

SENATOR CHAMBERS: Mr. President, members of the Legislature one thing that I've never heard any director of corrections accused of, and I've gone through several of them since I've been in the Legislature, was spending money that was not available or doing something that the Governor would have...that would have caused the Governor to be put in a bind fiscally speaking. To be frank about it, I think we know that a Governor will have control over his or her department heads. But for the Legislature to put something like this into the law I think is a mistake. One of the main factors that a court will look at in determining what is allowed and is not allowed to inmates in a prison setting is the issue of security. The facility must be maintained in a secure manner, not just to keep inmates from escaping and being in a position to harm the public, but to make sure they're not in a position to harm other inmates, staff members or even themselves. For example, if an inmate tends to be suicidal and this is known and the suicide occurs, then liability will be on the state because they did not discharge their responsibility for that inmate. If...well, I don't have to go through all the other things, but I'm trying to make a point. Nobody has said or made a convincing argument, in my opinion, that the director is incapable of carrying out the responsibilities that we create by virtue of the statutory language we're putting here. Because of the itemization it makes it clear the types of programs we are discussing. We know that whenever we make a list we're not able to think of everything that might be desirable or necessary because we're not the experts in penology, nor corrections as that area is called. So we lay out as a matter of policy at least a minimum of what we're looking for to be made available in these institutions. But because even along the same line other things may be necessary to make this work, we give a measure of discretion to the director. And if we're going to presume that the director is capable and confident and presume that no Governor would knowingly and intentionally appoint a person who does not meet that description, giving the discretion is not going to harm anything. If we put Senator Witek's language in, then we can eliminate any reference to the department and say any other program the Governor thinks would be necessary. But what Governor is going to take the time to review everything that's happening in the institution, even if he or she chose to do so? We cannot do that as members of the Legislature. Senator Pedersen is very interested in what happens in the prison. I'm interested but I dare not go out there as much as