

automatically go in our budget and this would be one of those things that would automatically happen. And I guess I tend to think that the Legislature, as a whole, should look at things and decide whether or not they want to do them. I think if you adopt my amendment, it's...it goes...changes from "shall" to "may", the statutory authority is there, because when that certain point of escalation occurs, instead of automatically happening that is a flag for Senator Kristensen, the Supreme Court, the Nebraska Bar Association or whoever to come to the Legislature and say, you know, remember back in '91 you passed this bill and said the threshold of X number of cases is reached, we should get a new judge, now are you going to do it? And then if we decide to do it, we fund it, the Legislature as a whole funds it and we do it. I think that's the proper way to do it. Whereas the Kristensen amendment is written it "shall", it takes the Legislature totally out of the loop there. The Governor appoints the judges when he sees the escalation point happening. I don't know how wise a policy that is. So I would like to give the statutory authority to do this, put the guidelines in the statute when it should happen but still leave the Legislature with the ultimate decision on whether or not we're going to move forward with a new judge. So, with that, I would ask for the adoption of the amendment.

SENATOR CONWAY: Thank you, Senator Moore. The first speaker speaking to the amendment to the amendment is Senator Hall.

SENATOR HALL: Thank you, Mr. President, and members, Senator Moore, would you respond to a question?

SENATOR CONWAY: Senator Moore.

SENATOR MOORE: Yes.

SENATOR HALL: Just so I understand this which I may not when you get done anyway. But the issue of...that's a reflection on me, not on you, Senator Moore. The issue of putting the "may" in would...we would control that in regards to the budgetary process? Is that...in other words, we don't fund it if it's permissive instead of mandatory and we don't fund it, we would control it even though it's a gubernatorial appointment?

SENATOR MOORE: Well, I would argue that if it's a "shall" in there, the Governor has no choice. He appoints it when the threshold is met, he appoints it and it is still our...it's our