

decision as to whether or not we're going to fund it anyway. Could create some problems. Obviously, if the "may" is in there, you might think that any Governor would work with the Legislature on is this something we can afford this year to appoint a new judge. And so it doesn't make it mandatory but it certainly doesn't...

SENATOR HALL: And I appreciate that and I will probably support the amendment, in any case. I guess my question is, what would keep the Governor from appointing the judge and then having the Supreme Court just file a deficit budget appropriation?

SENATOR MOORE: I don't think this amendment totally prohibits that from happening.

SENATOR HALL: Okay.

SENATOR MOORE: But I think without this amendment it certainly...it has to happen that way, quite honestly.

SENATOR HALL: Okay. So in other words...

SENATOR MOORE: You could go a step further and say the Legislature shall act. And the way you would do that is to strike all mention of the escalator in the Kristensen amendment and then we would...whenever we saw fit, we would do it. But I would say there is...

SENATOR HALL: Which might be the way to go.

SENATOR MOORE: Well, that would be more ironclad than what I'm doing, yes, Senator Hall.

SENATOR HALL: Okay. Well, I rise in support of Senator Moore's amendment at present. Senator Kristensen, would you respond to a question?

SENATOR KRISTENSEN: Sure.

SENATOR CONWAY: Senator Kristensen.

SENATOR HALL: Doug, what's the...you say the base right now is 1,270 in terms of the number of appeals?

SENATOR KRISTENSEN: No, the current number of appeals for the