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Transcriber's Office
FLOOR DEBATE

April 12, 2006 LR 449

page 25 of the Mock report. And, Michaela, if I could have page 25 of the Mock report. I want to kind of refocus the debate on what the standard is for impeachment. And a lot of us are angry at what Regent Hergert did, and probably rightfully so. They're talking about...or we're talking about, he was dishonest, it was egregious, things like this. But the standard for impeachment is clear. And, again, I'm having a Page print that and I'm going to hand that out to you. It's out of the Mock report. This standard is fleshed out in the State v. Douglas case, the Hastings decision, all the cases that we've had, the minimal cases that we've had, dealing with impeachment. So a misdemeanor within the meaning of Article IV, Section 5 of the Nebraska Constitution is conduct that: A. (1) subversive of some fundamental or essential principle of government, or highly prejudicial to the public interest; (2) consisting of either (a) a crime or misdemeanor, (b) a mere neglect...

SENATOR CUDABACK: One minute.

SENATOR BOURNE: ...of duty, willfully done with a corrupt intention or where the negligence is so gross and the disregard of the duty so flagrant as to warrant the interference...the inference that it was willful and corrupt and--and here's the crucial part--and related to the duties of office. I don't believe that you can extend any of Mr. Hergert's conduct prior to the election as related to the office. Senator Flood mentioned that he kind of turned on the fact that the report was filed on January 11. The reality is, that report was signed on the 4th, and could have been turned in that day, but it wasn't. There...in my researching of this issue, in our lawyer's opinion, there is conduct that isn't appropriate, but none of it relates to the duties of the office. That is why I'm standing here saying that, yes, we can impeach him today, we have the power to do that, but I think ultimately the Supreme Court will reject the impeachment and come back without a conviction. And then what have we done?

SENATOR CUDABACK: Time, Senator Bourne. Thank you, Senator Bourne and Senator Jensen. Senator Preister, followed by Senator Beutler.