

March 8, 1974

SENATOR KELLY: But it would go to authority. I don't see how they could get into a conflict, an adversary situation. Could be I don't understand what you're saying.

SENATOR FELLMAN: Well, I think that's the crux of this matter. Whether it's better to leave them all with the Attorney General or assign them to these individual agencies. It wouldn't matter, the individual agency couldn't sue the state. I don't know for sure how the...there are a number of state agencies. The Liquor Commission, the Public Service Commission, in addition to the Mexican-American Commission, the Women's Commission, whatever these are. And I don't know they could ser...I don't know how they could have standing to sue the state. Apts than that there'd be no conflict.

SENATOR KELLY: I thank you.

PRESIDENT: Senator Nore.

SENATOR NORE: Mr. President or Chairman and members. I think probably the way we have it set up in the budget, the Attorney General could assign someone to this particular field in sort of an unbiased position and I know it's impossible to be completely unbiased but we could get a degree of being unbiased and I think it would work better than having someone assigned to it by...on a full time basis where they probably would become unbiased. And after all, the Attorney General, his job is only to interpret the law so I think it would be better to leave it as we have it in the Budget Committee.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. President, I would like to address a question to Senator Fellman. Oh, oh, here he is. Senator Fellman, do you yield? He is the legal mind this morning. Senator Fellman, and this isn't because you support or oppose the amendment but just for clarification. If any attorney is assigned to the Attorney General's staff. He works for the Attorney General and the Mexican-American Commission, the Equal Employment Opportunity Commission or the Indian Commission would have an issue they felt should be pursued by this attorney and the Attorney General was of a contrary position as far as his attitude, who would decide ultimately whether this attorney would act. The Attorney General to whose staff he is assigned by this statute or the commission to whom he is supposed to be available at all times. Who was his boss in other words?

SENATOR FELLMAN: It would depend on the terms of the statute that assigned him, I would think. Whether it would be, generally I would suppose it would be the Attorney General unless the statute assigning him gave the commission some direct control. But I'm not....depend on the situation.

SENATOR CHAMBERS: Is it possible then....is it possible to have wording which would seem to say that although this person works in the Attorney General's office, he or she is to be available at all times to this commission but in reality that would not be the case because the Attorney General would have the ultimate say-so about what cases or actions this person would participate in.