

that we have. If you want to see that statute, it's back on page 46 of LB 732, but this is identical language to what we have already in the statutes. And so, with that, Senator Beutler, I would offer this to you to discuss as questions. I assume that this would be something that would be agreeable to you. The purpose that I gave the amendment was to take care of Senator Beutler's concerns in this area with the appointment. I don't think that we necessarily needed it but it certainly clarifies the intent that I have is that you don't want to create additional panels, only unless you need to for vacancies or temporary purposes and there was some incapacity you need to have additional judges that could serve. This is certainly not the backdoor way of getting additional panels, plus the Legislature always has the ability to fund or not fund those things and that was defeated last time. So, with that, I would offer this amendment for Senator Beutler and I believe that this should address the concerns that he had. Thank you.

PRESIDENT MOUL: Thank you, Senator Kristensen. I forgot to clear the lights for the previous amendment so I will go through the senators in the following order and see if they wish to speak to this amendment. Senator Haberman. Senator Abboud. Senator Kristensen. Senator Schmit.

SENATOR SCHMIT: I would like to have a little more explanation, if you would, please, Senator Kristensen. If you could tell me exactly why you feel that you need to provide for this additional reservoir of manpower, I guess, or womanpower, to serve on that appellate court. What do you perceive as being the need?

SENATOR KRISTENSEN: Senator Schmit, what occurs is that you may have illness, sickness, it's not uncommon to have someone for, let's say, for example, has a heart attack and is gone for a number of days that you are able to bring in to fill a temporary vacancy on the appellate court. We do this with the Supreme Court. We have done it with divisions of the Supreme Court of which they don't want to do any more. But let's say if there is also a judge that retires and you have a period of time between retirement and when a replacement is actually eligible and can be in place to do that. If, for example...and that would be the temporary vacancies, this is the same language that we have had with the Nebraska Supreme Court, this basically puts the same language into the court of appeals to do that. Now, in addition to this amendment, we don't want to go...to have a majority of