or is it being trained the way someone else wants the child to be trained? Think about the implications of this. This is what is called for in this bill. And I would offer to you that, among other things, it is going to make hiring staff in these multipurpose centers more and more difficult. We are not talking about highly paid professionals; we are talking about people who are looking for a job that they can do. Talk to some of the day-care center providers now and see what they are under as far as strictures in hiring people. The more that you increase these requirements, the higher the cost goes because there is no such thing as a free lunch. All the economic wisdom of the world can be summed up in that simple sentence--there is no such thing as a free lunch. This is what we're talking about on this bill and I would offer to you that if there is an object here, if there is an issue here, it should be defined from a fresh start, and that's what this enables us to do. Thank you.

SENATOR COORDSEN: Thank you, Senator Tyson. Senator Chambers, Senator Brashear, the house is under call. Please return to the Chamber and record your presence. Senator Chambers, the house is under call. Thank you. The question then is, shall LB 400 be indefinitely postponed? Those who...in favor please vote aye, those opposed nay. Record, Mr. Clerk.

CLERK: 14 ayes, 25 nays, Mr. President, on the motion to indefinitely postpone.

SENATOR COORDSEN: The motion fails. Another amendment, Mr. Clerk. Oh, raise the call.

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CLERK: Mr. President, Senator Bourne would move to amend with FA29. (Legislative Journal page 627.)

SENATOR COORDSEN: Senator Bourne, to open on your amendment.

SENATOR BOURNE: Thank you, Mr. President. I still have some concerns about the bill and I don't know that we have justified the additional expense and requirements that we would place these day-care providers in such that to warrant the...proceeding with the bill, but I have a concern, as I had mentioned earlier, with after-school programs. I know a lot of schools now, both public and private schools, have before-and-after care. When both parents work or in single parent households, they can let their kid...or drop their child off before school and that child will go to an after...or excuse me, a before-school program in the school building. And then after school ends at three o'clock, and say the parent doesn't get off work until 4:45 or five o'clock, then that child could go to an after-school program that is authorized by statute under Section 79-1104. Well, as I mentioned, that these additional requirements, I'm afraid, are going to cut down the number of available day-care workers. In my particular situation, I have a son who attends both before-and-after care at his school, and they were going to discontinue this program a week before school started simply because they couldn't find available child-care workers. And I'm afraid that if we put these additional requirements on there, that we won't...that programs such as this will be even further disadvantaged by the additional continuing education requirements. So what my bill basically does, or excuse me, what my amendment does is in three places, particularly the first one is on page 3 in line 16, it just adds language saying, on line 16, after "commencing such employment", it says, "The requirements of this subsection shall not apply to before-and-after-school or preschool services provided pursuant to 79-1104." And it adds this exemption on page 4 after subsection (5) and on page 4 after subsection (3). So again, what this amendment would do is exempt out before-and-after-school programs provided by statute pursuant to Section 79-1104. The testimony that we've heard from Senator Brown and other supporters of the bill indicate

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that the goal is to increase the continuing education hours because we've had numerous studies done for these infant children. And I think that with an after-school or before-school program, these are of school-age kids, 5 years to, you know, up to 11 or 12 years old in age where they could actually perhaps go home from school by themselves if they live in the neighborhood. So I don't feel that this bill...the intent of it is, is to increase the quality of day care based on some of these infant studies that have been done, and I don't believe that these children would actually fall in under these requirements. So that's the purpose of the amendment. It would simply exempt out before-and-after-school day-care providers from these additional continuing education requirements.

SENATOR COORDSEN: Thank you, Senator Bourne. (Visitors introduced.) Now, to speak to the Bourne amendment, Senator Brown, please.

SENATOR BROWN: Mr. President, members of the Legislature, as I said in response to Senator Schimek and to some other people, I am more than willing to look at some amendments to this. I don't believe that we should look at exempting certain categories based on the kind of service they provide. The only exemption that I would be willing to consider, and it's something that I will be considering for...on Select File if we can advance this bill, might be something that has to do with years of service and years of providing this kind of service, and maybe some other kinds of educational background, like Senator Beutler had talked about; that that might be a reason that we would want to look at some exemptions. I'm also, before Select File, going to be looking, with Senator Bruning, at some sort of...the possibility of a phase-in. But at this point in time, I would argue against the Bourne amendment because I think that it is going away from what I believe the core value, the core of what this legislation is about, which is do we know new things about child development and should the people who are carrying for those children be exposed to these new ideas? And so, I would rather not exempt out individuals based on the age of the children or the kind of care they provide, but rather based on whatever kinds of training that they are already bringing to that, either by virtue of having been in the field

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for a significant amount of time or by virtue of whatever their prelicensure training might be. As I said before, some of the things that Senator Bourne talked about, the other professions that he talked about, were professions that have extensive training requirements prior to their being in the profession. And so that is something that...the question that Senator Beutler asked, those are things that I would be more than willing to look at for Select File amendments. And as I say, I am more than willing to work with people on amendments for Select File, but at this point in time I think that it's very problematic to start saying this category of children are not the ones that have any developmental information that's available about them, because I don't think that that's true. And I think that our focus has to be on making sure that the people who are caring for the children have the information, whether it's before they come into the field, whether it's by having been in the field for a long time, or whether it's by availing themselves of training opportunities about child development so that they can be making the appropriate decisions and so that we are not, as a state, only making decisions about how close the dog dish is to the children. Thank you. So I would urge the...urge you not to vote for the Bourne amendment. Thank you.

SENATOR COORDSEN: Thank you, Senator Brown. Senator Smith, please. Senator Smith passes. Senator Beutler.

SENATOR BEUTLER: Senator Bourne, if I might, I'd like to explore what you intend in your amendment.

SENATOR COORDSEN: Senator Bourne, would you respond, please?

SENATOR BOURNE: Certainly, yes.

SENATOR BEUTLER: There seem to be three categories that you would exclude: before-and-after-school...before-school, after-school and preschool services. And then after preschool services, it says, "provided pursuant to 79-1104". The qualifying language says 75-1104 (sic--79-1104). Is that meant to apply to preschool, before-school and after-school?

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SENATOR BOURNE: It's actually Section 79-1104.

SENATOR BEUTLER: I'm sorry. What did I say?

SENATOR BOURNE: It's...sure. And it's titled before-and-after-school services, and basically it says, any school board or Board of Education in its discretion may establish and financially support programs providing before-and-after or preschool services. It's voluntary attendance, and basically what it is, is it's just those after-school and before-school programs available to, say, kindergarteners through I would assume 8th grade or whenever a child is of age that they would not need to go to an after-school program. They could go home.

SENATOR BEUTLER: Okay. So if the before-school and after-school program is not participated in by the school board, pursuant to 79-1104, then you would not be exempting those particular programs?

SENATOR BOURNE: Well, I think that if a school district or a particular school had an after-school program, they would be participating to the extent that Section 79-1104 allowed them to. So all I'm saying is that my concern, again, is that there won't...we'll have the best after-school and before...

SENATOR BEUTLER: Senator, let me just ask you to...a question directly so that I can get clear in my mind the distinction you're trying to make. You can have two different types of before-and-after-school programs. You can have those that are associated with the school district and might be on-site or might be off-site, but that are participated in by the school district; and then you could have before-and-after-school programs that are completely disassociated from the school district and have nothing to do with 79-1104. Right?

SENATOR BOURNE: I'm not aware of that. I think that in order for it to be called a before-and-after-school program, it has to be developed by a school board or the Board of Education pursuant to 79-1104. I mean...

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SENATOR BEUTLER: Well, I guess we have a question of fact here and I'll abide further information, but I think you can have two different types of after-school programs that are both...both can be licensed. One can be associated with the school and another could be completely disassociated with the school. And I guess my question is whether you intended just to cover the one type, which you apparently do by qualifying it and relating it to 79-1104, or whether you really wanted to be consistent with it and cover all before-school and after-school programs.

SENATOR BOURNE: I guess I'm not familiar, Senator Beutler, with the other type of after-school program that you're talking about.

SENATOR BEUTLER: Okay. Well, I'm sure somebody can further enlighten us on it. Thank you.

SENATOR COORDSEN: Thank you. Senator Bourne.

SENATOR BOURNE: Thank you, Mr. President. Again, all this amendment does is exempt out before-and-after-school programs. My concern is, is that we could have the absolute best before-and-after care available, but there won't be any teachers to provide it. And there's thousands of parents in this state, if not more than that, that absolutely rely on before-and-after-school care, and my point is, is that I'm afraid that this care won't be available, and then what? I mean, we...I don't think we've demonstrated enough of a need for the bill to put this requirement on before-and-after-school programs as well. Again, I'm not opposed to have continuing education for day-care providers; I just think we need to find the balance in that what is good care and yet have the regulations become so onerous that we won't have any care whatsoever? Senator Brown has indicated that she's willing to work with people on this bill and try to make it better and maybe amend it in certain ways so that it gets away from any "unavoided" consequences, and that's what I'm trying to do. I am just afraid that, again, we'll have great after-school care, great before care, but there won't be anybody to provide it. Are there any other lights, Senator Coordsen?

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SENATOR COORDSEN: Yes.

SENATOR BOURNE: Thank you. I'll return my time to the Chair.

SENATOR COORDSEN: Thank you. Senator Brown, please. Senator Brown waives. Senator Bruning, to speak to the Bourne amendment..

SENATOR BRUNING: Mr. President and members of the Legislature, I'm going to rise in support of this amendment, in contrast to my friend, Senator Brown. And I guess that the overall concept of this particular bill, I'm so much in favor of it that I'm willing to take half a loaf here instead of no loaf at all. So in this particular case, I guess I agree with Senator Bourne that this particular amendment doesn't affect the fundamental concept of the bill, which is to make sure that day-care providers...we have a tiered licensing system so we can differentiate between them. This particular concept, I think, is a program that's unique to certain areas and I want to make...I understand the difficulty in hiring people for these programs. And so, based on Senator Bourne's situation, the way he has explained it, I understand what he's trying to do and I do rise in support of this amendment. Thank you, Mr. President.

SENATOR COORDSEN: Thank you. Senator Brown, did you wish to speak to the Bourne amendment?

SENATOR BROWN: Mr. President, members, I would just reiterate that when we begin to differentiate based on whether certain children are cared for in a certain kind of program, I think that that takes away from the essential understanding of what the bill is about, which is that children...that child development is something that we need to spend more time making sure that the people who care for them have an adequate understanding about. Now, there are some reasons that, in the circumstance of this amendment, that it's probably more acceptable--the amount of time that the children are in the program, they are older, they're school-age children. There are some reasons that this amendment could be seen as more acceptable. But if those are the reasons that you're supporting it, then I think that that's fine. If the reasons that you're

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supporting it are just to start creating, carving out areas that we're saying, these children are not as worthy of being in a program that...where the providers have the very best information at their fingertips about the way that children development, then I do think that's a problem because we're going to start saying, oh, well, then this category should be carved out and this category should be carved out. I think that the better way to look at this if you want to make exemptions is to look at the level of experience going into the program as we talked about before. Maybe what we need to be focusing on is on providers who are new to the field, those kinds of precertification. Perhaps we need to be focusing on providers who have a history of being out of compliance because that's one thing that I would suggest is that if you have programs that have not had any problems with compliance, and have met their training requirements, I still believe that they...that the providers need to avail themselves of additional training opportunities. But those are...people who have been in the field for awhile and who have that history of compliance, I think, are a different situation. But I guess I want to do it based on the educational levels, the preexisting levels of experience that the providers have, rather than to focus on certain categories of children being less needing the kind of care, quality care, and I use that term with some trepidation, quality care that I think that all the children deserve. And so I still would argue against the Bourne amendment, although I do think that the Bourne amendment has...there are some reasons, by virtue of the amount of time the children are spending in the program, I still think it focuses on categories of children rather than assuming that all children deserve the best environment and making sure that what we're looking at is the preparation of the providers of that care. Thank you.

SENATOR COORDSEN: Thank you, Senator Brown. (Visitors introduced.) Now, to speak to the Bourne amendment, Senator Beutler, please.

SENATOR BEUTLER: Senator Coordsen, members of the Legislature, I think that we would be better advised not to adopt the Bourne amendment and to ask Senator Bourne to reframe the question and present it to us perhaps on Select File in more sophisticated

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form. The problems I think are this. First of all, it seems that...I think what Senator Bourne wants to do is to exclude all...all programs that relate to school-age children. He shakes his head not so. Well, what this amendment does is to say that the new education...continuing education requirements shall not apply to school-age children in before-school and after-school settings where a school district is participating in the program, either on the school site or off. The problem is that if you want to exclude all school-age children insofar as we're talking about before school or after school, you need a broader net and I think you should simply exclude all school-age...all school-age kid programs. That would be one way of doing that, but this amendment also seems to encompass preschool programs and I'm not sure what's intended by preschool programs. I suppose it could be any point in time in a child's development before the age of school. So there's a bit of inconsistency in philosophy here in that it's dragging in the preschool children into this exemption also. But, even at that, it's only inconsistent to the extent that, again, we're talking about programs where the school district participates. That's the thrust of 79-1104, which is referenced in the amendment. It would seem to me that probably this amendment should exclude preschool altogether, if that's Senator Bourne's intention, or if you're going to include preschool then that essentially, I think, wipes out the whole point of the requirement of subsection (4) of Section 2. So, unless I'm reading it wrong, this amendment just doesn't work right in terms of consistent philosophy or in terms of its technical...technicalities related to the intent of the introducer, and I would welcome Senator Bourne's further comment on that. But, with that, Senator Coordsen, I would suggest that adopting this amendment in its present form is probably not going to satisfy anybody and will need to be redone on Select File. Thank you.

SENATOR COORDSEN: Thank you, Senator Beutler. (Visitors introduced.) Proceeding to the debate, Senator Hartnett.

SENATOR HARTNETT: Mr. President, members of the body, I simply rise to support, I think, Senator Bromm...Bourne has...Bourne, not Bromm. Bourne has a...it seems like a good amendment. Senator Brown, could I ask you some questions?

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SENATOR COORDSEN: Senator Brown, would you respond, please?

SENATOR HARTNETT: And when you were talking about Senator Bourne's amendment, you were...I...you left an impression with me that there were a lot of day-care centers out of compliance with state regulations now. I...that's what I picked up. Maybe I...maybe my hearing was wrong or something.

SENATOR BROWN: No, I...I can get you the figures and I'm not sure that I can quote them, but I believe it's six...I think it's about 60/40 and I don't know. But some of those compliance issues are not major compliance issues but...but...I'll get you the numbers, but there are significant numbers of programs that are out of compliance. They may be on minor issues and then they have a period of time in which they need to get into compliance, but what...the point I was trying to make was that if, you know, if you were going to exempt individuals it should be based on their having some sort of...of preservice training or some on-the-job experience and a history of compliance because, yes, there are quite a few programs that are not in compliance and they have a period of time in which they can get into compliance.

SENATOR HARTNETT: I thought Senator Bourne's amendment simply dealt with school programs and I would think they would be in compliance if it's under the leader...or under the auspice of the school districts.

SENATOR BROWN: They are...they're not necessarily...they're run generally through foundations. They're not necessarily a part of the school program...and so that...it's not always...I don't know that that's an assumption that can be made. And I...I would share Senator Beutler's concern. As long as we're talking about older children it may be okay. I may not...I may be much less willing to look at the preschool-age children.

SENATOR HARTNETT: Thank you.

SENATOR COORDSEN: Thank you. There are no further lights on. Senator Bourne, did you wish to close on your amendment?

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SENATOR BOURNE: Briefly. Thank you, Mr. President, members. My intent with this amendment is to make it so narrow that the older children who go to before-and-after care are not impacted by this. I think that the bill casts a very broad net and puts perhaps some unintended people under this and I have some strong...some real concerns that, oh, you know, we're not going to have day care available anymore if this goes through. I appreciate Senator Beutler's comments and, as far as maybe it isn't...the amendment isn't drafted as narrow...narrowly as it possibly could be, although when I was reviewing LB 400 this weekend my initial thought is it did not apply to before-and-after-school programs, and then I get to reading the statute books and I think it's clear that it does apply to before-and-after programs. And I think we need to exempt out the older kids so that they're...that we can ensure that these programs will continue to exist. I'm going to withdraw this amendment at this time, but I'm going to introduce it again on Select should the bill be advanced. I'm going to go back and reread the statutes a little bit and craft this narrowly so that it does exempt out before-and-after...the older kids that attend before-and-after care. Senator Brown has indicated her willingness to work with me on this and, again, my intent is not to...to make this not apply to the littler kids in...that go to day care, simply those of elementary age school kids that use before-and-after care. At this time, I'd like to withdraw the amendment.

SENATOR COORDSEN: The amendment is withdrawn. There are no further lights on. Senator Brown, did you wish to close on LB 400? Oh, excuse me. Just a moment. There was a light went on before I announced that. Senator Beutler, to speak to the bill.

SENATOR BEUTLER: Senator Coordsen, members of the Legislature, I'm not sure where the body is on this, but I just wanted to get a final two cents worth in. I hope that the body will advance the bill. I think probably...I hope the basic distinction you will make in your mind at this stage is whether this bill moves in the right direction or not, and I suspect for most of us it moves in the right direction. Given that and given the fact

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that basically most or all of this bill can be funded by the federal government, I think it behooves us to listen and see what comes out in Select File. There have been many ideas expressed here today. Senator Brown has expressed an openness to listening to those ideas--Senator Bourne's ideas; Senator Janssen's idea, giving some consideration to people who have been in this business for many, many years; ideas of modifying certain provisions. I think...I think we can get to where we want to be, to where most of us feel comfortable. There is an extremely valuable part of this from my perspective and that is the development of the tier system and the association of different levels of quality with that, with those tiers. That, it seems to me, is very valuable to any parent and that there might be a number of situations where you would want to know what level of care you're bargaining for, and so I would hate to see the bill not go forward and at least advance that particular concept or idea. It seems to me no different than what we do in many, many other areas in providing the general public, because they do not have themselves the time to investigate at length this or that or everything they buy or everything they contract for, we provide them with a kind of shorthand that tells them...that gives them a general concept of what they can expect, and I think that's extremely important in this area. We continue to move into an era where there are more and more elderly persons and fewer and fewer people doing the work, and moving into that era I think means, among other things, that certainly there are not going to be fewer women working in the future. There are going to be as many or more. And I don't think that there's anything that we can do that's going to be a better reinforcement for this work force than doing everything we can to improve the ability of this work force to be able to rely upon quality childcare. So I'm hoping you see fit to advance the bill, and await the amendments of Select File. Thank you.

SENATOR COORDSEN: Thank you. Amendment to the bill, Mr. Clerk.

CLERK: Mr. President, Senator Tyson would move to amend the bill. (FA30, Legislative Journal page 627.)

SENATOR COORDSEN: Senator Tyson, to open on your amendment.

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SENATOR TYSON: Thank you, Mr. President, members of the body. I think it has been apparent from when I first got on this bill that my concern is principally towards the small operator. This bill exempts the one operator business who is taking care of no more than ten children. That's all that it does. My concern about this bill is...I have a number of concerns about it, but principally this amendment cures the principal one which is that you're going to be closing down some operators. The independent operator now licensed by the state and answering all the regulations that I had in my hand here before can sometimes be a very marginal operation for both not only the operator but for the customers. Now, no one in this body seems to care about the additional burden that this bill places on people and the increase in cost that it will require. Okay. If that's the will of the body, that's fine. In the small towns of northeast Nebraska there are women who have been working in this business for decades. Now, they may be in the craft equivalent, in Senator Brown's estimation, as dog groomers or veterinarian technicians. They're not. Without exception, to my knowledge they are warm, caring, maternal people who love children. Additional training in all these exotic disciplines doesn't do a thing. I ask that you vote for this and take out the people who will be most heavily impacted and those people fall into two categories--the operator, and the children and their parents--and I ask that you vote to support them with this amendment. Thank you.

SENATOR COORDSEN: Thank you. There are no lights on. Are there...no other discussion, did you wish to say anything in closing, Senator Tyson? Closing is waived. The question before the body is the Tyson amendment to LB 400. Those in favor please vote aye, those opposed nay. Senator Tyson.

SENATOR TYSON: Ask for a call of the house, please.

SENATOR COORDSEN: Call of the house has been requested. Question is, shall the house go under call? Those in favor please vote aye, those opposed nay. Record, Mr. Clerk.

CLERK: 20 ayes, 8 nays, Mr. President, to place the house under

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call.

SENATOR COORDSEN: The house is under call. Those who are not on the floor, not excused, please return to the floor and record your presence. The house is under call. There's been request for a roll call vote. The house is under call. Please return to the...please return to the floor and record your presence. Senator Wehrbein, Senator Wickersham. Senator Connealy, Senator Chambers. Senator Chambers, the house is under call. Senator Chambers, the house is under call. Please return to the floor and record your presence. All the members are now present. There's been a request for a roll call vote. Mr. Clerk, call the roll, please.

CLERK: (Roll call vote taken, Legislative Journal page 628.)
10 ayes, 21 nays, Mr. President.

SENATOR COORDSEN: Tyson amendment does not pass. We're back to the bill. Senator Landis, did you wish to speak to the bill? Raise the call.

SENATOR LANDIS: I call the question.

SENATOR COORDSEN: Okay, that's...there's no further lights on, Senator. Senator Brown, to close on the advancement of LB 400.

SENATOR BROWN: Thank you, Mr. President, members. We have talked at great length about...about this topic and I'm glad, because I think it's worth taking the time to talk about it. And we have talked about concerns and I think that they're legitimate concerns that we continue to have the care that we need for our...the children. And I will work with individuals before Select File on things that we can do on the...the details of it, but I will not go away from what I believe is...is the bottom line, and the bottom line is that we do know what we need to be doing and we need to do it now. And so I would ask you to advance LB 400 and we'll talk about...we'll talk about anything that we can do that can make the changes that are necessary to make sure that it's not burdensome, but to make sure that it does the right things for children. Thank you.

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SENATOR COORDSEN: Thank you, Senator Brown. You've heard the closing. The motion before the body is the advancement of LB 400 to E & R Initial. Those in favor please vote aye, those opposed nay. Senator Brown.

SENATOR COORDSEN: Record, Mr. Clerk.

CLERK: 25 ayes, 15 nays, Mr. President, on the advancement of LB 400.

SENATOR COORDSEN: LB 400 does advance. You have any item for the record?

CLERK: I do, Mr. President. A series of amendments to LB 496. Mr. President, a Standing Committee report, a confirmation report from Health and Human Services. Revenue reports LB 568 to General File with amendments. Government reports LB 251 to General File; LB 442, General File; LB 32, indefinitely postponed; LB 143, indefinitely postponed; LB 263, indefinitely postponed; LB 284, indefinitely postponed. Natural Resources reports LB 518 to General File; LB 405, General File with amendments; LB 232, indefinitely postponed, those reports signed by the respective Chairs.

Hearing notices, Mr. President, from the Appropriations Committee; Banking, Commerce, and Insurance Committee; and the Transportation Committee. Government Committee has selected LB 142 as one of its priority bills for this session.

And an amendment: Senator Wehrbein, LB 376; Senator Chambers to LB 387; Senator Wickersham to LB 170. And finally, Mr. President, Senator Dwite Padersen would like to add his name to LB 501, Senator Hartnett to LB 492. That's all that I have. (Legislative Journal pages 628-637.)

SENATOR COORDSEN: Thank you, Mr. Clerk. Senator Jones, for a motion, please.

SENATOR JONES: Mr. Speaker and members of the body, I make a motion that we adjourn until tomorrow morning at...at...on Tuesday at nine o'clock.

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SENATOR COORDSEN: Thank you, Senator Jones. You've heard the motion. All in favor please say aye. Opposed nay. We are adjourned.

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