

that...how much authority the commission...the commission should be empowered to take some action and, by having a chief counsel who's insulated from a lot of discretionary types of things, I don't know if that's wise policy. That's why I'm asking the question. I agree that the commission ought not be involved in day-to-day but whether...when we statutorily empower a chief counsel to do these things and then insulate that chief counsel from action by the commission it causes some concern, too.

SENATOR KRISTENSEN: Well, also realize though over on Section 9 we give the commission the power to adapt and promulgate those rules and regulations as well, and when you see the chief counsel I'm not sure I know where you're looking for his...

SENATOR LINDSAY: On page 7,...

SENATOR KRISTENSEN: Oh, you're looking...

SENATOR LINDSAY: ...lines 3 through 56...

SENATOR KRISTENSEN: That's basically the administration of the policies of the commission. The commission sets the policies and to carry...and basically would manage the employees. But in terms of the way the commission is going to operate, they have the ultimate authority on rules and regulations. The chief counsel just merely carries that out.

SENATOR LINDSAY: Well, the way I read this, the commission...

SENATOR CROSBY: One minute.

SENATOR LINDSAY: ...cannot hire and fire employees, cannot direct that they be hired or fired because that's...the chief counsel would have that obligation or have that authority...

SENATOR KRISTENSEN: Well, day-to-day, yes.

SENATOR LINDSAY: Let me just, if you've got an attorney who's going nuts out there but is a good buddy of the chief counsel, the commission doesn't like it, the commission cannot order the chief counsel to dismiss him because the chief counsel statutorily has the right to do that.

SENATOR KRISTENSEN: And when you say "going nuts" what are they doing?