

PRESIDENT: Senator Kristensen, would you respond, please.

SENATOR KRISTENSEN: Yes.

SENATOR WESELY: Senator Kristensen, both this amendment and the last Chambers amendment deal with the ability of individuals to appeal directly to the Supreme Court. Under LR 8 after its potential passage, let's say it does pass, this Legislature could decide by statute to require direct appeal to the Supreme Court in either of those cases. Is that not correct?

SENATOR KRISTENSEN: Absolutely. That is true and I would refer you to page 2, lines 5 through 9.

SENATOR WESELY: Okay, I just want to make that clear. I think what we lose is the absolute right of appeal and I share Senator Chambers' concern with this and I, at the same time though, have indications of extreme backlog problems and so I've had a desire to see some changes occur in the system to some degree and I appreciate very much Senator Chambers raising these issues now and clarifying some of those concerns. I still maintain, the problem I've got with this change as brought before this Legislature is we need to change the system in which we select judges to fill this position. Senator Ashford moved an amendment to this and it was defeated and so we won't try that again, but languishing in the Judiciary Committee is an attempt to allow the Legislature some ability to confirm nominations to the court system. The fear I have is losing control of the situation and having once again judicial branch left outside of the review of the Legislature. They are back here today with this resolution, but once this is passed, individuals to this court will be selected by the Governor and sent to serve without any chance for the Legislature to be involved in the process either in the selection of the committees that screen or confirming the nominations sent by the Governor. And so here we are, part of the process setting up a system, but once the system is in place we're shut out of it, we're left out of it. Although we do have the chance to make adjustments that Senator Chambers is raising here and so we will have a chance systematically to deal with these but, in fact, the actual operation over there in terms of who runs the judicial system, I think ought to have at least some review by the Legislature. I raise that again because I think that issue will come back although I don't plan to raise it in regard to this resolution.