

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, if Senator Kristensen would look at Article V of Section...Section 1 of Article V, and it's in the green copy, because they're amending that starting on...whichever page it is. Anyway, I'll read to you from the Constitution. "The judicial power of the state shall be vested in a Supreme Court, district courts, county courts, in and for each county, with one or more judges for each county, or with one judge for two or more counties, as the Legislature shall provide, and such courts inferior to the Supreme Court as may be created by law." We may create courts, but once those courts are created, they shall be governed by rules that shall be exercised by the Chief Justice. We don't have to create those courts, but once we do, once we do the triggering act, there are other mandatory things that shall occur. And if we would amend out the language that I'm talking about with reference to the Chief Justice handling these courts through rules, we could put in language that would say by whatever power shall be given to the Chief Justice by law. The fact is that when we change that language we've taken away a power that right now the Chief Justice has under the Constitution, and whether or not a similar power would be granted would be left completely to the discretion of the Legislature. The Legislature having created an Industrial Commission, the Constitution guarantees and requires that appeals from that commission's decisions go to the Supreme Court. If we take that guarantee away and say it shall be determined by law, we have, in fact, removed a constitutional guarantee and we've converted to a matter which is governed completely by the whim of the Legislature. The Legislature can grant an appeal or the Legislature can withhold any appeal. It can be a matter where there is no appeal if the Legislature determines that's the way it to be. Senator Kristensen is in a position of having to defend everything in this bill. And by being placed in that position he has to say things that make him sound like he doesn't understand the law. But I know he understands better than what he is saying. And if he doesn't understand that the language which is being stricken in the provision that my amendment deals with takes away a constitutionally protected right, then I would say it's not a failure to understand the law, it's a failure to understand English. The language in the Constitution very clearly guarantees an appeal to the Supreme Court. If that language is stricken, that constitutional guarantee has been removed. All of us know that a legislative enactment does not have the