

earlier today it is clear that the judges will retain the life and death power of the imposition in criminal cases of the most severe of penalties. Life imprisonment, fines, the death penalty, we actually give the power of life and death to judges. Something we don't give to senators. We also give to them the power of distribution of probate which at one time moves through the court system a greater amount of wealth and property than we ever envision in our public budgets. The amount of property that goes through probate dwarfs the kinds of functions that we perform in setting a public budget. We also have the distribution of contractual obligations and the enforcement of them which keep commerce running in a way that we never do. The day to day running of business is far more hinged to what a court will decide in the determination and enforcement of a contract than anything we do. They determine parental rights and can take children from their parents when necessary. Something that we can not do. Ultimately they remain the guardians of the Constitution, a function that we do not perform. I can't imagine greater social and public decisions than those that are given to judges to exercise. If anything we should treat them with the respect that the Constitution...

SENATOR CLARK: You have one minute.

SENATOR LANDIS: . . .by giving them those powers and to encourage as best we can the highest quality of recruitment and retention on our bench that we can underwrite. This amendment goes only a tiny step towards doing that. But a fair one and a reasonable one given the relativity of today's economy. I support the Cullan amendment.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature I also want to support the Cullan amendment. I think we are coming to a point in time in the Legislature when we have to think very carefully about the philosophy of what we are doing with regard to salary increases of all types. I'm sure that we would all agree that the public employees and that the judges and all types of public employees whether they are obtaining their salaries from political subdivisions of one type or another or from the state can't be expected to keep up with inflation when the average citizen out there himself or herself not keeping up with inflation. But I think what we should do is to keep the public employees up with the average guy out there. That I think means keeping the public employees up with the rise in personal income in the state. When we don't do that, when we don't do that, when we don't