

it, knowing that it's a personal judgment against this man in his individual capacity operating beyond his duties as an employee. And the risk management recommendation was that we pay it. So how are you going to tell me that we can trust a risk manager under this bill not to approve the payment of these claims that are against individuals in the form of damages in their individual capacity? That recommendation for payment is being made right now in a case that the Legislature already rejected. So I think these issues that Senator McFarland and I are discussing are connected with this bill. If there were a fund available from which this claim could be paid by the risk manager, the risk manager and the Attorney General would get together and they would pay it and that would be the end of that. And it would encourage a proliferation of lawsuits because inmates would see that the employees are going to be held immune when they do something wrong. Then when a lot of lawsuits are filed, you are going to see the people from corrections running over here saying, we need more money for this or that because the courts are being clogged. The courts are clogged with lawsuits because the Corrections Department and its employees do not observe the Constitution and the laws when it comes to dealing with inmates and their rights. The inmates do not have anybody to come over here and lobby for them. They do not have anybody who can talk to the risk manager, who can talk to the Attorney General and say, spare us from embarrassment. I'll tell you why this claim came back. The person in the Attorney General's office who was representing these two individuals told them that they should enter into a settlement because they had made as good a record as they could at the other hearings. There would be no need in taking it to trial in federal district court because no new evidence would be developed. Present the record to the judge and let him make a decision. When the judge ruled for the inmate, then the Attorney General's office was miffed and upset. A bad legal judgment had been made and the attorney who represented these people said, that had she known they would not be indemnified for this personal judgment, she would have recommended that they go on to court. And I asked her if she meant what she said about having developed as good a record as could be developed at these earlier hearings, what would have been gained by going to court if nothing new would have been developed? She had no answer. The case before us was won based on the professional embarrassment of a member of the Attorney General's office so we're going to have that claim before us again on the floor of the Legislature and I will offer an amendment...