

still and not challenging the lawsuit and getting our money back, in fact, we pay to government what it is that we're told that we owe and from then forward, if there is an unconstitutional tax, it will not be collected. It rewards in a lawsuit those who go forward and press the claim. It does not reward anyone else and, basically, it says, hey, all right, fair enough, there are some tough things that happen every now and then and maybe there is a mistake in the tax but that we don't go back to square one and start writing checks back and undo the cost of government which in contemplation means you simply then reformulate the tax in a new way to pay for all the old taxes you collected. In other words, you learn from your mistakes but you go forward. We don't go backwards with our tax policy. We don't go backwards with our public policy. If, for example, today we were to undo the death penalty, would we go back to people who had been executed under an un...let's say that our death penalty had been...

SPEAKER BARRETT: One minute.

SENATOR LANDIS: ...found to be unconstitutional, would we go back and give wrongful death payments to people who had been executed under it? No, we would not. We would go forward. Public policy is a river that goes forward and that's true in this situation. I oppose the Withem amendment. Hope you do too. Hope we advance LB 2.

SPEAKER BARRETT: Thank you. Senator Schmit, followed by Senators Hall and Moore.

SENATOR SCHMIT: Mr. President and members, I can't argue with the eloquence of Senator Landis but I can assure you, Senator Landis, although we would not make wrongful death payments to those who had been executed we certainly would not execute those on death row who have not yet been executed. There is a substantial difference. You know, you raised another point. You said the expense of government goes on and, therefore, someone has to pay and so the one who pays is the one who does not have the attorneys retained by the year or the month. The one who pays is the one who does not normally find him or herself in court, that goes on and does his job and performs his daily duties and expects government to be fair and equitable with him or her. We have had a number of occasions when it has been stated that the school boards and the cities and the counties and, yes, the Farm Bureau supported these proposals in