

Resources Commission until you have further legislative action. Now constitutionally we can't have the Judicial Resources Commission increase the number of judges so there is a different standard if that is later on argued to you, but that's required constitutionally. That isn't anything that we have any choice about. But where the Judicial Resources Commission makes an examination not only of the caseloads weighted or other wise, and the other factors that are important to the delivery of judicial services in a given district and recommends a filling of a vacancy, I see no reason for us to second guess that decision and certainly no reason to second guess that decision on an untimely basis so I would oppose Senator Beutler's amendment on that basis and hope that you would do so as well.

PRESIDENT ROBAK: Thank you, Senator Wickersham. Senator Matzke.

SENATOR MATZKE: Madam President and members of the Legislature, it continually amazes me when I hear of the perception on senators from the metropolitan area when they deal with the matter of judicial services. This amendment would have a dramatic effect on less populated areas. My judicial district, the 47th District includes seven counties in the southern part of the panhandle. That area is served by one judge in Kimball. If there was a retirement or death and that vacancy could not be acted upon until this Legislature met and acted, that entire southern half of the panhandle could virtually be without judicial services. Now a different situation occurs in Lincoln or Omaha where you may have a half a dozen to a dozen different district judges. If you have a vacancy there that can't be filled you have other judges that can handle the judicial load and still provide access for judicial services. In the 47th Legislative District we have a territory that is almost exactly equal in size to the State of New Jersey. The number of square miles in the 47th District virtually equals the number of square miles in the State of New Jersey. The practical effect of this amendment would be to say that if a judicial vacancy occurs in that large an area, those people would be denied access to judicial services except it could be provided from other judges in the northern area of the 12th Judicial District. I think there's a perception here that's difficult for metropolitan area senators to appreciate. It is not simply a matter of miles, it is a matter of rather vast territory where the citizens of this state would be denied one of the essential elements of a democracy and that's judicial, the services of a judiciary.