

SENATOR PIRSCH: Beyond a reasonable doubt and you want to...and this bill will change it to clear and convincing?

SENATOR V. JOHNSON: Yes.

SENATOR PIRSCH: Which is a much lower standard.

SENATOR V. JOHNSON: Yes, it's a lower standard. Yes, I can't tell you how much lower, but it is a lower standard of proof. But mind you, it retains the super majority of five justices to convict.

SENATOR PIRSCH: Now, as we go down these, I can see perhaps where one would have to be in the Constitution. Why would some of these others, why would not legislation be sufficient? For instance, the case managed by two state senators. That is not currently in the Constitution. Why would we want to add that into the Constitution?

SENATOR V. JOHNSON: It...the Constitution turned out to be the only real guide that we had the last time we did this and we also looked at some ancient history of other impeachments in our state plus we looked at a little bit of case law from other states and it was certainly my conclusion and I know the conclusion of the attorneys who handled this case that it would be beneficial to have some additional language in the Nebraska Constitution that set out a few of the things that we had to deal with and the question that you're raising is one that they recommended be in the Constitution.

SENATOR PIRSCH: We made some changes already. Isn't that right, in our impeachment...

SENATOR V. JOHNSON: Not a bit, huh uh.

SENATOR PIRSCH: ...in legislation?

SENATOR V. JOHNSON: No, no, it's virgin territory. I mean, we've not changed...it has to be changed constitutionally.

SENATOR PIRSCH: But that would be something that we would be putting in, not just changing.

SENATOR V. JOHNSON: Yes, that's right.