

either realistically needed or realistically within a county's ability to provide. Extras and fringes to constitutional requirements might have a rationale, for example, in Douglas County or may be within the means of Lancaster County but the same rationale and ability might not exist in Arthur or Richardson or Lincoln Counties. By this bill, we are inching toward that recognition. And should that require the board to examine each jail individually, so much the better. The remaining changes are keeping with that spirit. Section 5 exempts what can be viewed as minor renovation projects, those costing less annually than 5 percent of a facility's operating budget. Waivers are permitted. This...to clarify it, the suggestion of an Attorney General's Opinion that the board indeed has such authority. Conversely, the board is required to provide assistance and guidance when asked. And Section 10 encourages cooperation and interchange between counties in the state in the situation where a facility is not just up to snuff, a facility is not just up to snuff. And we preserve the board's ability to seek a court order for redress but eliminate the option of ordering that facility closed without either a judicial or even an administrative hearing. That change assures both sides a day in court to make their case before the judge. Finally, 189 exempts the Department of Corrections facilities from board purview, a suggestion that came from the board out of basically one state agency reviewing another. That's basically what the bill does. The guarantee of local say is what we're after and I hope you will agree with me and support advancing the bill.

PRESIDENT MOUL: Thank you, Senator Chizek. I will now recognize Senator Warner, followed by Senator Schmit. Senator Warner.

SENATOR WARNER: I guess you may have said...a question for Senator Chizek. You may have said this in your remarks and I just didn't catch it. But I see the Director of Correctional Services is stricken as a designated member and just indicates an administrator of jail responsible for operation of a facility having over, what, more than 50 persons. And when I look at the makeup of the rest of the group, counties are represented, municipalities are represented, Bar is represented, judicial system, county commissioners, and I was wondering what was the reason for not having a state person who is an administrator. It's permissive, I understand it could be, but I was wondering why eliminating it.