

go far enough, because it probably ought also to cut out subsection 4 (a), (b) and (c) and I think the amendment in subsection 5 is all right. Now the reason I say that, Senator Dworak, is it ought to go a little further is because what it...if we allow subsection 4 (a), (b) and (c) to be retained in the act, we give the director essentially unbridled discretion over how much money is to be retained by the Department of Corrections as compensation for the various items set up on (a), (b) and (c). In other words, a prisoner works, he receives wages, the wages go to the fund and then the authority lies with the director to ascertain how much of that money is to be set aside for the items discussed in subsections (a), (b) and (c). Now customarily for that kind of conduct to occur in a civilized society one has to go to court and establish that, in fact, someone has destroyed property and the fair market value of the destroyed property was such and such and a judgement is then entered. We don't give that kind of authority to an administrative official as such. We give it to the courts. Now it seems to me that your amendment, while good and the thrust is good, still doesn't go far enough and I am wondering, Senator Dworak, as my final question to you, do you concur on my point and would you be willing to amend your amendment...would you be willing to offer another amendment in addition to this one to take it a step further?

SENATOR DWORAK: Senator Johnson, on subsection (a) of subsection 4, I would like to keep (a) in, which states that cost incident to the person's confinement as the director deems responsible and appropriate. I think that portion should stay in. I think that the concept is being utilized in Minnesota. I think it is reasonable. I think there could be abuses in the area where...but that money is not returned to the Department of Corrections, that is returned to the general fund and that is what this subsection (a) says.

SENATOR JOHNSON: All right.

SENATOR DWORAK: I would like to keep (a) in. I have no problem at all with taking (b) and (c) out I haven't talked to Senator Schmit about (b) and (c), but I kind of like the concept of (a). I like the fact that it says "may" in subsection (a). I think the director has flexibility to make certain charge-backs, and I think that is appropriate if we are paying minimum wage and hire in some instances. I concur with you on (b) and (c).

SENATOR JOHNSON: Okay, thank you, Senator Dworak. I will support the bill...(inaudible).