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FLOOR DEBATE

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SENATOR CHAMBERS: ...checks for over \$40,000 had been issued on the account on October 19, 2004. And because of these transactions and the requirement of the federal law and the suspicious nature of these transactions that perhaps violated Nebraska campaign laws, Mr. Stinner filed a suspicious activity report with the FDIC to protect himself and his bank. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion? Senator Flood, followed by Senator Combs.

SENATOR FLOOD: Thank you, Mr. President, members. I'm just responding to some of the debate and I want to say one thing. I think this has been an excellent discussion. It has been a debate on the facts. It has been a discussion about what the law is and what our role as legislators is in this case. And I want to start my comments with reference to the Mr. Mock report on page 25. Senator Bourne, in his floor discussion, talked a lot about this test. If only it were that easy. If only there were a page in our statute books or our constitution that we turn to and it gives us a road map that clearly defines each and every step of what impeachment, misdemeanor in office means. In fact, there is no test. There is no black and white statutory test. This test, this page 25 test from the Mock report, is an attorney's opinion as to what the elements are for impeachment. And I think he does a good job, in sub A there on page 25, of talking about a crime or a misdemeanor. A mere neglect of duty willfully done with a corrupt intention. That's all true and correct. Related to the duties of the office, where did he get that from? As you will note on page 25, it appears Mr. Mock got that from the Douglas case in 1984. Senator Fischer has been talking about the Douglas case and so let us sit down and look at the differences and distinguish Douglas from Hergert. First of all, in the Douglas case, at that time you could testify to a legislative committee or subcommittee and there was no oath to tell the truth. There was no technical requirement that you, under oath, respond to questions from a Legislature under oath and truthfully be honest in your answers. At the time, the constitution looked different in 1984 when the Supreme Court looked at the Douglas case. First of all, the burden, proof