

1 DELEGATE BAMBERGER: Section 5.06 provides
2 that the General Assembly may increase the number of
3 members of the intermediate appellate court over the
4 minimum of five. But the legislature when it does that
5 may not at the same time by law provide that they would
6 sit in divisions. That is an exclusive rule-making function.
7 Why would you not allow the General Assembly to provide by
8 law that the court could sit in divisions

9 DELEGATE MUDD: As I recall the consideration
10 in committee was that the use of the intermediate court
11 of appeals in division work could be better accommodated
12 by rule-making power than by the legislature. It is
13 conceived and our committee assumed this court is going to
14 be expanded jurisdictionally and with manpower. But once
15 it is, and the rules do provide that this court sit in
16 divisions that is more appropriately a rule-making power
17 than to be prescribed by law.

18 THE CHAIRMAN: Delegate Bamberger.

19 DELEGATE MUDD: It is use of manpower actually.

20 DELEGATE BAMBERGER: In other words, if the
21 legislature decided that the work of that court required
that its membership be increased they could increase