

amendment, by the way, I ran by...tried to run it by all the attorneys on the floor, because what it would do is say that they do have precedential value. The...it would say that the Court of Appeals opinions do have precedential value and would be considered binding precedent unless affirmed, modified, reversed, overruled by the Supreme Court. What that...what that would mean is that other inferior courts, the trial courts, district courts, county courts, tribunals, would have to...would be bound by those opinions unless the Supreme Court changed...changed their mind. The concern is, when we created the Court of Appeals, the question was...or is, should their decisions be binding on lower courts? Obviously they cannot bind the Supreme Court. The Supreme Court is still, and always will be, the final arbiter, will be the final determinant of what the law is or how the law is interpreted in the state, and as well it should be. But in the meantime, when that decision was issued, I received a lot of calls from lawyers from around the state inquiring whether that's what the Legislature was trying to do when we created the Court of Appeals a couple of years ago, whether that's the way the court ought to be functioning. And I have had...I can say no lawyers who say that was a correct decision, that that's the way it ought to be. When lawyers are advising clients, clients just want to know what's going to happen, what's going to happen in the future, what's going to happen to me in this case. The way lawyers determine that is to look at what's happened in other cases. And so in doing that, we want to be able to rely on issued published decisions. Those decisions are what this amendment would recognize as precedent, and it's simply so that there can be some predictability at some point in the future. Now there will be a question as far as whether...some may question whether it'll have any effect at all. I guess it's ultimately up to the Supreme Court to determine whether it does have effect, and they're certainly entitled if this violates a separation of branches or anything like that, they certainly can strike down the statute. But I think it does, if nothing else, that we need to make clear that we believe that the policy of the state ought to be that this...that the Court of Appeals opinions do set precedent. With that, I would urge that the bill be returned to Select File for adoption of the amendment, and would be happy to answer any questions.

SENATOR BERNARD-STEVENS: You've heard the opening on the motion to return to Select File. Senator Kristensen, you're recognized