

challenge to the one you've just adopted.

PRESIDENT: Senator Landis, do you wish to speak?

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I am undecided about what I'm going to do on this next vote. But I'll tell you there is something that does stick in my craw this morning and it is not with respect to the discussion of bank tax. It is with respect to Senator DeCamp's argument about who's right and who is wrong. I'm just going to make a little clarification for the record. The Attorney General's Office is under an obligation to defend the laws we pass. They don't choose which laws they defend and which laws they don't, nor does the Revenue Department. There is a presumption on behalf of our enforcement or administrative agencies that the laws this body passes are constitutional and they have to go out and defend them. Now sometimes they lose. They lose because we give them bad bullets. We give them dum-dum bullets perhaps. But the point is that it is incredibly specious to say the Attorney General was wrong because they couldn't defend a bill we passed. The Attorney General has to go to the batters box and defend every bill we pass. They don't pass the bills, we do. To say the Revenue Department was wrong by taking an issue to court, we have given them the legal duty to do exactly that. They have to do that to perform their job. But at the right time, after they have been given this legal duty by this body, we then get them back up here and call them names and indicate how wrong-headed they are because they took a bill we passed to court and lost. I'm not going to fight the rest of the fight with the bankers, or with the savings and loans, or with anybody else. It's been a good, fair fight. There has been some good negotiations on all parts. There has been some good faith, and there has been a good wrestling match on the mat. That is fair enough. But I really resent making the administrative part of government a whipping boy and creating the absolutely false impression that they have some kind of flexibility to pick and choose their fights and then, because they take one of our bills to court and it loses because it is unconstitutional, that is the darn Attorney General's fault, or the Attorney General was wrong and somehow we were right. We are all in this together. An unconstitutional bill is, number one, our obligation more than anyone else's; and, number two, it cannot be laid at the feet of the Attorney General or the Revenue Department