

SENATOR KRISTENSEN: Yeah, I think that is right.

SPEAKER BARRETT: One minute.

SENATOR KRISTENSEN: What we need is a constitutional creation.

SENATOR ASHFORD: We could, in effect, say that the court will accept or the Supreme Court will accept as cases of first impression without going to the appellate court a number of cases and we could delineate those types of cases...

SENATOR KRISTENSEN: Oh, absolutely.

SENATOR ASHFORD: ...in statute after the decision was made by the voters whether to adopt the...

SENATOR KRISTENSEN: We could always do that because what we have got in LR 8, though, is the floor. You can never abrogate capital cases or constitutionality of statute. We can always add more duties and delegations to the Supreme Court.

SENATOR ASHFORD: So we are not, by passing this, we are not...one of the arguments Senator Chambers has raised and one that I am really very interested in is, do we still have control over the docket, in essence? I mean, can we tell the Supreme Court what cases they must hear even if we do have this appellate court?

SENATOR KRISTENSEN: We can't...

SPEAKER BARRETT: Time has expired.

SENATOR ASHFORD: Okay, thank you.

SPEAKER BARRETT: Senator Kristensen, would you care to answer the question.

SENATOR KRISTENSEN: I will do so real quickly. We can't tell them you are going to take the case of State versus Arlene Nelson, for example. What we can give them is areas of cases to bring up, jurisdictional areas. Yes, we can do that because of the language in the constitutional amendment.

SPEAKER BARRETT: Thank you. The Chair is pleased to recognize