

to the court. And we gave the court some statutory guidelines that to publish those opinions they'd look to see if it enunciated a new rule of law or modified or criticized existing law, whether it was in conflict with prior decisions, whether it contributed to legal literature. Quite frankly, the courts ignored those. I mean they, they ignored those statutory things for the guidelines for publishing opinions. They could well ignore the Lindsay amendment. I'm not saying that they won't, I'm saying it's...the reason that you do this, and I know that I'm going to be subject to separation of powers, at least in my opinion I think we will, but that I want to send a message that there needs to be some vertical precedential value given to those Court of Appeals opinions. That's the true intent of what the legislation was originally done and that we knew it was going to be a problem of what to do with those opinions if they were not published, if they were issued but not published and generally circulated. People would have them, but they'd be of no use. Now what I expect further to happen, Senator Chambers, is that if this amendment passes, they find that publishing opinions is precedential and that this legislation or this Legislature has the ability to determine as precedent, what they'll do is stop publishing those Court of Appeals opinions. That's the more likely route. And whether that's good or not for the citizenry, I suppose we'll have to see, but there's ways to still have this become law and yet still control the precedential nature of those Court of Appeals opinions. I'm still going to vote for the bill. I do think that the amendment may be subject to a separation of powers. I'm of the mind to wait and see what happens. And I think that the Supreme Court missed the true intent of the Court of Appeals and its framing language that was to the...some of those rulings would have precedential value in those five areas that we set out in the statute, and that we never contemplated them solely cutting off all precedential value. I'd hope the court would acknowledge and reconsider that fact, find that that's not an unconstitutional delegation.

PRESIDENT ROBAK: Thank you, Senator Kristensen. Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, about, Senator Kristensen, first you say you do and then you don't, and then you say you will and then you won't. You're undecided now so what are you going to do. Senator