

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

February 23, 2001 LB 213

it goes on to say a civil penalty may be assessed for each day the program is in violation, and then it goes on with some more new things that can be done. Those things that are being itemized do all seem appropriate to me once there has been a hearing and the alleged charges become proven facts, but my question would be, in this particular portion, where the new language is inserted on the basis of a charge alone, why is it we would want to allow the department to assess somebody a civil penalty on the basis of an allegation alone, for example? I mean I see on the basis of a charge that it certainly would be necessary, in some instances for the protection of kids, to immediately suspend and revoke the license...or revoke the...well, immediately suspend the license. In fact, I don't know why they should be allowed to revoke a license at that stage, personally. I guess I'm trying to get a feel for the way this law is meant to operate, but the more I look at this charge section the more I'm wondering whether some of the current law isn't inappropriate. But I would, first of all, invite your response in case I'm missing out on how this is all structured.

SENATOR CUDABACK: Senator Jensen, would you respond, please?

SENATOR JENSEN: Senator, I do see what you mean there where it says a charge shall be specified, and we're not changing that. That...that was in the existing law. Actually, what the bill was really talking about was a lesser imposition or a fine, \$5 a day per child until they bring something up, but it was not...I can understand what you're saying. I'd sure be glad to look at that, particularly between now and Select File, and see if that is proper that we do a charge without them being able to respond. There are certain cases where there's endangerment of child.

SENATOR BEUTLER: Right.

SENATOR JENSEN: That needs immediate action.

SENATOR BEUTLER: Right, and maybe ask the question also of whether revocation, which is in current law, is appropriate at that stage as opposed to a suspension until the matter is resolved. But also, Senator, if you would, this...this same set