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FLOOR DEBATE

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locate the state asylum on certain land. He willfully, falsely, and corruptly misrepresented to the Auditor that an attorney retained for the state of Nebraska was to be paid \$2,000 for his services in two warrants of \$1,000 each. Butler took the \$1,000 and gave the other \$1,000 to the attorney. He unlawfully and corruptly entered into a contract to complete the state asylum at a contract price \$88,000 in excess of the sum appropriated, took the money. He misappropriated \$10,000 of state school fund money. This gentleman...and then he was impeached. That was in 1871. Later, six members of the Board of Public Land and Buildings were impeached.

SENATOR CUDABACK: One minute.

SENATOR BOURNE: Some of them were impeached, some weren't because they weren't in office. So you tell me how...the best I can tell, what Regent Hergert did was he misstated by several days when he became obligated for a debt and reported that on the January 11 filing which did take place after he was elected. So you compare our previous history of people we have impeached in this state--misappropriating money, stealing, taking bribes--and compare that with misstating when Regent Hergert became obligated for several debts on the filing that he put in on January 11. And if those compare to what we have impeached an individual for in the past, you should vote green. But I don't think misstating by several days, whether intentionally or not, rises to the level of impeachment. And again, I would ask my members to talk to Senator Beutler and Senator Chambers, have them satisfy the test that is the clear standard under the Supreme Court. Ask them to prove to you that,...

SENATOR CUDABACK: Time.

SENATOR BOURNE: ...Mr. Hergert's conduct meets that test. And if it doesn't...

SENATOR CUDABACK: Time, Senator Bourne.

SENATOR BOURNE: ...you should not vote to impeach.

SENATOR CUDABACK: Time, Senator Bourne. Thank you, Senator