

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I think Senator Wickersham has said most everything that I wanted to say very well and I might further add just one small point. It happens quite often in this Legislature where we analyze our Constitution and we have to simply say we don't know what the judges are going to do and we go ahead and we pass legislation, legislation that has criminal provisions. It may be the abortion area, we've done it in several different areas over the last few years because we need to have a decision from the Supreme Court. And so I think you have to ask yourself, well, in each one of those instances if we guess wrong as to what the judges are going to say, do we want to be making payments in those instances and perhaps we do, but you ought to recognize that those cases will come up and that there will be a number of them. Thank you.

SPEAKER BAACK: Thank you, Senator Beutler. Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I rise to support the bill and remind us that this is a value choice. The value choice is between our coffers, that's certainly true, and the power, the actual power of the individual. I'm not talking about the textbook political science right that you might fine written out, I mean the actual ability of the individual to keep government from encroaching into their protected individual rights to keep the government from acting arbitrarily, to keep the definitions of our laws sufficiently specific and useable so that people know what is being criminalized when we act. And between our power, the concentration of our power and the burden on the individual to defend themselves and in so doing defending all the rest of us by getting interpretations of the Constitution back to the work of the Legislature, they are doing the public's business for us. They are helping us define constitutional rights. What we're not paying out are damages. What we are paying out are actual costs. We are not enriching anyone, we are seeing to it that they are not subject to the quiet invisible penalty of having to pay for their defense to keep us from passing unconstitutional laws. Certainly there is a goal to secure known commitments of financial resources and to keep the claims on our coffers low, but if we have to pay out, it seems to me it's reasonable to pay out what an individual has fought the system and won. We have so many tools in our arsenal. We have so much on our side as government. We have a paid Attorney General with a completely paid for staff. We have judicial, access to judicial resources.