

SENATOR CHAMBERS: So what do you think the chances are that it's going to be upheld then? Okay, not 50-50 chance it'll be struck down, 50-50 that it'll be upheld.

SENATOR LINDSAY: Oh, in that case, I don't...as far as percentages, I don't know, but I'm, I think quite a bit more confident than you are as whether, whether at least the balance of 1296. I think the balance of 1296 is, is not going to be impacted by whether this amendment is adopted. I think. So as you mentioned the rationale or the process through which a court goes through to determine severability, the clause itself does not save it. But the clause, in conjunction with this whole discussion, that nobody is saying 1296, that this, this amendment is the reason I'm voting for 1296. That's not...it's clear that the vast majority of the body does not rely on this provision in order to make the rest of the bill go. And that is the key thing that they look at. The severability clause is a, is an affirmative statement on the part of the Legislature that this is what we're, what we intend.

SENATOR CHAMBERS: Let's go to this amendment itself. Your purpose in offering this amendment, even if the court should reject it, is to tell the court the Legislature's opinion about their decision,...

SENATOR LINDSAY: I don't...

SENATOR CHAMBERS: ...isn't it?

SENATOR LINDSAY: I think the primary...no, I think the primary purpose is to send that...to send, set the precedent so that attorneys and clients know what they can rely on.

SENATOR CHAMBERS: Let's say then, because my time is running out,...

SENATOR LINDSAY: Sure.

SENATOR CHAMBERS: ...but I got my light on, if this bill is passed, do you think all lawyers are going to say, because the Legislature enacted this law, now the Supreme Court's earlier opinion means nothing and what the Legislature said represents the law with reference to the significance of appellate court