

virtually allows for nine, whether it be now or two years from now or in 1999, the issue is, are they needed? And there is a provision in this amendment that allows for them to be put in place. Once they're put in place there is no provision, if the appeals should fall to 800 from that base of 1,300, there's no provision for them to come back out. All it takes is two years of an increase of 150 over and above the base of 1,300 and they're there permanently from everything that I can tell. I don't see them coming back out no matter what happens to that workload. I don't think there has been a good enough argument made as to justify the increases that are there. Thirteen hundred doesn't seem like it's excessive when you're dealing with two different banks of judges that have the opportunity to deal with these. The other issue that was raised is that this is not something new and different from the issue that presides over the juvenile judges and I would argue that, yes, it is. When I looked at what Senator Lindsay pointed out and Senator Kristensen pointed out in 43-2119, those provisions for the placing of an additional juvenile judge are based on increases in population within a county. Population doesn't increase near as fast as appeals have the opportunity to increase in court. There could be an instance such as maybe property tax appeals that could increase the number of appeals dramatically over a two-year window, just for an example, that would trigger this mechanism, maybe use another example, but there is a potential out there for something to trigger this increase and those judges be put in place and never fall away, no matter what happens to the workload. Now Senator Kristensen, I'm sure, will correct me if I'm wrong, but still I think that just like additional judges have to come before the Legislature, even the juvenile judge provision that again is based on population, is not based on number of appeals and the population in this state hasn't changed over the last 100 years, it's only shifted slightly. It seems to me that there ought to be...

SPEAKER BAACK: One minute.

SENATOR HALL: ...the provision in here for the courts to have to come back to the Legislature and make their case. They made it. The first part of the Kristensen amendment to reduce it, I think, is very laudable. It addresses the issue that the voters dealt with in the ballot question. It puts in place a court as requested and I think probably is needed, but it doesn't put it in at literally 25 percent greater than the Supreme Court who are hearing these cases presently. I think six is plenty and I