

discretion and there is nothing to limit the Chief Justice's discretion, where in the bill is there a limit on how these panels can be created? There are no standards that must be met before they are created, are there, set out in the bill?

SENATOR KRISTENSEN: Discretion is exactly that, Senator Chambers. It would make no sense for the Supreme Court to try to back door the Legislature to create additional panels because, for some reason, I may come in and reduce it down to six members.

SENATOR CHAMBERS: That was nice verbiage but it was irrelevant. My direct question to you is where in this bill are standards laid out which govern when and under what circumstances additional panels can be created?

SENATOR KRISTENSEN: As I've said before, it is not there.

SENATOR CHAMBERS: Thank you. And you all are going to leave the bill like this? You all going to trust the judges? Who else have you given such power? Anytime you have allowed some kind of authority to be exercised, you've either said under such and such a set of circumstances or when this situation comes into play and then you give guidance for when that authority is to be exercised to make sure that you're not unconstitutionally delegating the power of the Legislature to some agency or other branch of government. In this instance, you are giving carte blanche to the court to do what we are limiting ourselves by statute to doing. We have to enact a law to create additional judgeships. That's why they got a law in here to raise the number of district judges from 48 to 50. We have to pass a law. You are saying that this bill is going to let...

SENATOR WARNER: One minute.

SENATOR CHAMBERS: ...additional panels of judges be created just on whim. There is nothing to give guidance as to when these panels are created. When this bill goes into effect, if 30 panels were to be created, they are created and there is nothing you can do about it and you're going to let that kind of language stay in the law. If you're going to put this power in the bill, you should at least put some requirements that have to be met. Earlier, the Chair ruled that an amendment to deal with the selection of judges or their appointment was not germane but when Senator Kristensen had an amendment earlier which