

We have access to lawyer resources. We have the complete investigatory staff of our police system. We have so much power on our side. We have a research staff. We have legislative employees against an individual out there who says the Legislature went too far. They go to a lawyer and they ask the lawyer to fight the case and believe me, if it's a good tough case our Attorney General will take it up with the Supreme Court and fight this thing and they will wind up spending thousands of dollars to enforce constitutional parameters. It's fair and equitable for us to pay, not damages, but actual costs that individuals expend to remind us of our boundaries and the parameters that we're supposed to be acting within in doing our business. That is a good thing, a high priority upon which we can spend money. Because what we're doing there is we're spending when we were wrong, when we misjudged, when we didn't analyze something as well as we should have and we're paying out actual costs for somebody who has won in court, identifying where government went too far and beyond the bounds of the Constitution. It's legitimate to pay those costs. We should volunteer to do so in this case.

SPEAKER BAACK: Thank you, Senator Landis. Senator Chambers, you are next.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I agree wholeheartedly with Senator Landis' comments and I disagree with Senator Wickersham and Senator Beutler. Senator Wickersham is a practicing lawyer, one who I have learned during my association with him is very competent. He reads the law well and I think he understands well what he reads. But on this matter we have a difference of opinion, not based on what a specific law means but as to the approach society ought to take when its judicial system improperly or its criminal justice system improperly and without legal basis hails an individual before the bar of justice. Senator Landis very capably and in detail pointed out all of the resources that the state has at its disposal, but there is another way to say the same thing. When a person is faced with criminal action there is no discretion or voluntariness on the part of any private citizen as to whether that action occurs, the state initiates that. When you're talking about a civil action it's citizen against citizen trying to recover damages for some harm he or she did or may have suffered. When a law is ruled unconstitutional the court is saying that based on the requirements of the Constitution which is the fundamental law of the state or if