

mechanism. In a lot of our other legislation, the Revenue Committee just kicked out some legislation that...constitutional amendment to do away with a lot of the taxing entities out there. Any time we create an extra commission, and this has been...Senator Hartnett brought it up and others that it's going to grow, there's going to be more spending and we have to be very careful in doing that. We have to take our time. We have to look and see if there is other mechanisms to take care of this indigent defense. I do support parts of that, but I don't know if, right now, there's other mechanisms. I think it was brought out that there's been...district court level has individuals out there that they've never been utilized or never been funded to use. I think we have to be very cautious in creating these type of commissions. With that, the one question I had, I don't know if Senator Kristensen is available but what it entails is...

SPEAKER WITHEM: Senator Kristensen, I believe there's a question.

SENATOR AVERY: ...the commission is, as stated in the amendment, was amended to the committee amendments or the committee amendments dealt with the commission being made up of all lawyers. Is that necessary? Some reason?

SENATOR KRISTENSEN: Yes.

SENATOR AVERY: What...could you...

SENATOR KRISTENSEN: Well, the com...Senator Avery, the reason that you set up that is that you're dealing with providing legal defense, and you want a commission who is familiar with the way the system works, what the legal requirements are and what good indigent defense is. I've got to tell you that garden variety of lawyers have no business being in capital cases. Just because you graduate from law school doesn't give you the ability to handle a major case like Senator Brashear may handle in the commercial world. I'd be totally lost in that world. Senator Brashear would be totally lost in a death penalty case. Just because you go to law school doesn't descend upon you the ability to do those things, okay. And the reason this commission is important is that it takes some knowledge of the way the system ought to be worked and people who are committed to providing indigent defense, because that's not really very popular. You go out to county boards and if they'd take a vote,