

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Chairman Morgan, I direct your attention to the last sentence of the second section which provides that the attorney general shall have been requested to give his opinion, and so forth.

Are these phrases limiting phrases? In other words, could he give his opinion to other persons in government—for example, to political subdivisions?

THE CHAIRMAN: Delegate Morgan:

DELEGATE MORGAN: He could.

DELEGATE HARDWICKE: So then, Chairman Morgan—

DELEGATE MORGAN: He would not be required to, however, but if a political subdivision asked him for his opinion and there is nothing in here which would prevent the attorney general from giving his opinion to a political subdivision of the State.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Then do you intend that these are limited words, and that these are the only persons to whom he shall, upon request, give an opinion?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: That is correct.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: So then you would not intend that the General Assembly might prescribe by law that there could be other persons to whom he might give an opinion?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: There is no intention to prevent the General Assembly from doing that.

THE CHAIRMAN: Did you get the answer, Delegate Hardwicke? His answer was that there was no intention by the last sentence to restrict the right of the General Assembly to provide that the attorney general should give opinions upon request to persons other than those named or agencies other than those named in the last sentence.

DELEGATE HARDWICKE: Very well. With regard to the powers of the General Assembly, then, to make certain requirements of this office by law, could the General Assembly give the attorney general other duties which would not be of a legal nature?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I think that it could, but it certainly was not the intention of the Committee that the attorney general be strictly a legal officer of the State and not be given non-legal status or not be required to carry out any state programs.

There is no language in the article or in the section which we are recommending that accomplishes that, but it certainly is the desire of the Committee that that be the case.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: If these two sections are adopted in this Constitution, and if the General Assembly decided to give the attorney general non-legal duties, would that be constitutionally permissible?

DELEGATE MORGAN: It would.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: It would be constitutionally permissible to give the attorney general other non-legal duties?

DELEGATE MORGAN: It would.

THE CHAIRMAN: Delegate Hargrove.

DELEGATE HARGROVE: Chairman Morgan, my question is a continuation to some extent along the same lines as Delegate Hardwicke.

Was it intended by the Committee to limit the investigative powers of the attorney general?

I would like to give you several examples. One is what should happen if there is perhaps malfeasance in office by a state's attorney? Who in the State is to make the determination as to the prosecution of that public official? That would be one example.

Second is one which very recently did happen, the instance of the present attorney general making an investigation pursuant to request by the government in the Department of Correction.

Now, these are just examples, and perhaps a third one is the one which I think very likely might happen in the future, the crimes transcending county boundaries, such as happened in the federal government where the federal government has had to step in and assist the states in the prosecution of crimes transcending state boundaries.

Was it your Committee's thought that these things would not be handled by the