agenda item, legislative resolution, LR 449. Mr. Clerk.

CLERK: Mr. President, LR 449, proposing adopting articles of
impeachment offered by Senators Chambers, Beutler, McDonald,
Stuthman, and Thompson. The Nebraska Legislature, on behalf of
the <u>State of Nebraska v. C. David Hergert, Regent, University of
Nebraska</u>.

Legislative findings:

1) Legislature finds C. David Hergert is a civil officer of the
state, and as such, is liable to impeachment for any misdemeanor
in office. C. David Hergert was elected to the University of
Nebraska Board of Regents on November 2, 2004, to represent
District 7, and he continues to hold the office of University
Regent.

2)   The Legislature has the "sole power of impeachment by a
majority of its members." Impeachment occurs by adoption of a
Resolution adopting Articles of Impeachment.   Trial occurs
thereafter before the Nebraska Supreme Court.

3)   Clear and convincing evidence exists to establish that
C. David Hergert committed each and all of the impeachable
offenses identified in the articles of impeachment in this
resolution.   Each of these offenses is an impeachable offense,
because each is an offense "in its nature or consequences
subversive of some fundamental or essential principle of
government, or highly prejudicial to the public interest, and
this may consist of a violation of the Constitution, of law, of
an official oath, or of duty by an act committed or omitted, or
without violating a positive law by the abuse of discretionary
powers for improper motives or for an improper purpose."

4) The integrity of democratic government in Nebraska rests
upon honest and honorable obedience to Nebraska's election laws
and other laws by candidates for office.   The Legislature
previously found and now reaffirms that "there is a compelling
state interest in preserving the integrity of the electoral
process in state elections by ensuring that these elections are
free from corruption and the appearance of corruption and that