

SENATOR LINDSAY: Thank you, Mr. Speaker. Thank you, Senator Johnson. Could I ask Senator Morrissey a couple of questions.

SENATOR MORRISSEY: Sure.

SENATOR LINDSAY: Senator Morrissey, if I get your amendment right, what you do is change the standard to...you are looking for a trial de novo in the Supreme Court?

SENATOR MORRISSEY: Yes.

SENATOR LINDSAY: Okay, thank you. I would oppose the amendment because I think we have got to look at the standards, and what we are talking about in the legal terminology here. There is, basically, basically, three different standards. You have a trial de novo, a de novo on the record, or error appearing on the record, kind of the three standards of review. Error appearing on the record would be the least strict, or the most strict, I guess, as far as getting an appeal overturned. De novo on the record would be the court would look at the record and arrive at its own independent conclusions. A trial de nova means that the case would be retried, the past record would be ignored, and the case would be tried anew in the new court. What you are looking at then is setting up in the Supreme Court, would have to set up, basically, a referee system is how they do it, but would again have to have a full-blown trial all over again, which I don't think is a good standard that we want to be setting in the Supreme Court. Usually, that type of a trial de novo is reserved for, example, a court's impeachment or election contests or some of those where it really is the only form where you should have it. I don't think a trial de novo is what we want in the Supreme Court. If it were de novo on the record, that is something different. That is something I might be able to support. Or if it was, as it is now, error appearing on the record, that's, again, something that I certainly would support, but a trial de novo in the Supreme Court I think is a bad idea. The Supreme Court is just simply not set up to handle that type of a review. I don't think that type of a review is actually good for either party. I will oppose the Morrissey amendment.

SPEAKER BAACK: Thank you, Senator Lindsay. Senator Lindsay, your light is on again. Okay. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker. Senator Morrissey,