

Senator Lindsay. I know that the public defender's office in Douglas County had some concern. After meeting with them and their representatives, we've come to, I believe, some conclusions and some agreements among us and this amendment represents that, and I'd briefly like to go through this with you. If you have the E & R amendments which really are the bill, the best way to follow with this, as you'll see, the amendment is a lot of striking and adding and so on but basically striking some things. I'm going to walk you through this amendment and Senator Lindsay or Senator Hall, if there's a point you think I've not brought out enough, I hope that you'll punch on and talk about this. The first thing that we do is to go through in Section 3 and we talk about the creation of the money. We add in that they can only spend the money that is appropriated to them. In other words, they can't go out and have this act as an entitlement program, that they'll only be able to spend the money for the staff and for the items that are present in the bill. The other things that we do is we strike, under Section 9, one of the commission's duties. We strike their ability to plan improvements in the indigent defense system and promote their implementation. We also go through and strike subsection (4) of Section 9 which is the make or encourage studies of any aspect of indigent defense. The purpose for doing that is there was a concern that this group was going to go out and do many other things other than provide indigent defense and they were going to try to get into a public defender's office and try to tell them how to run their office. That's certainly not the intent of the legislation. We're striking these to make sure that that cannot happen. We also strike subsection (8) which says oversee statewide data collection for indigent defense. We don't want them going into a public defender's office and demanding numbers. If they want to voluntarily turn those over, they can do so. We also then move up and put, and make some changes in what the chief counsel's duties will do in Section 11 and we make the change. Right now it says the chief counsel shall, we've changed that to the primary duties of the chief counsel shall be to provide direct legal services for indigent defendants to add the emphasis that that's solely what they're designed to do. Under Section 11, we also strike that they're to disperse and allocate funds of the commission pursuant to guidelines. The chief counsel is not going to be dispersing those funds. The only thing he is going to be able to do or she's going to be able to do is to hire the staff and allocate the resources that they have. We also strike subsection (5) of Section 11, which is,