

SENATOR KRISTENSEN: Thank you, Mr. Speaker. Senator Chambers, you can attack me professionally but when you make comments about my weight I take that personally. I sort of enjoyed your movie review prior to the last speech and I'm not sure what that all had to do with the record either but I...I do want to put some things into the record, Senator Chambers. One of the matters that is a matter of philosophy and choice that we had in putting the bill together is where do the appeals go from the district court on? And if you're...if you're going to want to answer questions to your constituents later on, this might be something that would be helpful to you. One of the questions, could it be taking all appeals that come into our Supreme Court right now and leaving all the appeals going to the Supreme Court and letting the Supreme Court then give to the appellate court the ones that they don't want? That was one discretion. That puts it all in and lets the Supreme Court just say we're going to assign this case, this case and this case down. Now the better approach that I think and the reason it's a better approach that we have is the majority of the appeals will all go to the appellate court first except for the cases that we have in the Constitution, except for life imprisonment, those cases will automatically go to the Supreme Court, so that's the first screen that automatically goes out. Now there is some concern about layers. If you have a case that's a unique case or a case that involves some questions of constitutional interpretation or it's a new novel issue that's never been before the Supreme Court, of which there are many, our case law in this state is not great, we haven't been around for hundreds and hundreds of years, and we haven't been a particularly litigious society so we don't have a lot of Supreme Court cases in every area, some areas obviously more than others. For example, in the 1930s when there were financial difficulties, a lot of those cases went to the Supreme Court. That's where we got a lot of our laws on collections, foreclosures and so on. We saw again in the 1980s, when financial times occurred, more of those cases went to the Supreme Court and thus we got some more case law on the law of foreclosures, how that works, the new and novel things that occurs. In the bill, I provided on page 7, if you will look at Section 6, this is the system by which you can bypass the court of appeals. So to characterize this court as a bypass court, you could bypass the court of appeals and go directly to the Supreme Court if you could fall within one of these factors. The Supreme Court is going to have the final determination. It's a matter of record, that's where the Supreme Court will have the discretion on which cases to take or