

out the function as they feel they best could. So, rather than deny them this opportunity to best manage their agency, we are asking for this personal service increase of \$30,000. They think that this would make them a more efficient and effective agency in carrying out the functions we have assigned to them. I think that it makes sense. It doesn't increase again their budget, so there is no General Fund impact. But it does give them the flexibility to hire that additional attorney by shifting other funds to accomplish that task. If they think that is what is best to carry out their different responsibilities, then it absolutely makes sense to me. So I'd ask your support for the amendment.

SENATOR WARNER: Mr. President, members of the Legislature, Senator Wesely has described, I think, accurately what the amendment proposes which is to make one additional attorney. There are currently, I think, three attorneys within the Department of Health. However, it should be pointed out that a major part of their responsibilities deal with the bureau...the Board of Bureau...the Bureau of Examining Boards, I'll get it right, and are not necessarily free to do some of the other activity. The Appropriations Committee discussed this particular issue two or three times. There is always an ongoing concern through the...in the appropriation process as to whether or not an agency should add staff, in the way of attorneys to the agency, or whether they should be encouraged to work through the Attorney General's Office for what legal assistance they need. I think in the matter of fairness I probably should say that I think when there is legal matters pending which may go to court the tendency would be to work with the Attorney General. In some cases agencies prefer to have additional attorneys on board to assist with the drafting of rules and regulations and those kind of reviews in hopes that it might prevent some difficulties. But in any event the majority of the Appropriations Committee felt that an additional staff person should not be added, even though it would be correct, as Senator Wesely has pointed out, that should you approve this the funding would come from some other activity that they currently are authorized to spend. But we did not recommend the expenditure.

SENATOR REMMERS PRESIDING

SENATOR REMMERS: Senator Withem.