

is interesting to me the length to which this mandate idea is now debated. You know, this is some kind of state mandate and, therefore, we should address it. The state has organized everything. Everything that exists in terms of political subdivisions is by virtue of a statute of the state or by virtue of the Constitution. State, county government, itself, is a creature of the statutes. Everything it does is dictated by the State Legislature ultimately. So does that mean that everything they do is a mandate and, therefore, all county expenses should be picked up by the state? Well, I think most of us would say that is kind of ridiculous. So what is this mandate argument? I think the only meaningful sense in which you can talk about mandates is in relationship to the taxing authority that you give a political subdivision at the state level versus its ability to raise funds by that means to facilitate the purposes which we direct...direct to it. You have to look at the two things together to look at the idea of mandates meaningfully. And most of the time when we talk about mandates, we talk about prospective, that is, something new the Legislature is doing now without increasing taxing ability or authority, but adding on new obligations. But this is something that has been in existence for 35 years, this particular obligation. It is not like it is a new mandate. I think we have to grow more sophisticated in terms of these mandate things. Does this mean, for example, if you accept the mandate argument, that we now must fund county attorneys? After all, they prosecute the laws that are mandated by the state. How about county jails? Should we be totally funding county jails? What about the entire court system? Should we take up all the expenses of the county courts and the district courts because, ultimately, the laws are the criminal laws of the state? Obviously, I am taking this to the ridiculous, but where do you draw the line? We have to start being a little more sophisticated, I think, in where we draw that line and how we draw that line. Secondly, I would argue in a different sense that this particular bill and my particular amendment that you are taking a mandate out of the bill. What we are doing is mandating to every county in the state that they are going to participate in this system. And what my amendment does is to provide local control. If you don't want to participate in the system, you don't have to. That's all...that's all it does. In order to make the system work, said one senator, we have to have the counties in it. Well, I don't think that is true. I think this can be a heck of an insurance policy for all those counties that think they need it, but they ought to do it on a willing county basis. That's all