

Kristensen, when he's at his best and thinking like a lawyer, he recognizes the constitutional infirmities of an amendment such as Senator Lindsay's. When I started talking, I made reference to some things that are in the existing law right now that are not regarded. The court doesn't have to do what the Legislat...you all have told them to do some things already and they're not doing it. And you can't make them do it. And that's the question that I want to ask, and I'm going to ask Senator Lindsay because this is his last hurrah and I don't want him to go out here with a thud. Senator Lindsay, if the court ignores what is being said here in your amendment, what can the Legislature do about that?

PRESIDENT ROEAK: Senator Lindsay.

SENATOR LINDSAY: At that point, probably propose a constitutional amendment would be the extent of the...or our part. Clearly they could...I mean there's, as you and I were discussing, clearly they could, they could ignore it.

SENATOR CHAMBERS: Now, I want to pose an interesting question to you, it's interesting to me but i'm more interested in your answer. The appellate court cannot strike down a statute as unconstitutional,...

SENATOR LINDSAY: That's correct.

SENATOR CHAMBERS: ...do you agree with that.

SENATOR LINDSAY: That's correct.

SENATOR CHAMBERS: And any statute by the Legislature is presumed to be constitutional.

SENATOR LINDSAY: That's correct.

SENATOR CHAMBERS: Suppose the Legislature passes this bill and somehow we wind up with an appeal based on this bill, and let's say it goes to the appellate court and the Supreme Court does not take it because it wants to see what the appellate court is going to do. The appellate court cannot strike down this bill so it would have to rule that this bill has, in effect, overturned the Supreme Court's declaration and therefore takes priority. And its opinion has precedent-setting effect and can