

capital cases". And the intent of what the amendment will do is add to those cases that have to be heard en banc, not just the constitutional questions, but would also add the capital cases question. It's to correct something that when we drafted it I thought we had put that in there, it was not in there, should be in there, I would urge the adoption of the amendment.

SPEAKER BARRETT: Thank you. Discussion on the Lindsay amendment to the amendment. I have a number of lights on, I'll go through them quickly. If you'd like to speak, please raise your hand. Senator Kristensen. Thank you.

SENATOR KRISTENSEN: Thank you, Mr. Speaker. I have no problem with Senator Lindsay amending his amendment. It will make a bad amendment a little bit better in the words of Senator Chambers. Thank you.

SPEAKER BARRETT: Thank you. Senator Moore, on the Lindsay amendment.

SENATOR MOORE: To the amendment.

SPEAKER BARRETT: Thank you. Senator Pirsch. Senator Haberman. Senator Abboud. Senator Abboud, I'm sorry, did you...thank you. Anyone care to speak to the amendment? Anything further, Senator Lindsay? Thank you. The question is the adoption of the Lindsay amendment to the amendment. All in favor vote aye, opposed nay. Record.

CLERK: 23 ayes, 1 nay, Mr. President, on adoption of Senator Lindsay's amendment to his amendment.

SPEAKER BARRETT: The amendment to the amendment is adopted. We are back to the Lindsay amendment as amended. Senator Moore.

SENATOR MOORE: Yes, Mr. Speaker and members, you know the adage certainly applies here, that those who don't learn from history are doomed to repeat it. I think Senator Lindsay needs to learn a little history. This is the method that we, for the last 115 years, we've tried to address the problem and we always come right back to the same situation of case overload in the Supreme Court. Now Senator Ashford stated, and I'm assuming his dates were correct in the various times we've expanded the court, that's the ways we've always decided to address the case overload problem. And that case overload problem has been there