

PRESIDENT ROBAK: Thank you, Senator Lindsay. The question before the body is the motion to return to Select File for a specific amendment. All those in favor vote aye. All those opposed vote nay. Please record.

CLERK: 26 ayes, 3 nays, on the motion to return the bill, Madam President.

PRESIDENT ROBAK: The motion is successful. The bill will be returned to Select File. I would like to introduce two people who are here this evening at the Legislature. They are from Senator Crosby's district. Tim Beard who is the governor of Boys State, and Jennie Moore, the lieutenant governor of Girls State are both here this evening. Jennie is sitting next to me and Tim is under the north balcony. They were both delegates to Boys and Girls Nation. Will you both stand and be recognized, please. Welcome to the Legislature. We are now discussing the Lindsay amendment. Senator Chambers. Senator Lindsay to open on the amendment first. Senator Lindsay waives opening. Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, he probably feels that I'll give a more accurate commentary than he would give, but he's gone this far now and he's got to press on, and he's like that person who started something and did not expect it to go this far, but now he's got to put on the brave face and see it through to the bitter end, which may be upon us very shortly. But this is what I want to look at. Let's say that this bill passes and the appellate court presumes that its opinions when issued, its decisions when accompanied by a memorandum opinion, will be a precedent, and the lower courts will accept that and some won't. So here's how you can get an appeal. I'm involved in a case and it goes against me because the appellate court opinion is cited as authority, then I...the appeal has been triggered because I say the statute that makes that possible is unconstitutional. I rely on the Supreme Court's determination that these opinions have no precedential value, so the judgment against me is erroneous, and it gets before the court that way. Or, some lower court might decide to say, no, it has no precedential value and I'm going to ignore it. So then on the legal question, the prosecutor will file an appeal or it may not be a criminal case. It doesn't have to be only in a criminal case,