

is necessary for the court, when this issue comes before it by way of challenge to this statute, should have the thinking of various members of the Legislature. We've raised the point that it had no public hearing, that it was not before the Legislature for five legislative days in my opinion. I believe that it totally disregards the separation of powers, and Senator Wickersham was asking a question and we were discussing it back there, and I want to ask Senator Matzke a question since I don't see Senator Lindsay. Senator Matzke, in the amendment, it says "all published memorandum opinions of the Court of Appeals whether published before or after the effective date of this act shall serve as precedent." Now we have a number of opinions, memorandum opinions, by the appellate court that predated the ruling by the Supreme Court which declared those opinions to not have precedential value or effect. Do you agree with that, that there had been memorandum opinions before the Supreme Court ruled that they have no precedential effect?

SENATOR MATZKE: Well, yes. The Court of Appeals has made numerous written opinions.

SENATOR CHAMBERS: And this amendment would go back and say that those opinions that predated the Supreme Court's ruling will also have precedential effect despite what the Supreme Court said about them?

SENATOR MATZKE: I think almost every lawyer and every judge in the state of Nebraska thought the opinions of the Court of Appeals were precedents prior to this Supreme Court ruling. And all this amendment does is state what almost was the unanimous opinion.

SENATOR CHAMBERS: I understand that. But let...I see Senator Lindsay. Senator Lindsay, let me ask you this question and as you come, I'm going to put it to you. This amendment says that all opinions, whether published before or after the effective date of this actual, serve as precedent. Does that...that would also include the opinions which predate it, the Supreme Court's decision that they are not precedent-setting? Right?

SENATOR LINDSAY: Yes.

SENATOR CHAMBERS: That's your intent?