

system. It is not going to fulfill the system which you and I supported both on this floor and at the ballot box and I do not believe it would represent the wishes of the people. And I want to go on record on that behalf. I do not want the appellate court to become a system whereby when the tough ones come along the weak ones fade and I'm very blunt about that.

PRESIDENT MOUL: Thank you, Senator Schmit. I will now recognize Senator Beutler, followed by Senator Haberman. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker...Madam President, members of the Legislature, I want to support the amendment. I'm not sure it goes quite as far as it should but at least it helps the situation. As you will recall, the bill, in its present form, would allow for the appointment of an unlimited number of judges. It would set up no criteria for when you assign these judges and it would say nothing with regard to how many district judges could be on one particular panel. So what the amendment does is says there will be no more than three judges total. There will be no more than one district judge on each of the three panels. It sets up at least some criteria for when you can do this, albeit broad criteria, and I think that those improvements are worth having, certainly better than the bill in its present form and maybe a reasonable compromise on this whole debate so that we don't spend an inordinate amount of time on it. So I would support the amendment, Madam President.

PRESIDENT MOUL: Thank you, Senator Beutler. Senator Haberman.

SENATOR HABERMAN: Madam Chairman, members of the body, I have a question of Senator Kristensen if he would yield.

SENATOR KRISTENSEN: Yes.

SENATOR HABERMAN: Senator Kristensen, the amendment says the Chief Justice of the Supreme Court may call active judges of the District Court to serve on the court of appeals. Does that mean district judges that are now serving?

SENATOR KRISTENSEN: Yes, Senator Haberman, we have had that system in the state for some time.

SENATOR HABERMAN: So what you're saying then is the district judges aren't overloaded.