

February 5, 1996 LB 754

SENATOR CROSBY: The amendment to the amendment is adopted. We return to the Bernard-Stevens amendment. Senator Bernard-Stevens, yours is the only light. Would you like to close on your amendment?

SENATOR BERNARD-STEVENS: No, I'd like to take my...

SENATOR CROSBY: No, all right, you want...well, there's another light now, all right.

SENATOR BERNARD-STEVENS: Okay. Thank you, Madam President. Again, Senator Dierks, I think, put the issue squarely before us which is why this is an issue that needed to be discussed on the legislative floor and not just passed along because everyone kind of agrees with the concept but we haven't taken time to read the bill. What this particular bill...amendment does is to say that, look, citizens of Nebraska are bound by Nebraska law. We're not bound by North Carolina's law. We're not bound by Maine's law. We're not, God forbid, bound by California law. We are bound by Nebraska law. So if a criminal background check is undertaken on a teaching applicant for certification in Nebraska, and if that background check comes back with only a misdemeanor, for example, that is a misdemeanor in the state the person was from or maybe a previous state the person was in but is not against the law in the state of Nebraska, that the teaching certificate would not be removed in that case. It would only be denied, and then the appeals process would go underway if it was against the law in Nebraska. And the reasons are very clear. You have to set a standard. And the standard that people are going to be judged in Nebraska has to be the same playing field. You've got twenty-two thousand teachers that are under the playing field of Nebraska law. You have people coming into the state that are in the playing field of whatever any of the fifty states has out there. You will have a situation, without this amendment, you'll have a situation where a person is, does an act in Nebraska that is not against the law. No problems. They still have their job. It may have not been a, it may have been a reprehensible act, we may not like the act, but there...it is not against the law. Another person does the same act in another state that is a misdemeanor, comes back to Nebraska to apply, may not get the job because of that. Now you have two different planes, one being denied for the act that another one has not been denied, was not fired, was not released. So consequently, in order to solve that problem, we