

well, colleagues, if you feel that that's the case, please do not vote for 343. Please do not vote for 343 if you think that that second element is the real case, that bringing an action will likely fail to bring clarity and finality to the matter. That is the purpose of the action. And I don't recall that we've been advised that that isn't what will happen. In fact, what we've been advised is that we cannot do it legislatively, that that is our best opportunity. At least that's the advice that we've received from Mr. Achelpohl. I don't recall that Mr. Clatterbuck and others have not said it wouldn't bring clarity and finality. It will have to in some sense bring finality. I think that is unavoidable. The issue of liability risks and unfavorable court rulings, that is certainly always a potential. We have liability risks and the potential for unfavorable court rulings if we do nothing. That is not a new element in this discussion. That pertains whether 343 is passed or not, and I think that really was the touchstone that caused me to decide for my own satisfaction that this was a matter that we should bring to the full Legislature, that we should ask the Attorney General to litigate because element number three exists whether we take legislative action or not, whether or not an action is brought in the Supreme Court by the Attorney General. That is the real touchstone consideration. Again, I will reiterate that in my consideration of that third element, the liability risks, the potential for unfavorable court rulings, it became my personal decision that we were better able to manage those issues. We were better able to bring economies to the decision of those issues if it were a state originated action rather than simply leaving this matter to any of the other potential litigants that we believe exist to raise exactly the same issues but in slightly different ways, and with perhaps markedly different objectives than we're suggesting to the Attorney General. So I will continue to oppose Senator Witek's amendment. I know that there are other issues that members want to discuss relative to 343 in general. I'll try to be responsive to questions you might have with regard to 343 in general, if you're speaking to Senator Witek's amendment. I do believe it is necessary and appropriate that we have a full discussion of all the potential ramifications and issues of this resolution and action in the courts as we decide this issue this afternoon.

SPEAKER WITHEM: Thank you, Senator. Senator Schmitt.