

SPEAKER WITHEM: Thank you, Senator Matzke. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, there seems to be an effort to suggest that this amendment is not now appropriate now that the assessment provision has been eliminated from the bill, but I would argue that the amendment is every bit as appropriate now as it was before. Right now, under the bill, let's say there is a half a million dollar appropriation, \$500,000. That \$500,000 will be a state appropriation. It will go to hiring people who will, in turn, provide free services to one or more of the counties in one or more of various activities that are named in the bill, or in the Kristensen amendment. What my amendment says is, instead of all of that money going to the support of those services, part of it would go directly to counties who opt out. It is a county option to opt out. If the counties feel like they want the advantage of additional state spending, then let them opt in, which I think most all of them will certainly do. But this is a situation where you are entering, historically, a set of circumstances that exists differently in different places in the state. In Douglas County and Lancaster County and in many other counties, they are fully equipped to deal with these matters. They have sufficient county funds to deal with these matters. At a particular point in time, when it become relevant, I will pass out to you the mill levies of the various counties. We have not done a number of things with this bill that make it so loose, in my opinion, that I'm not willing to support it at this point, despite the fact that I really want to see some assistance and improvement in indigent defense matters. Which of the counties are going to get this limited exist...this limited assistance? How does the bill describe who is going to get it? If one county has a levy of .3 and the other county has a levy of .5, does the county with the .5 levy get it? Do they each get some of the funds, although that is hard to do. I mean if you have a capital case, your two capital cases, you...it's hard to divide things up evenly. What if one county of .3 makes no contribution whatsoever, has budgeted no money whatsoever for indigent defenses, do they have the same right and call upon the fund as some other county that has already levied a significant amount of money for indigent defenses? There is nothing in the bill that says anything about that. And, finally, I will eventually get to a point that I think ought to be discussed, and this particular issue, I think, brings up that point quite dramatically and that is there are simply some counties in this state that are too small and too inefficient to deal with the