

public or private institution in this state. Qualifications for the repayment of such loans shall be prescribed by the Legislature." The Constitution says that credit shall be never given or loaned in aid of any individual, association or corporation. How do we get around that? This is going to go to the courts. If you vote for this you are telling the courts ahead of time, go ahead courts, declare in favor, we're going to award it. We're influencing the courts and I think this is wrong. We also have in the State of Nebraska something called a discretionary function. This function is to allow the state to carry out its functions without fear of suit based on its policy decisions. Almost any policy which favors one segment of society has some detrimental effect on another segment.

PRESIDENT: You have two minutes, Senator.

SENATOR HABERMAN: Government would come to a standstill if it were subject to suit for every policy it undertook. Secondly, it administers...its administrators must have the power to make certain decisions and take certain actions for the benefit of the public without fear of lawsuit. An agency cannot very well carry out its public service duties if its agents are constantly looking over their shoulders in fear of legal liability. In short, the discretionary function is designed to do two things. One, protect government so that it can carry out its functions. Two, protect the populace by allowing administrators the power to use their informed judgment in carrying out policies. If you vote for this you are going to completely destroy, completely destroy government and you are going to bring it to a stop.

PRESIDENT: You have one minute, Senator.

SENATOR HABERMAN: Because they cannot operate without this function and I ask you not to support the resolution. Thank you, Mr. President.

PRESIDENT: The Chair recognizes...(gavel). May we have order in the Chamber please. The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, in a recent handout from the State of Nebraska, Department of Banking and Finance, the sordid trail that brought us to