

amendment that's currently before you is to strike Section 1 of the committee amendments. So all of that Section 1, which essentially sets forth a Section 4 of the bill, all of that is stricken and that which is stricken is the opt-out provision. So there would no longer be an opt-out provision as contemplated by the original Kristensen amendment.

SENATOR HALL: So when we remove the option to opt out, we do that because of the fact that we've now, basically, said we're going to do this under state funding?

SENATOR BEUTLER: Senator, the theory of it would best be addressed to Senator Kristensen. This is really not my amendment anymore.

SENATOR HALL: Okay. Thank you, Senator Beutler. Senator Kristensen, would you respond to that question? He doesn't appear to be on the floor. My concern there is that if we...if we take the opt-out provision from the bill, and Senator Kristensen, if you would listen to this and if you could respond, under the bill, if we now make it mandatory, in essence, I guess the ability to opt out is taken out with this amendment, who has the ability to decide? Is it...if I'm a defendant, can I say that if I'm in Douglas County, for example, and they've got a public defender system that does meet the qualifications, can I still choose to ask the commission for...

SENATOR KRISTENSEN: No. No.

SENATOR HALL: Okay, does it say that in the bill?

SENATOR KRISTENSEN: No, but I don't...I don't think the defendant has the ability to say who he wants or she wants to represent them. That discretion is up to the court.

SENATOR HALL: But if it's now mandatory under state law that this be in place for all counties...

SENATOR KRISTENSEN: Well,...

SENATOR HALL: ...and the county doesn't have the ability to opt out...

SENATOR KRISTENSEN: Well, let's make sure what's mandatory about it.