

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

April 12, 2006      LR 449

SENATOR BOURNE: Thank you, Mr. President. Thank you, Senator Engel. In this minute, I...actually, I wanted to respond to Senator Flood's comments, because his legal opinion is one that I respect greatly, and I would suggest to Senator Flood that he's close but not right on. And he had said that his brief focused on whether or not conduct that occurred prior to him swearing in could be considered impeachable, and I wanted to point out to Senator Flood that the report was signed prior to Mr. Hergert swearing into the office, and the report could have been submitted prior to the swearing in. And I just want to point that out. And then I'm going through, the next time I speak, I'm going to go through the prongs, the elements, that must be proved up to impeach somebody. The last component that I think Senator Flood needs to concentrate on is that the malfeasance, the improper act, must relate to the duties...

SENATOR CUDABACK: Time, Senator.

SENATOR BOURNE: ...of the office.

SENATOR CUDABACK: Thank you, Senator Engel and Senator Bourne. (Visitors introduced.) On with discussion of LR 449. Senator Mines, followed by Senator Jensen.

SENATOR MINES: Thank you, Mr. President. Colleagues, I don't know Mr. Hergert. I think I shook his hand one time at some reception. I don't know him, but what I do know about him, he is...he has shamed and disgraced himself. Mr. Hergert has shamed and disgraced his supporters. He has shamed and disgraced the University of Nebraska, and he shamed and disgraced our state. He's impaired his ability to represent the 7th District on the University of Nebraska's Board of Regents. Clarence Mock, who wrote the opinion, and I did read the opinion, Clarence Mock agrees. And if you look in his conclusion, Mr. Mock says that Hergert's reprehensible conduct cannot be excused as merely negligent and, instead, appears to have violated both Nebraska civil and criminal law. However, Mr. Mock says the Nebraska Supreme Court would ultimately hold Hergert has not committed an impeachable offense. The shame he's brought on himself is not an impeachable offense. Mr. Mock has been a friend for 30 years. I met with Mr. Mock and we