

that it be adopted.

SPEAKER WITHEM: Thank you, Senator Lindsay. Senator Kristensen, on the Lindsay amendment.

SENATOR KRISTENSEN: Thank you, Mr. Speaker and members of the Legislature, and, Senator Lindsay, I do appreciate seeing a copy of this although this is a rather substantial change, obviously, from where we're at and I'm going to try to work through it the best I can, given the time period I've had to look at it, but what I think this basically would do is that you would be forcing counties into three specific areas. They would either have to have an elected or a contract public defender or they'd have to have the judicial district public defender which has never been funded in the State of Nebraska, so that option is out, or they'd have some interlocal agreement. And, quite frankly, I'll guarantee you, for those of us who have been out working in that area, interlocal agreements have been tried. We have negotiated them time and time again and they don't work out. They are very, very difficult. One is because of standards, but two is because the counties can't, themselves, agree upon what to do. One always thinks the other one is getting more or less. They've never been able to come together with a tax system that would be able to deal with that and if you look at this, 71 percent of the counties aren't going to be able to take advantage of this because they would be ineligible because of the system they have today. So this amendment really is going to force a dramatic change except for those larger counties and if that's what we want to do, I guess we can but I don't think it's a particularly good method and it provides some real problems for the administration of the system. The other one here is that last time Senator Lindsay was talking about not wanting standards, now this amendment puts all those standards in that I think we just got done trying to take back out of them and in the major cases what you're really going to have is the counties are going to take over, trying to determine which cases go first and trying to put some priority to them instead of the judges. The system here, and I'm just reading through it because I've got a chance to look at it once, but I'm very uncomfortable about taking out those provisions and making some wholesale changes in other sections. What LB 646 is designed to do is to present a form of assistance from the state. It's not the magic wand. It isn't going to solve all those problems, but this amendment goes through and eliminates some of the protections we already have. For example, it strikes out here