

files or whatever. What the amendment does is to clear up the... basically, make the chief counsel serve at the pleasure of the commission and to clear up that the chief counsel, basically, would have the duties and obligations that would be assigned to the chief counsel by the commission. Rather than having statutorily defined duties for the chief counsel, the commission would simply have duties and could direct its chief counsel to carry out the obligations that we impose, the idea being that, as it stands, as currently written, the amendments would provide that the chief counsel can only be fired for just cause after hearing and I think it's setting it up for disputes between a chief counsel and the commission and I think if we're going to have a situation like this, we ought to have accountability in one place so that when the Legislature or the Governor's Office or whoever looks to see where the problem is we can point to one person or entity and say, you have the responsibility, you're the person or commission that's doing the wrong things. So what this does is, on page 6, line 2, it strikes the language which says that the chief counsel may only be removed for just cause after hearing, it strikes that language and inserts that the chief counsel shall serve at the pleasure of the commission, which makes it clear the commission has the accountability to the Legislature and to the executive branch. And then it strikes Section 11 which sets forth in specific detail what the chief counsel's duties are. And, by doing that, we then have the commission with the obligation rather than the chief counsel and the commission then would have the ability, since it will be the one who is accountable, it would have the ability then to direct the chief counsel to carry out those duties and functions which it assigns to it, so, with that, I would urge the adoption of the amendment.

**SPEAKER WITHEM:** You've heard the opening. Is there any debate? Senator Kristensen.

**SENATOR KRISTENSEN:** Thank you, Mr. Speaker, I was going to ask for a division of the question, but maybe before... I'm not doing that procedurally just yet, Mr. President, members of the Legislature, Senator Lindsay, if I can enter into a dialogue with you, I don't share your concern but reasonable people could differ on that particular section about serving at the pleasure of the commission. I mean, there's pros and cons of doing that both ways, however, I do object strongly to striking Section 11. In a spirit of compromise, would you accept the first part of that and not do the second, striking of Section 11?