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FLOOR DEBATE

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beyond a reasonable doubt, it was a criminal-like proceeding with the highest burden in the land. After Douglas, we changed that. We brought the standard down as a state, the citizens of this state voted to bring the standard down to clear and convincing. And in this case, there was a technical obligation to follow the laws of the state and to abide by your oath. And in this case, Mr. Hergert allegedly, as we have from the evidence, and Mr. Mock agrees, he fraudulently, knowingly filed a statement on January 11, 2005, that was knowingly false. And then Senator Bourne raises the question, well, he signed it on the 4th, he got it to the Treasurer on the 6th, it was mailed on the 10th, and on the 11th it was received. The statute at issue in this case is found at Nebraska 49-14,134. It says here, any person who files a statement or report required under the act; it does not say who signs. I don't want to be a part of a witch hunt. I did not wake up one morning in the middle of September and say we couldn't impeach Dave Hergert because I wanted to fight with Senator Chambers. Just the opposite, I wanted to be able to look at the law and say, this is what my duty as a state senator is. And when the State Patrol report came back and there was information in there regarding the January 11 filing, and I stress the word "filing," I changed my mind. And when I look at this in the big picture, I ask myself this question. What will the Supreme Court do with the supposed test on page 25, knowing that there is this principle of stare decisis?

SENATOR CUDABACK: One minute.

SENATOR FLOOD: And stare decisis in Latin says the courts are going to try and follow their previous decisions, but they have to look at each case with regard to the facts, distinguish that from the time the prior case was adjudicated in front the court, and to look at any changes in the law. We've changed our law, we have different facts, we have an actual oath, we have a technical violation. Those are the things that are important when you look at what the facts are in relationship to the law. And at the end of the day, our job is to decide whether to send articles down the hall. The Supreme Court will ultimately decide what and how this should be disposed of, this matter. I like the discussion on the facts. I like the fact that we have state senators looking at the Mock report. I looked at that