

this? Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, I'll tell Senator Byars why I made reference to his case. He had mentioned me by name in such a way that I thought he was tying it into my position that I took when his case was before us. So, had he not mentioned me by name, and been the one who had his case decided by the Legislature with me voting contrary to the way he wanted the vote to go, I would not have made a comparison between this that we're doing and his, because there is no other situation like what we're talking about today that has ever come before us. The only thing that could be equated to it, as Senator Byars attempted to do, would have been his case. But I think it should be pointed out, since we're talking about this particular principle, whenever a procedural question is involved and the Legislature enacts a law, that procedural change in the law can apply to anything pending before the court, or which has not reached a final determination, and the Supreme Court has ruled that way numerous times. Even when we change a penalty in a criminal law, if a case is pending, we can say that this will apply to all cases currently pending before the courts, and it will apply. So, Senator Byars, this is not a new principle, it is not an aberration, and I can understand somebody who's not a lawyer and may not have read some of the Supreme Court cases feeling that it's stepping in to change the rules in the middle of the game. It would change the rules, I would agree, if we were trying to change the weight of the evidence that the court had heard and tried to make it different from what it is. All that amendment did was open the doors to the court. So this that Senator Beutler, and I'm pleased that he brought it before the body, gave us an opportunity to do was to strike a blow for justice and equity. And there may come somebody else who will not have to go through what this person went through as a result of the Legislature having done an equitable and righteous act this evening.

PRESIDENT MOUL: Thank you, Senator Chambers. Does anyone else wish to speak to this amendment? Seeing...seeing none, do you have closing, Senator Withem?

SENATOR WITHEM: I urge the adoption of the amendment.

PRESIDENT MOUL: Thank you, Senator Withem. We will now vote on the Withem amendment. All those in favor please vote aye,