

SENATOR MAURSTAD: Unless you opted out before the end of the year. Okay, can you explain the rationale for that aspect of it for me.

SENATOR KRISTENSEN: Well, that you wouldn't want a county coming in and opting out and not being able to save their contributions, in effect, and then when all of a sudden they have some event occur, opting back in so they could access the monies and then as soon as they're done, having them opt back out again. That would be the old insurance policy, I only pay my premiums when I have to pay it or when I get paid a claim.

SENATOR MAURSTAD: Okay. The assessment to the counties, who...is the state going to control that assessment and the amount of it?

SENATOR KRISTENSEN: Under the green copy what would happen is that there would be an assessment made. You'd determine how much money would be needed. You'd determine how much the Legislature was going to appropriate and then the counties would match that. Or actually the counties would get the assessment and the state matches it, but, in effect, it's the same thing.

SENATOR MAURSTAD: Yeah, so you could have a situation where it might start out reasonable for a few years. The county has opted in and the assessments got out of control and they weren't able to afford the assessments. Is that a theoretical possibility?

SENATOR KRISTENSEN: I suppose it is except as you put more...if you follow the green copy, if you put more money into the system, obviously, there's more money there for them to access and do things with and they'd probably have more opportunity to use it. Given the political times, I'd seriously doubt that there would be tremendous amounts of other monies put into it though.

SENATOR MAURSTAD: Okay. Who decides when the public defender is assigned? Is that strictly a county decision?

SENATOR KRISTENSEN: I'm not being tedious. I want to make real sure I answer your question. If you're talking about the public defender as it exists today or are you talking about the public advocate that is under this bill?