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PRESIDENT MAURSTAD: Thank you, Senator Bromm. Senator Beutler, on the Bromm amendment.

SENATOR BEUTLER: Senator Bromm, just a couple of questions if I may.

PRESIDENT MAURSTAD: Senator Bromm.

SENATOR BROMM: Yes.

SENATOR BEUTLER: The new language that's in the 75-156 portion of the bill dealing with clear and convincing evidence, is that simply a statement of existing law or what is believed to be existing law or court law, or does that change the standard of evidence?

SENATOR BROMM: That is terminology that has a basis and a history in the court system, and there are court cases that help explain what standard that is. That standard has not been in the PSC provisions before. We brought that standard in with the ability to fine.

SENATOR BEUTLER: Insofar as you're acquainted with the court cases that may deal with that particular kind of standard of evidence, does this represent a higher standard, a lower standard, or the same standard?

SENATOR BROMM: Than what...

SENATOR BEUTLER: Well, yeah, I mean, obviously there have been cases and so in the cases that have been decided in the past, has the court acted upon clear and convincing or required a finding of clear and convincing evidence or a preponderance of the evidence or do we...

SENATOR BROMM: Yeah, Senator Beutler, I think up until this time the standard, without saying anything more, would have been preponderance of the evidence or the weight of the evidence, 51 percent, if you will, versus 49 percent, 51 percent being a preponderance. Clear and convincing is a higher threshold than that. Clear and convincing is not beyond all doubt whatsoever, but it is a threshold that means that it must be...the evidence