

work. Why didn't the current system work? Because there was no review by anybody in terms of looking at whether a vacancy should or should not be filled, whether it was really necessary to fill a vacancy. That was back in the early 1980s; no look at the efficiency of the system whatsoever. And the reason that there was no look is because if you look at the language on page 4 of this amendment, lines 11 through 14, it will give you the crux of what this is all about. It says there that when this commission goes out of existence then what will take its place is this, no legislative action shall be necessary to fill any vacancy resulting from the death, retirement, resignation or removal of a judge. That's back to the early 1980 system, which means that there will be no effective review for the economy of appointing or filling vacancies. And the reason that that results in that is simply because what happens is whenever there's a vacancy there is a rush to fill the vacancy. And by the time the Legislature meets again, the Legislature could review it, but by the time the Legislature meets again there is a live person, a real judge sitting there in office, which means you would have to, if you wanted to change the vacancy to someplace else, you would have to force him to move someplace else, or kick him out, or deal with a live person who...who perhaps changed his life course and his resources in order to accept what he thought was a position in a certain geographic area of the state. So it became so unfair on a personal basis that, as a practical matter, this system never ever worked to reallocate judicial resources at such time that vacancies existed. If this amendment is put into place, we will go back to that system and there will be lots of new judges in the towns. There will be a new judge in Lancaster County, and I really need politically to vote for that, but I'm not going to vote for it. Darn it, we've got to change the system somehow, sometime. This continues and continues...

SENATOR CROSBY: One minute.

SENATOR BEUTLER: ...and we all know better we all know better. We talk about efficiency in government and we talk about it and we talk about it, and there is such a crying need here, such an obvious situation and we will not come to grips with it. And what happens is that the old political coalition continues to go along, and that is the urban folks who need the judges push for the judges, and they use as leverage the fact that judges may be taken away elsewhere if you don't give more resources here. That system continues and continues, but that's not an efficient