

Legislature has the moral obligation to get certainty and I understand what you mean by that. On the other hand, is it our moral obligation to determine that the recipients' right is merely a moral obligation; and by doing so, turn this whole matter into a matter, in my opinion, somewhat immoral in the sense that they will not get paid? That's the irony of this...

SENATOR CROSBY: One minute.

SENATOR BEUTLER: ...whole situation. In a drive for what some see as certainty, we may get a certainty we do not want to have. The bullet may be in the wrong chamber even though it's one of six. Thank you.

SENATOR CROSBY: Thank you, Senator Beutler. You've heard the closing. The question is the adoption of the Beutler amendment to LR 343. All in favor vote aye, opposed no. We're voting on the Beutler amendment. Have you all voted? Record, please.

CLERK: 7 ayes, 19 nays on the amendment.

SENATOR CROSBY: The amendment fails. Mr. Clerk. We're back to the original resolution. I have lights on now on the resolution itself. Senator Chambers.

SENATOR CHAMBERS: Madam President, members of the Legislature, Senator Witek said kind of humorously a little knowledge can be a dangerous thing. A lot of knowledge can be an unsettling thing when you may have a lot of knowledge about an issue but even with that, you cannot predict with any degree of certitude what the outcome of that issue would be if submitted to a court. And all of the misgivings that Senator Beutler has expressed and others have expressed I feel also. But I also, in addition to that, see a responsibility as a member of this Legislature since the issue has been placed in our lap. What I had said earlier was this. Instead of directing the Attorney General to proceed with the kind of action he is bringing, let the state file with the intention of depriving these people of the benefits that they would be otherwise entitled to. We will wind up in a situation where we're dealing with inequity, a remedy which does not exist under law but is created by a court to fill in those gaps to see that justice is done. The first principle of equity is that those who come must come with clean hands. The other side could raise the issue of estoppel which is an equitable