

then we went to the Witek amendment so we are now just beginning discussion of the underlying resolution. I understand there's an amendment on the desk.

CLERK: Senator Beutler would move to amend the resolution. (See FA641 on pages 2010-11 of the Legislative Journal.)

SENATOR BEUTLER: Senator Withem, members of the Legislature, I feel great uncertainty about this issue and at the same time that I feel a degree of uncertainty I also feel like it's a matter of great consequence to about 600 people what we're doing here today. And it's a matter of consequence to you not only because it's a matter of fairness and equity, but it's a matter of fairness and equity that will pop up on this floor time and time again if the court gives the wrong decision in this matter. In terms of this amendment, and I admit I'm still learning about this matter, and I want to learn more by means of the responses that I get to questions that I will ask as we look at this amendment. But what this amendment seeks to do is to insert another expert, insert another measure of certainty or at least another opinion into this matter of whether we are going to proceed immediately on a \$9 million question which may involve a great deal of legal expense. What it says is before the Attorney General proceeds in this matter that there will be the consultation with a second legal expert, and that legal expert will be chosen by the Governor and the Attorney General together. As you know, the Governor and the Attorney General aren't exactly best friends. In fact, I don't think they like each other much at all so probably this person who would be chosen would be a fairly objective, the very most objective person they could choose and proceed with immediate litigation only in the event that this second expert said that that was the best course to choose in this situation. I think in light of what we've heard so far, this is not an unreasonable suggestion. As I look at the pros and cons of this particular measure, I'd like to ask Senator Wickersham and Senator Chambers, if he chooses, to respond to some of these ideas because as I see it, this is pretty much accurate. First of all, when you ask yourself what is the...what are the pros of doing this immediately, what are the pros of immediate litigation, well, the first thing that comes back is that you get a measure of certainty. Well, having certainty in and of itself is of no value so you must ask yourself the question of what certainty do we want. Well, the immediate question that comes back then is,