

easy position to be in. I'm not sure what our recourse is. But, hopefully, we'll still revisit the Commonwealth case and eventually take care of their concerns as well as this individual's attorney fees.

PRESIDENT MOUL: Thank you, Senator Wesely. Senator Crosby, followed by Senator Warner.

SENATOR CROSBY: Thank you, Madam President, and members, and I thank Senator Scott Moore for saying that he offers this reluctantly because I mirror the same feelings that Senator Wesely did. In Appropriations, I voted on the record against paying this fee even though I know under the statute and under the order by the Supreme Court the state is bound to pay it. I've said before and I will say again the person who brought the lawsuit, I hope she can't sleep at night and I think the lawyer who is getting the fee, I'm sure it's not his total fee, probably costs and so on, but he ought to donate the fee back to the depositors. He should send it back to the receiver for...and put it in the bank for the depositors. I will vote red on this resolution as a token so the depositors understand I'm still on their side. Thank you.

PRESIDENT MOUL: Thank you, Senator Crosby. Senator Warner.

SENATOR WARNER: Madam President and members of the Legislature, I'm going to make a comment on another bill that's going through; maybe it's already passed. But we, as a body, majority at least, have been very eager to pay attorney fees for something that was unconstitutional in the law, going back to the time of the beginning of a state and we did it because it was equity and justice and a person shouldn't be penalized. And it's no different, there's going to be in the future many of those that we're not going to like and you can't separate the policy. I don't like the results either. I suspect that the court ordered it and attorneys can quickly correct me but it seems to me where a government has been ordered to pay in some states, maybe Nebraska, and didn't why they can get attachments on property, there's all kinds of things as a practical matter they could conceivably do. I don't think we have the option or the alternative and we have to do it. But just keep in mind this will not be the first one of these that you will be...that this body will be faced with over the next 100 years because you are establishing a major policy change that we will always do this, as I understood that bill, at least in many instances we