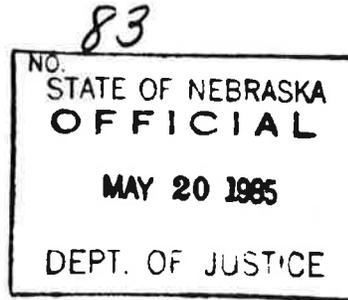


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

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

May 17, 1985



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

Senator Rex Haberman
Nebraska State Legislature
State Capitol, Room 1124
Lincoln, NE 68509

Dear Senator Haberman:

This is in response to your letter of May 6, 1985, concerning LB 713. In that letter you note that the committee amendments to LB 713 provide that four (4) cents of the cigarette tax, established by Neb.Rev.Stat. §77-2602 (Supp. 1984), will be deposited in the Lincoln State Office Building rental fund, created by LB 713, and the proceeds of this fund will in turn be appropriated for payment to the city for the lease of the State Office Building.

Your question is whether the above provision is constitutional. We have examined this provision and find no basis for declaring that such legislation is unconstitutional. We would note, that a similar provision presently exists in Neb.Rev.Stat. §77-2602 (Reissue 1984).

Sincerely,

ROBERT M. SPIRE
Attorney General



John Boehm
Assistant Attorney General

JB/bae

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

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