

SPEAKER NICHOL: Senator Beutler, would you reply, please.

SENATOR WARNER: Senator Beutler, I have no quarrel with the fact that there needs to be an additional judge, but...and you can help clarify. It came to my attention that maybe LB 13 prohibited the appointment of associate judge but that I thought did not take effect until July 1 of '85. I would assume conceivably that an associate judge could be appointed prior to July 1 of '85, would be funded by the county and then would continue to operate or function until that individual no longer existed and I only raise the question because of the tight revenue issue. I assume if that was done then it would be continued to be funded at the county until that individual no longer held the office. The other option is go ahead and advance the bill, and there's no quarrel in my mind about the need for the judge, that's not the issue, the issue is funding. Would it be incorrect to say that they could appoint an associate judge as long as it was done prior to July 1 and continue to fund the office?

SENATOR BEUTLER: It would be my opinion, Senator Warner, and I think this is something upon which reasonable people could differ, but it would be my opinion that they could appoint up to July 1, but at the point that the law changed, I don't think they could continue to have an associate judge in office as of July 1. So I don't know if that solves your problem or not. I don't think that is a solution to the problem.

SENATOR WARNER: No, that doesn't because I had understood your rationale. We needed to pass it now because it was a coincident that the associate judge had been appointed by the Governor and, therefore, we needed this bill because they couldn't replace the associate judge, and my understanding, that was the question, they could replace the associate judge and fund the position as long as it was all put in place prior to July 1 and then it would continue to function until such time as it became vacant again.

SENATOR BEUTLER: I don't think they could continue in office as of July 1, Senator Warner, and I would argue that you need the bill whether Pat Mullen was appointed district judge or not, but that situation makes it clear, makes it absolutely clear that you need to appoint a new judge.