

March 29, 1976

SENATOR KIME: Another question, Mr. Chairman.

PRESIDENT: Yes, sir.

SENATOR KIME: What will it be then?

SENATOR CAVANAUGH: It will depend on what the salary level is at the time that they are appointed. This bill, Senator Kime, I am sure you are aware does not create two judges. It simply provides that the Legislature at some time in the future may increase the court.

PRESIDENT: Senator DeCamp, would you like to close on your motion to return the bill.

SENATOR DeCAMP: Mr. President, as I say, the issue is not whether there should or should not be a super majority, the issue is it is in the Constitution now. This is an indirect and devious, whether it is accidental or not, method of changing it and I would ask Senator Cavanaugh a question in closing. Senator Cavanaugh, would you agree that as it is now, if passed and approved by the people, it would change the super majority once these judges...

SENATOR CAVANAUGH: We have debated that numerous times.

SENATOR DeCAMP: It would do that, right?

SENATOR CAVANAUGH: It doesn't either.

SENATOR DeCAMP: Where in the bill...

SENATOR CAVANAUGH: Well, if passed and the Legislature enacts it.

SENATOR DeCAMP: Right. Where in the bill does it provide that the people know that they are doing this?

SENATOR CAVANAUGH: The only way is by reading it. I mean, you would know then that in the event of a nine man court, it would take a five man majority.

SENATOR DeCAMP: The average person would not be aware of what they were doing on this particular subject, is that correct or not? Is that a serious problem in this bill?

SENATOR CAVANAUGH: They would if they read it.

SENATOR DeCAMP: They would, first of all, have to know about the super majority and everything else, right?

SENATOR CAVANAUGH: Currently, the court, it provides for an unconstitutional rendering that there be five of seven. It would now read five of nine, in the event that there were nine.

SENATOR DeCAMP: And there would be no way the people