

continuity not only to do the trial work but to know the appeal issues at the time of trial and thus be more competent at appeal time to raise those issues, and that's the beauty of having some continuity. And they're not going to be able to do every case in the state and I think you're absolutely correct in trying to raise people's awareness that this staff of people are not going to be able to handle all 40-some homicides or capital cases that may arise in any one year or be potential homo...or potential capital cases; that they're just not going to be able to handle everything, maybe two to three full-time cases a year and, obviously, they may get to a point where you may have four of them on appeal that's keeping you busy and only one that's running a trial. There's going to be periods of time where I imagine there may not be anybody in the office, that they're out, you know, representing somebody at a post-conviction relief hearing or a trial and somebody's on appeal. There just may not be anybody in the office because we're running a fairly small operation there.

SENATOR BROMM: Senator Kristensen, the original green copy had the counties, through an assessment process, all counties being assessed approximately one-half of the Legislature's appropriation for this...for this endeavor and your amendment would assess or would provide the district court could order a county to pay up to one...order to pay one-third of the...

SENATOR KRISTENSEN: Yes.

SENATOR BROMM: ..costs of the case...

SENATOR KRISTENSEN: Right.

SENATOR BROMM: ..in that county. Now do you think...okay, do you...is it clear that the district court...that this can be done, if the district court has the authority to order the county to pay one-third of the cost in this situation or do we need to look at any statutes to clarify that, or has that been researched by someone?

SENATOR KRISTENSEN: We've researched that. The language says after a hearing the district court shall order the county to pay one-third of the commission's actual cost of defense and I think that that's a sufficient authorization. I think it's a direct, mandatory directory thing to do.