

mileage or at least a per diem to cover, if they have to stay overnight or something, yes. Right.

SENATOR CHAMBERS: Okay. So you are telling us that if there is not money to cover all of these expenses, right now in the budget of the court, they will not call any of these retired judges to serve. Is that what you're telling me?

SENATOR KRISTENSEN: Well, they wouldn't be able to pay them and I don't know who would want to serve without at least getting their mileage and maybe overnight on.

SENATOR CHAMBERS: If we were in court, I'd ask the judge to direct the witness to answer because the answer was not responsive to the question. Are you telling us, and this could be a yes or no, that if the money is not in the budget right now, then the Supreme Court will not call any retired judges or these kinds of judges...

SENATOR WARNER: One minute.

SENATOR CHAMBERS: ...to serve?

SENATOR KRISTENSEN: No, you call retired judges for purposes and you may well have some of those retired judges right now if you have a vacancy, if somebody is sick, somebody has a heart attack, for example, and is gone for a few months, a wide variety of reasons for calling them in. What you're insinuating or trying to get people to believe is that they are going to create this huge appellate court through the back door and that just isn't true.

SENATOR CHAMBERS: I'm not saying what they might do, I'm asking you what is authorized by the language of this bill and that's all. I won't continue you in this because my time is running out. We have to look at what is allowed under the bill. Why do we say trust these judges, give them the authority to create a thousand panels, but we don't expect them to do it. If they're not going to do it, then why do you give them that authority? I think Senator Beutler has a very reasonable amendment. Since this is a brand new court system, it's going to have profound implications. It will not hurt us to strike this sentence, go with the six judges that earlier action today has authorized and then we can see what will develop.