

SENATOR KRISTENSEN: Well, they would have to be on the court calendar and have to make the requests.

SENATOR BEUTLER: Well, court approvals are part of this whole process that you've built into this system, and I suppose that's true of any one of those...one of those processes.

SENATOR KRISTENSEN: I mean, okay, I guess I'm just trying to sort through what this amendment actually does, and I don't know if anybody else is going to speak for a little while. This is one of those amendments that I'm not really sure what impact that has on it and that makes me a little nervous is that I'm not...my initial impression is that the appeal occurs now like that, that's what causes the problems right now is that three, four, five, six months that it takes to get back to court, that's what we're trying to get rid of because the people who are going to make those decisions are public institutions, at least at this point, right? And your amendment merely says if they make that decision against you, then you go back to court for the redetermination and we just don't do that institutionally. Your problem would be that we're allowing the Department of Institutions and Corrections to make those decisions rather than the court. Would that be a fair statement?

SENATOR BEUTLER: Yeah, I think that's a fair representation because...because this is an instance where the court has forced a person into the program. And, you know, if you're against a court review in this particular instance, Senator Kristensen, why would you be in favor of a court review under Section 6 of the bill which is not even determinative, which is advisory only?

PRESIDENT MOUL: One minute.

SENATOR BEUTLER: I mean, if you don't like...if you don't like the delay on court proceedings, why don't we strike Section 6 altogether because that's just a waste of time and energy, because there is no...the court can't say...the court cannot say that a person is not appropriate for the program. Isn't that correct?

SENATOR KRISTENSEN: Well, that's right, I mean, the decisions are made by the...