

constitutionality of cases comes up frequently. We also have a bill that's down in the Judiciary Committee which we're probably going to wind up amending. I think there is some good things that came out of the public hearing that we're going to try to give the Supreme Court statutorily to do and not constitutionally to do, some of those felony areas. But you don't want to put that in the Constitution, you want to put that in statute and every one of us in here are going to decide what goes in that statute and what comes out. The problem with putting all the felonies back in, that's nearly a third of all the cases the court has right now, you're going to dump right back into them. In 1976 we did a study in this state about our appellate courts. So I went back and looked at that study and they had some pretty interesting things to say. They were looking at the clog in the backlog in the court at that time. Here's some of the recommendations of this 1976 study done by our legislative counsel for a study of the appellate court. It's a proper conclusion that while the Supreme Court at this current time, that's 1976, has a current docket, it may not last for very long. Within the next few years the point will be reached at some other mechanism will have to be added to our present appellate structure to aid the court in staying abreast of the increased work load. They're telling us that 14 years ago that that day is coming. They went on to say, it may well be that the only way around this problem is to amend Sections 23 and 24 of the Constitution, which we're doing in LR 8, to allow for a final determinative powers within an intermediate court of appeals. It could be drafted so appeals taken in capital cases and those involving the constitutionality of a statute would still be with the Supreme Court. It is clear that Sections 23 and 24 of Article I will have to be dealt with. That is 1976. That is this own body telling us that the problem is coming and they went ahead and gave us 15 years of a case study and projection. They projected the number of increase in appeals, and that is here today. They were right on. They were exactly right that we're going to have this backlog. We're not denying these people an appeal. It's a fundamental right of justice that everybody gets two chances in court, one at the trial level to have their case heard by their peers or by a judge if they so choose and then one level of an appellate division...

PRESIDENT: One minute.

SENATOR KRISTENSEN: ...to see if those things were properly protected, that the judges or the juries did their job right.