

has never happened.

SENATOR KRISTENSEN: Oh, okay.

SENATOR CHAMBERS: To my recollection.

SENATOR KRISTENSEN: Okay, yes, I'll answer your question.

SENATOR CHAMBERS: Talking about this sentence that Senator Beutler is interested in, I'm going to read it so that it's clear what I am asking you about. "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." Where does it indicate that there must be an excess amount of work before such panels are created?

SENATOR KRISTENSEN: It doesn't.

SENATOR CHAMBERS: Where does it give any standards to determine when such additional panels are created?

SENATOR KRISTENSEN: It leaves that to the discretion of the Chief Justice of the Supreme Court.

SENATOR CHAMBERS: So all they have to do, all he has to do is decide that he wants an additional panel and he can call it, he can create it without justifying it in any manner, based on what the law allows? Isn't that correct?

SENATOR KRISTENSEN: No, I think you mischaracterized that. I think...

SENATOR CHAMBERS: Let me ask you again. Where in the bill is any limit placed on the power to create these additional panels?

SENATOR KRISTENSEN: It's in the discretion of the Chief Justice.

SENATOR CHAMBERS: Where in the bill can the discretion of the Chief Justice be limited?

SENATOR KRISTENSEN: It is not in there. It isn't in there and purposely so.

SENATOR CHAMBERS: So if the only limit is the Chief Justice's