

February 5, 1996 LB 754

SENATOR BOHLKE: It would come back to the law enforcement, to the commissioner, yes.

SENATOR BERNARD-STEVENS: Then it'd go to the commissioner. What if, what happens if it's a misdemeanor in, say, North Carolina, but it's not a misdemeanor in the state of Nebraska. So the crime that was committed was not a crime in our state but would be in another state. What do we do on something like that?

SENATOR BOHLKE: It would still be a misdemeanor, Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: So the license would be, could be...

SENATOR BOHLKE: Could be.

SENATOR BERNARD-STEVENS: ...taken away by the commissioner, even if it was against the law...not against the law in Nebraska.

SENATOR BOHLKE: That is correct. But that's also part of the reason we have the appeals process to have that type of discussion.

SENATOR BERNARD-STEVENS: Okay. Thank you, Senator Bohlke. That's one of the areas that we'll be talking about a little bit later that concerns me a little bit. If one is the Commissioner of Education and you get a hit, what burden are they going to feel, what risks are they going to take on an individual sake to say, yeah, I understand how it happened, I understand why. Yeah, you had a misdemeanor or felony conviction, it was a long time ago. How is the Commissioner of Education, how much courage will they have to say, I'm going to let you teach. Because if anything would happen in the future, I would think that people would be after that commissioner and saying, how could you make that decision, you should have known, it had a history in the past, and there would be calls for a removal and what have you. I don't think, at this point, that anyone would be given much of a break at all, that the appeals process is kind of a moot, a moot point, even though I understand why the appeals process must be there. But to review this particular amendment, this simply strikes the State Patrol and adds the

10748