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FLOOR DEBATE

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year; for a second violation two years. What this amendment would do would say for a first violation up to one year; and for the second violation up to two years. And the reason that I would do this is because the nature of the intentional violation can be different in different situations. It may be more egregious in one situation than in another. You may have more doubt about whether it was intentional in one case or in another. And so the law generally provides in any penalty situation for some flexibility with regard to the penalty. So instead of saying the penalty for the first violation is one year of disqualification, it allows the administrator to make a judgment for any period of disqualification up to one year. And, likewise, with the second violation, up...give the flexibility to go up to two years and not mandate exactly two years. I think that such a structure is more in accordance with our...with the general theories of justice and flexibility in administering penalties that we apply almost everywhere else. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Open for discussion on AM0500 to LB 234, Senator Maxwell.

SENATOR MAXWELL: Thank you, Mr. President. I support this amendment from Senator Beutler. I think it's a reasonable insertion of discretion into the scheme of things. That's really all I have to say about this. I will just take another minute now to say Senator Beutler has a few other amendments coming that, at first glance, look very reasonable to me. My understanding is we're going to have some discussion about them and then perhaps put them off until Select File. I would like to visit with the folks in Health and Human Services about them. So I won't be jumping up to speak each time, but that's no indication of hostility on my part. What he has presented all looks very reasonable, and I will just conclude by saying, again, I will vote yes. I urge you to vote yes on the amendment that's before us right now. Thank you.

SENATOR CUDABACK: Thank you, Senator Maxwell. Senator Beutler, there are no other lights on. He waives closing. The question before the body is the adoption of AM0500 by Senator Beutler to LB 234. All in favor of the motion vote aye, opposed nay.