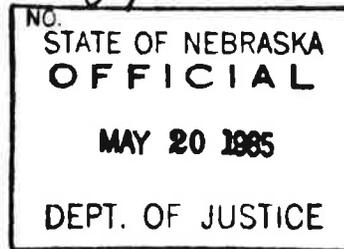


DEPARTMENT OF JUSTICE

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:

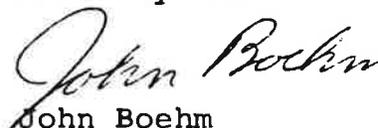
This is in response to your letter of May 6, 1985, concerning LB 713. In that letter you note that the committee amendments to LB 713 provide in Section 11, subparagraph 5 that "The unexpended balance existing in the Lincoln State Office Building Rental Fund on June 15 of each year shall be transferred to the General Fund. . . ."

Your question is whether it is constitutional to have the balance of a fund that "is made up for a specific purpose and earmarked for a special purpose be put in the General Fund on an annual basis."

We have examined this provision and find no basis for declaring that such action is unconstitutional. We would note that Neb.Rev.Stat. §77-2602 (Supp. 1984), presently provides that money in similar funds may be transferred to the general fund at the direction of the Legislature.

Sincerely,

ROBERT M. SPIRE
Attorney General



John Boehm
Assistant Attorney General

JB/bae

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

L. Jay Bartel
John M. Boehm
Dale D. Brodkey
J. Kirk Brown
Martel J. Bundy
Dale A. Comer

Timothy E. Divis
Lynne R. Fritz
Ruth Anne E. Galter
Jill Gradwohl
Calvin D. Hansen
Royce N. Harper

Marilyn B. Hutchinson
Mel Kammerlohr
Sharon M. Lindgren
Charles E. Lowe
Harold I. Mosher
Patrick T. O'Brien

Bernard L. Packett
Terry R. Schaaf
LeRoy W. Sievers
Mark D. Starr
John R. Thompson
Linda L. Willard