

CLERK: (Record vote read. See page 1686 of the Legislative Journal.) 6 ayes, 10 nays on the amendment, Mr. President.

SPEAKER WITHEM: The amendment is not adopted. Mr. Clerk.

CLERK: Senators Lindsay and Hartnett would move to amend. (Lindsay-Hartnett amendment, AM1587, can be found on page 1687 of the Legislative Journal.)

SPEAKER WITHEM: Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. Speaker, members. This is the amendment I drafted up after visiting with Senator Kristensen at the microphone in the last amendment that I offered. What it would do is the language would be added, the following new section, "Notwithstanding any other provision of this act, neither the commission nor the chief counsel shall have authority to establish or enforce standards and guidelines for qualifications, compensation, caseloads, case progression, support staff, minimum performance or continuing education for indigent defense counsel." That's language that's taken out of the indigent defense task force that I referred to. It's...Senator Kristensen said it's not his intention for the commission to set up these guidelines and standards. If that's the case, the adoption of this amendment shouldn't be a problem, although he did mention earlier that he didn't want to do that because things that the commission is not empowered to do shouldn't be in the bill. I suggest we've got things that may not be necessary in the bill that we've tried to strip out. So if it's unnecessary, or if this is just excess verbiage, it shouldn't be a problem. But what it makes clear is that the commission can't come in and tell your public defenders you have to have a public defender that's full time, or you have to have a public defender that receives X number of dollars compensation, or your public defender cannot have more than X number of cases at any given time, because, as I mentioned, those types of things can drive up the cost to your local counties. If that's not the intention that this is what the commission would do, then adopting this language should not be a problem. With that, I would urge the adoption of the amendment.

SPEAKER WITHEM: Thank you, Senator Lindsay. Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker and members of the body, I rise