

SPEAKER BARRETT: Senator Kristensen. Excuse me.

SENATOR SMITH: I will just go ahead...

SPEAKER BARRETT: Go ahead.

SENATOR SMITH: ...if you don't mind then. I guess I have a concern that we're hearing all kinds of things coming out of the woodwork here now and I'm trying to understand which is right and which is wrong. I don't...I'm trying to understand also how it is that we, in this legislative body, can create review panels or committees or commissions or whatever you call them, appointed by the Governor, which we review in the body and approve and they're sitting out there making decisions, recommendations and that sort of thing on behalf of those different departments and agencies that are already in existence. Now if someone can answer that question, I wish you would raise your hand...and at the same time saying we can't do this. Can someone who is an attorney tell me whether we can or whether can't do that? All of you attorneys...Doug, you can have my...you can have the rest of your time to answer. Okay, Senator Kristensen, my question is...I'm becoming very confused here by what I'm hearing these people saying to me, on the one hand. First of all, because of the...it's true, I've gone back and I have agreed with all of their concerns about some of the decisions that were being made, the way cases were being handled and so on. Now I'm trying to create a separate and independent six-member review panel to review whenever there is a dispute between a decision that's been made among the different...between the Department of Social Services and the judicial system, to help to arbitrate, to try to help to...

SPEAKER BARRETT: One minute.

SENATOR SMITH: ...resolve those problems that they...the problem, the dispute that they had to negotiate and I'm being told that this is unconstitutional. How is it that we then can do this in other areas in this legislative body? They would be appointed by the Governor and reviewed and approved by the Legislature. How is it that this is unconstitutional?

SENATOR KRISTENSEN: Well, I think the problem is and I want to paraphrase what you're saying to me is, how can we...we'll set up this panel and the panel is going to help arbitrate it. But