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eligible under the sixty day provision, the incoming panel and the outgoing panel, and in order to avoid the conflict that also arose in my county over this issue, we have said the appointments, and it is provided elsewhere in the county law, that the appointments are to be made whenever there is an office that exists without an incumbent but we have said that in no event shall it be made later than forty-five days and this fixes the responsibility for that appointment with the existing treasurer, clerk and county attorney. I would move the advancement of the bill.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT LUEDTKE: The Chair recognizes Senator Newell.

SENATOR NEWELL: Senator Murphy, when you were explaining the bill, you were talking about the three man panel and who appoints the additional two commissioners, now I wasn't sure whether you said that that changes under this proposal, and if it does, how it changes? Could you explain that for me?

SENATOR MURPHY: The present provisions for appointment under a county commissioner system is not changed, it is used as the base. The only thing I have altered is that that same functioning panel under a county supervisor form rather than county commissioner included the county judge instead of the county attorney and I thought for the sake of uniformity we should go one way or the other, either let's have county government vacancies filled by a panel consisting of the same three people whoever they might be, and so in the interest of taking the judiciary out of executive portion of county government, I said let's substitute the county attorney for the county judge in the supervisor form. Now I should go one step further. This is the appointive panel for county supervisors and the law is a little confusing because it says, not only says that this will be the appointive panel in one section, but it also in another section said that the county supervisors shall fill vacancies, and like I say, in order to keep the two forms of county government consistent, and hopefully more understandable, then it should be one way or the other, and I think if the panel is capable of appointing for a commissioner form, that same panel should be capable of appointment for supervisor form. So for the sake of uniformity, that is what I have added.

SENATOR NEWELL: So what you have said is that for the sake of uniformity we do have the three member panel which is the county attorney, the county clerk and the county treasurer,