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attorney decides he wants to file a first degree or second degree murder charge against somebody, the board doesn't have any jurisdiction in saying you can't do that.

SENATOR CHAMBERS: But when you say the county attorney makes a decision, you're stating what the law is, namely that the county attorney has discretion. So if the county attorney has discretion to do something or not do something that is going to create, result in a high cost, that is not something mandated by the state, is it? Isn't a mandate a flat requirement that you do this and only this. Isn't that what a mandate is?

SENATOR VRTISKA: I think, yes, but you're missing the point that the, the county is required to pick up the cost of prosecution and defense of people who don't have money to defend themselves, so that becomes a mandate...

SENATOR BERNARD-STEVENS: One minute.

SENATOR VRTISKA: ...that we as a society provide those individuals with adequate defense, and in that sense those are mandated by the state.

SENATOR CHAMBERS: But the amount of expenses will be determined by the course of conduct chosen by the county attorney, isn't that true?

SENATOR VRTISKA: Absolutely, but there's nothing, again, that the county board can do about what the county attorney decides he wants to file. This is an issue that is strictly in the hands of the legal profession and of the county attorney's discretion and not the discretion of the county board. They're only left with the...picking up the costs that are involved in whatever decision the county attorney decides to pursue.

SENATOR CHAMBERS: And, Senator Vrtiska, we could create a situation where these various political subdivisions can just become lackadaisical and careless and create...

SENATOR BERNARD-STEVENS: Time. Senator Hillman, followed by Senators Warner, Wehrbein, Beutler, Pirsch, and Chambers.

SENATOR HILLMAN: Yes, Mr. Speaker, members, Senator Vrtiska, I don't know all the details, I did serve on a National Council of