

SENATOR HABERMAN: I thought you'd have an answer that would be flexible, Senator Kristensen. Thank you very, very much.

PRESIDENT MOUL: Thank you, Senator Haberman. I will now recognize Senator Wesely, followed by Senators Chambers, Kristensen, Haberman and Schmit. Senator Wesely.

SENATOR WESELY: Thank you, Madam President, and members, I have very mixed feelings about this legislation, as I did last year. I think, clearly, there is a strong argument to be made for an intermediate appellate court. That argument was heard by the people and they overwhelmingly voted for the constitutional amendment so I'm inclined to feel that if the people so choose to have this implemented and adopted, we ought to carry out the will of the people. At the same time, I have been concerned a bit and I did vote against the advancement of the constitutional amendment last year because of experience I gained through having legislation that would have provided for this Legislature to have some approval power, some authority in the appointment of judicial members to various courts. You know, the whole judicial system is set up to bypass us so that in times that they come to us for legislation like this and funding, otherwise when it comes time to make appointments, although every other appointment that is made by the Governor is reviewed and acted upon by this Legislature judicial appointments are not. We have set up a system that has really bypassed this branch of government. I think Senator Haberman and others have expressed some frustration with that, a system of appointment that is fairly closed, one that could have been open. I did try, Senator Ashford as well, to try and get the Legislature involved in the appointment of these individuals to this new court last session. We failed in that effort. So I have had some concerns about the fact that this branch of government has been shut out of some of the workings of the judicial branch and that concerns me. In addition, I understand that the Judicial Resources Commission is now being called into question, and attempt by this body, a weak attempt, in some ways, to try and redistribute the judges to better reflect a workload, to try more efficiently and effectively use those resources. There is some speculation that that will be struck down by the court. I don't know on what basis, unconstitutional interference by this Legislature once again in the proceedings of the judicial branch perhaps, I don't know, we'll wait and see about that. I guess all I'm doing is attempting to express some frustration with the fact