

March 8, 1974

SENATOR CHAMBERS: Mr. President, I have a question to Senator Stahmer or to Senator Clark or whoever else is opposed to these attorneys, one for the Indian Commission, one for the Mexican-American Commission, being attached to those commissions. If this attorney operates out of the Attorney General's office, is his first responsibility to the Attorney General or to the respective commission to which he or she may be assigned?

SENATOR STAHMER: Well, Senator Chambers, I'll try to answer that in a theoretical fashion. We don't know who the new attorney general will be and much would depend upon the way he operates or doesn't operate. But I would think that what Senator Carpenter wants to achieve and what Senator Richendifer wants to have achieved could be assured if, in fact, a new...one of these people were in fact put fulltime with these two commissions. I think one man can handle both of these commission as far as the legal problems they encounter. I think this would achieve what I think Senator Carpenter wants achieved.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature. In spite of the fact that Senator Carpenter is willing accept this compromise with these two gentlemen, if that's the Body's pleasure, I think his original proposal is the better. First of all, some new members are to be added to the Attorney General's staff because of various changes in various laws relating to the criminal code throughout the state. The inability of certainly county attorneys to handle the volume of cases that come before them. So they talked about using members of the Attorney General's staff to fill in in some counties where they cannot afford a full time county attorney and therefore, an individual has to have a private law practice and other problems they hope to correct. I think when there is an agency dealing with the welfare of what the Supreme Court refers to as a discreet minority or one which is separate or distinct from the rest of the population, it is necessary and essential that those agencies have an attorney accountable to those agencies specializing and dealing all the time with the problems confronted by those agencies. A member who works on the Attorney General's staff is not at all times going to feel that he owes his time to these two agencies. So I think the amendment instead of saying that there would be an attorney on the Attorney General's staff earmarked for the Indian Commission, the amendment should provide for a separate attorney for the Indian Commission. I'm in favor of Senator Carpenter's amendment as he offered it and if he chooses to withdraw his name, I would substitute my name so that the amendment itself can be voted on. I think the agency needs its own attorney.

PRESIDENT: Senator Clark is next and Senator Kelly and will you both turn your lights off.

SENATOR CLARK: Yes, the only thing I want to say was on page 8 of the budget and under the Attorney General, it says "there is included in the amount shown, funds which shall be used to provide legal services to the motor vehicle industry licensing board, (which also asked us for an attorney), agency number 40 and the Equal Opportunity Commission number 67 and to any other state agency which requests legal services from the Attorney General." Now, if you want to add attorneys to all departments, that's up to you but we didn't feel as though it was necessary for one day a month. And all this person does is supposed to adjudicate whatever kind of a legal problem comes up at that particular time. He doesn't