

February 5, 1996 LB 754

SENATOR MCKENZIE: Thank you, Mr. Speaker and members of the body. I went back to talk to Senator Bernard-Stevens about this because it seemed to me striking that entire section basically said that the applicant should, would be, shall be issued a certificate if they listed all of their crimes. Now it seems to me that's a lot more permissive than anything else we've talked about. I could list seven offenses, all of which we would consider very serious offenses, but the language said shall be issued a conditional certificate until the background check came. So I think we at least need to insert language back to "character", strike "otherwise qualified", and I think the rest of the statutes make it clear that there are other requirements that Senator Chambers talks about relating to all other respects of certification. With that, I would just urge your support of the Bernard-Stevens amendment to the amendment.

SENATOR COORDSEN: Thank you, Senator McKenzie. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, the more you discuss this, the more of a problem that you have. The language that exists now, and I haven't gotten to Senator Bernard-Stevens' amendment to his amendment yet, an applicant subject to sections 1 to 7 of this act shall be issued the conditional certificate. The only one we're talking about is the one subject to this new language that we're putting in with reference to the background check, not to anybody else. Senator McKenzie made a very interesting observation. Let's say that the person identifies eight sex crimes. There's no way that the commissioner would say that person has...wait a minute, let me ask you a question. Senator McKenzie, let me ask you a question and not make a presumption.

SENATOR COORDSEN: Senator McKenzie.

SENATOR MCKENZIE: Yes.

SENATOR CHAMBERS: If a person identifies these eight sex crimes that have been committed and of which he or she believes that there's been a conviction, under those circumstances the commissioner could still determine that the person is of suitable character to teach.

SENATOR MCKENZIE: Yes.