

SENATOR KRISTENSEN: No, I don't think so, Senator Morrissey, because an original action would be that is where you file the original determination. What you are asking the Supreme Court to do is review the decision of the Department of Environmental Control when they give...they either grant, I mean this could work both ways, they either grant or deny the license. Whoever doesn't like that is probably going to appeal, and say we don't like that decision, we want somebody else to look at it. I am just saying you can't, or I think it is poor policy to put that in the Supreme Court, and have a trial in the Supreme Court where you are going to bring in other witnesses and fact finders. You want them to be able to review that record and what happened, but you want them to be able to use their independent judgment and not just look at it and say, well, the process was okay, because they will never get to the bottom line. I mean, the process probably was okay. What you are after is the original decision, the substance of the procedure.

SPEAKER BAACK: Thank you, Senator Kristensen. The next speaker is Senator Abboud.

SENATOR ABOUD: Yes, Mr. President, would Senator Johnson yield to a question.

SPEAKER BAACK: Senator Rod Johnson, would you yield, please?

SENATOR R. JOHNSON: Yes.

SENATOR ABOUD: Senator Johnson, would you support an amendment that would provide for trial de novo at the district court level?

SENATOR R. JOHNSON: Senator, I am venturing into an area, I don't know enough about the legal procedures to comment, to be honest with you. I'd want to think about that before I give you an answer. It is not to avoid your answer, I just don't know. You are talking about a profession I have very little contact with, so I'd need more information.

SENATOR ABOUD: Thank you, Senator Johnson. I guess the way I look at this situation, we are dealing with a rather serious matter here, and that is that if there is something wrong with that particular facility, that we want that person to have a fair hearing, and the way it looks to me is that this person, whoever might be appealing it, he has kind of a stacked deck