

Legislative Journal.)

SPEAKER BAACK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, what this amendment would do, and if you have your bill in front of you, it's easy to look at. If you turn to page 5, turn to page 5, line 18, the sentence that begins there says, retired judges of the district court, Court of Appeals or Supreme Court may be called to serve on additional panels of the Court of Appeals. Now that particular sentence has been amended by a Kristensen amendment so that the wordage is slightly different but the meaning is the same. And what I'm seeking to do is to eliminate that sentence and the reason I'm seeking to do that is to return us completely, not just halfway, but completely to our traditional method of having the judiciary come back here when new judges or new panels are sought to be created. That language, as I read it, basically says that if the Supreme Court can get together a couple of retired district court judges, they can form that third panel that we just took away from them. In other words, this bill is peppered with provisions whereby the judiciary can go ahead and do things on their own and what I'm seeking to do is to limit it so that we wait and see how the six judges work with the two panels that we've created before we allow them, by one means or another, to create additional panels and by that means spreading out once again their workload. Under the system that exists here, if you think about it a minute, if you think about it a minute, you could have a panel of three appeals court judges, two of whom are district court judges, retired district court judges, okay? And what does it take for appeals court decision? It takes a majority of the panel. So, theoretically, under this provision you could have two retired district court judges making an appeals court decision. And it seems to me that that's not particularly good policy, to start with, in addition to the fact that you're giving away your authority to create that third panel under that provision. So I would just ask you to think about again, bringing us back to our traditional and what I view as our proper relationship to the judiciary by holding in our own hands, the power of new judges and new panels. And if you're going to do that, you need to strike the particular sentence that I have identified. Thank you.

SENATOR WARNER PRESIDING