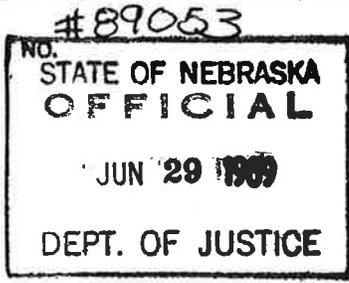


Linda Willard

DEPARTMENT OF JUSTICE

STATE OF NEBRASKA
TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509



ROBERT M. SPIRE
Attorney General
A. EUGENE CRUMP
Deputy Attorney General

DATE: June 28, 1989

SUBJECT: The constitutionality of sections 6 to 11 of LB 247 of the Ninety-First Legislature (First Session) which would divest the general government of the existing institution at Kearney known as Kearney State College from the Board of Trustees of the Nebraska State Colleges and vest it in the Board of Regents of the University of Nebraska violates section 13 of Article VII of the Nebraska Constitution.

REQUESTED BY: Board of Trustees of the Nebraska State Colleges
11th Floor - State Capitol
Lincoln, Nebraska 68509-4605

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

You have inquired if LB 247 of the Ninety-First Legislature (First Session) is constitutional. The same is hereinafter discussed.

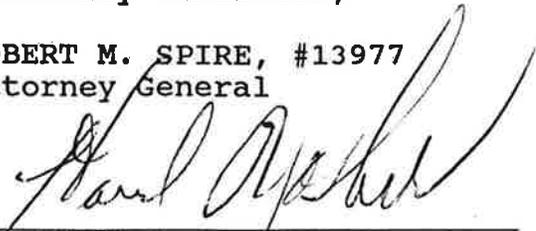
Without reference to LB 247, this office was asked by a State Senator if the Constitution of Nebraska prohibits the inclusion of Kearney State College in the University of Nebraska System. In our response thereto, Opinion No. 89-015, we expressed our opinion that the Legislature may not, by statute, divest the general government of one or more of the state colleges from the Board of Trustees of the Nebraska State Colleges and place that college(s) under the general government of the Board of Regents of the University of Nebraska. It appears to us that the reasons stated in that opinion are applicable to LB 247. We are therefore of the opinion that sections 6 to 11 of LB 247 violate Article VII, section 13, of the Constitution of Nebraska.

- L. Jay Bartel
- Elaine A. Catlin
- Delores N. Coe-Barbee
- Dale A. Comer
- David Edward Cygan
- Lynne R. Fritz
- Denise E. Frost
- Yvonne E. Gates
- Royce N. Harper
- William L. Howland
- Marilyn B. Hutchinson
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- Donald A. Kohtz
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- Lisa D. Martin-Price
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- Harold I. Mosher
- Fredrick F. Neid
- Bernard L. Packett
- Marie C. Pawol
- Kenneth W. Payne
- Douglas J. Peterson
- LeRoy W. Sievers
- James H. Spears
- Mark D. Starr
- John R. Thompson
- Susan M. Ugai
- Terri M. Weeks
- Melanie J. Whittamore
- Linda L. Willard

Respectfully submitted,

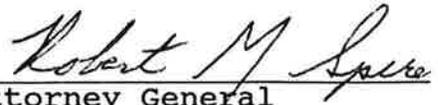
BY ROBERT M. SPIRE, #13977
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BY



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APPROVED:



Attorney General

20-43-13