

Senator Haberman.

SENATOR HABERMAN: Mr. President, I yield my time to Senator Beutler. Senator Beutler, I yield my time to you. Do you want it?

SENATOR BEUTLER: No, I think, Senator Haberman, that I've gotten the answer to my question as best we can. As I understand it, the Supreme Court...we're going to be counting on the Supreme Court to make some kind of clear rule with regard to how these matters will be treated. Is that a fair assumption, Senator Kristensen?

SPEAKER BAACK: Senator Kristensen, would you respond.

SENATOR KRISTENSEN: Yes, I will. Thank you. I think that's right. Senator Beutler. I think the Supreme Court, and that's their obligation, their duty to be the precedential court of this state. I think that they determine precedent among themselves, have the right to overrule it, and so on, establish it. I think that you always want to keep the Supreme Court in control of what precedent in this state is, because that is their purpose and goal. Some states don't allow any sort of publication at all, or even a memorandum opinion by an appellate court, and thus they eliminate the problem, because you just don't have it. I think there is some inherent value to having the appellate court issue memorandum opinions. As you know, memorandum opinions are different than a published opinion, published opinions go in the Nebraska Reports, have head notes, are synthesized, in some way, for research. The cases that you get up on the table every Friday morning are merely that, they're just written opinions that are released. And I would envision that that's what the appellate court would do, to some degree. People like West Publishing would pick those up and make them available to lawyers, much like we've done with the appellate division of the district court right now.

SENATOR BEUTLER: Okay, thank you.

SPEAKER BAACK: Thank you. Senator Elmer, did you wish to discuss the amendment?

SENATOR ELMER: Mr. Speaker, very briefly, if Senator Kristensen would yield to a question.