

I rise to do the exact same thing that Senator Lindsay did, and let me tell you where I think that we are at. There is not a trial in the lower court here, and what happens here is that this is an administrative proceeding that gathers probably hundreds of thousands of pages of information, and they make a decision. The key is, who is going, if they don't like the decision that is made, who is going to look at that? And so what they are doing is taking that to the Supreme Court. What Senator Morrissey's amendment says is that the Supreme Court will have trial de novo. Trial de novo means a trial, witnesses, other evidence can come in. What you are really after is that the Supreme Court will be able to look at that record and make their own independent judgment as to whether that is right or wrong, and if you do as Senator Lindsay said, they can look at it for an error. So, in other words, the Supreme Court can take a look at these hundreds of thousands of pages and say, well, we don't see any error in the process, stamp rejected. If you want them to do de novo on the record, they can review the entire record and say, well, we either agree or disagree with the decision that was reached. But when you ask them to do a trial de novo, I realize this is a little complex, but it is a big deal, then they have witnesses, people could come in, they take evidence. The Supreme Court can't do that, and so I think what you want to do is de novo on the record. It think that is what you are after, but you do not want to do de novo. It just can't work in the Supreme Court and it wouldn't work in any appellate court, absent major, major cases, and with that I would ask Senator Morrissey to withdraw his amendment or do whatever, and, Mr. Speaker, I would yield my time to Senator Morrissey.

SENATOR MORRISSEY: Okay, Senator Kristensen, thank you, and I will be the first to admit I am wading in unfamiliar waters here. My intent, with de novo on the record, would that allow any new information, or is there absolutely no way with the Supreme Court we can allow new information?

SENATOR KRISTENSEN: De novo on the record means you consider only that information that is provided to you on the record. For this case, it would be the license application. There would be no more evidence, but they would be able to look at...in other words, if there is a transcript of the hearings that they have, they could read through that and come to a different conclusion than the original fact finders, and that being the administrative body. So in other words, you want somebody to