

just as a message certainly, and it's going to take five members of the Supreme Court to declare it unconstitutional. I don't know if there are five members out there or not. But if it doesn't violate the separation of powers issues, then the clear intent of the Legislature is that we want some precedential nature given to the Court of Appeals. Now I still think the Supreme Court ought to be the ultimate decider, and the way Senator Lindsay has his amendment drafted is that the inferior courts, which is our county courts, separate juvenile courts and our district courts, can follow and people can cite and say, look, here's another case that had our exact facts. District judges should rule this way because the Court of Appeals is...has found for this particular litigant in a case very similar to ours. We ought to allow that to occur. Do I expect the amendment will withstand the scrutiny of the Supreme Court? Frankly I doubt it, but I do think that it's good that the intent of the Legislature is that the Court of Appeals' decisions act as precedents in our courts, particularly our lower courts. When the Supreme Court has a chance to address a case, fine. Their rulings should stand. I don't think that's the original intent that we should make the Court of Appeals have no precedential value, but it certainly was the intent of the Legislature at that time...

SENATOR BERNARD-STEVENS: One minute.

SENATOR KRISTENSEN: ...that the Court of Appeals be subject to what the precedent is of the Supreme Court, and the Supreme Court, through determining published opinions, should decide what precedent in the state is. So I have mixed emotions. I'm going to vote for the Lindsay amendment. I can see the court taking this up. I don't know how it gets to them, but it's a very, very unfortunate case that was decided. I think that it puts our two courts at odds when I think our courts need to be unified and have a common goal of serving the citizens with giving them opinions they can rely on and use for advice and counsel, they should do that. With the Metro ruling, unfortunately, that's been put to an end in this state. I would hope that the Supreme Court, when they realize what the intent of the Legislature is, because they certainly referred to that in their opinion, that they would see that...

SENATOR BERNARD-STEVENS: Time.