

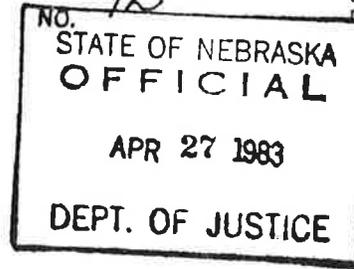
DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

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

April 27, 1983

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Senator John DeCamp
Nebraska State Legislature
State Capitol Building
Lincoln, Nebraska

Dear Senator DeCamp:

Following the enactment of LB 19, the Nebraska Beef Industry Development Act, you have asked that we consider its constitutionality in order that any problems there might be may yet be corrected during the present legislative session.

In response we have compared the provisions of LB 19 with those of Neb.Rev.Stat. §§2-2302 to 2-2321 (Cum. Supp.1982), the Wheat Development Act, enacted into law during the 1981 session of the Legislature. From our examination of the provisions of the two acts we find that their essential provisions, particularly the method and assessment of the fee or tax for the support of the purposes of the act, are similar, if not identical.

When the provisions of the Wheat Development Act was before the Legislature, as LB 11, we were asked to examine its provisions as to constitutionality and we concluded that it was constitutional, with one exception not present in LB 19.

We enclose herewith a copy of our Opinion No. 88 dated April 30, 1981, concerning the Wheat Development Act, which we believe cover the questions that have thus far been raised concerning the provisions of LB 19.

Very truly yours,

PAUL L. DOUGLAS
Attorney General


Bernard L. Packett
Assistant Attorney General

BLP:ekj
cc: Patrick J. O'Donnell
Clerk of the Legislature
Enc.

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