

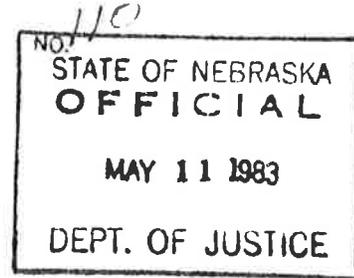
DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

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

May 10, 1983

PAUL L. DOUGLAS
Attorney General
GERALD S. VITAMVAS
Deputy Attorney General
JOHN R. THOMPSON
Deputy Attorney General



Senator Rex Haberman
Nebraska State Legislature
1114 State Capitol
Lincoln, Nebraska 68509

Dear Senator Haberman:

In your letter of May 6, 1983, you direct our attention to LB 626, the purpose of which would be to generally merge the Nebraska Mortgage Finance Fund, the Agricultural Development Corporation, and the Nebraska Development Finance Fund into one common Nebraska Investment Finance Authority. You then ask us to review the entirety of LB 626 and to inform you of any aspects of it which we consider to be unconstitutional.

Our review of this measure has been limited, first by the shortness of time left in this legislative session, and second by the fact that the bill itself is over fifty pages long with over ten pages of amendments. It appears from our review that essentially what is proposed is simply that the functions previously authorized under several separate enabling acts be combined in one overall act.

Many of the possible questions we might have once raised about the overall constitutionality of these acts have been answered by the Nebraska Supreme Court in State ex rel. Douglas v. Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979). We therefore in a general sense, given the length of the bill and the time in which we have had to review it, and the holding of the Nebraska Supreme Court in the case cited above, see nothing about this effort to combine these functions which would be glaringly unconstitutional.

Perhaps if you could be more specific as to your constitutional concerns or to the provisions of the act about which you have questions, we could be more precise in our response. We generally

ASSISTANTS

Bernard L. Packett
Mel Kammerlohr
Harold I. Mosher
Ralph H. Gillan
Jerry R. Schaaf

Marilyn B. Hutchinson
Patrick T. O'Brien
J. Kirk Brown
Royce N. Harber
Sharon M. Lindgren

Ruth Anne E. Gatter
G. Rictoric Anderson
Dale A. Comer
Shanley D. Cronk
Martha J. Bundy

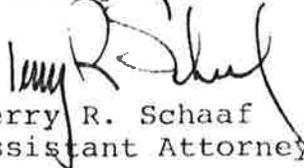
Mark D. Starr
Dale D. Brodkey
Frank J. Hutfless
Linda L. Willard
Robert M. Soshnik

May 10, 1983
Page -2-

believe, however, that the basic concept has been held constitutional by the Nebraska Supreme Court in State ex rel. Douglas v. Mortgage Finance Fund, supra.

Sincerely,

PAUL L. DOUGLAS
Attorney General



Terry R. Schaaf
Assistant Attorney General

TRS:jmh

cc: Patrick O'Donnell
Clerk of the Legislature