

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 376

Final Reading

Introduced by Speaker Flood, 19; at the request of the Governor.

Read first time January 13, 2011

Committee: Appropriations

A BILL

1 FOR AN ACT relating to appropriations; to appropriate funds for the
2 payment of the salaries and benefits of certain state
3 officers for FY2011-12 and FY2012-13; to define terms; to
4 provide an operative date; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. APPROPRIATION LANGUAGE.

2 There are hereby appropriated, for FY2011-12 and
3 FY2012-13, the amounts specified in this act, or so much as may be
4 necessary, for the salaries and benefits of officers of the Nebraska
5 state government.

6 Sec. 2. DEFINITION OF APPROPRIATION PERIOD.

7 For purposes of this act, FY2011-12 means the period
8 beginning July 1, 2011, and ending June 30, 2012, and FY2012-13 means
9 the period beginning July 1, 2012, and ending June 30, 2013.

10 Sec. 3. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

11 The definitions contained in the Nebraska Accounting
12 System Manual, and any amendments thereto, on file with the Clerk of
13 the Legislature are hereby adopted by the Legislature as the
14 definitions for this act, except as provided in section 21 of this
15 act.

16 Sec. 4. DRAWING AND PAYING WARRANTS.

17 The Director of Administrative Services shall draw
18 warrants upon the proper fund in the state treasury for an amount not
19 to exceed the appropriations set forth in this act upon presentation
20 of proper documentation. The State Treasurer shall pay the warrants
21 out of the appropriate funds.

22 Workers' compensation premium assessments shall not be
23 paid from the programs listed in this act.

24 Sec. 5. AGENCY NO. 5 - SUPREME COURT

25 Program No. 3 - Supreme Court Judges' Salaries

1		FY2011-12	FY2012-13
2	GENERAL FUND	1,176,500	1,178,453
3	PROGRAM TOTAL	1,176,500	1,178,453
4	SALARY LIMIT	999,317	999,317

5 The unexpended General Fund appropriation balance
6 existing on June 30, 2011, is hereby reappropriated.

7 The unexpended General Fund appropriation balance
8 existing on June 30, 2012, is hereby reappropriated.

9 Sec. 6. AGENCY NO. 5 – SUPREME COURT

10 Program No. 4 - Court of Appeals Judges' Salaries

11		FY2011-12	FY2012-13
12	GENERAL FUND	969,636	971,310
13	PROGRAM TOTAL	969,636	971,310
14	SALARY LIMIT	813,730	813,730

15 The unexpended General Fund appropriation balance
16 existing on June 30, 2011, is hereby reappropriated.

17 The unexpended General Fund appropriation balance
18 existing on June 30, 2012, is hereby reappropriated.

19 Sec. 7. AGENCY NO. 5 – SUPREME COURT

20 Program No. 5 - Retired Judges' Salaries

21		FY2011-12	FY2012-13
22	GENERAL FUND	47,436	47,436
23	PROGRAM TOTAL	47,436	47,436

1	SALARY LIMIT	44,832	44,832
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2 The unexpended General Fund appropriation balance
 3 existing on June 30, 2011, is hereby reappropriated.

4 The unexpended General Fund appropriation balance
 5 existing on June 30, 2012, is hereby reappropriated.

6 The budget division of the Department of Administrative
 7 Services shall administratively transfer General Fund appropriations
 8 among Programs 3, 4, 5, 6, 7, 52, 67, and 435 within Agency 5, upon
 9 written certification by the State Court Administrator that the
 10 Nebraska Supreme Court has determined that such transfer is necessary
 11 for the efficient functioning of statewide court operations and the
 12 proper administration of justice. The Salary Limit for Agency 5,
 13 Programs 5, 52, 67, and 435, may be administratively increased for
 14 any transfers made to Programs 5, 52, 67, and 435 pursuant to this
 15 section.

16 Sec. 8. AGENCY NO. 5 – SUPREME COURT
 17 Program No. 6 - District and Juvenile Court Judges'
 18 Salaries

		FY2011-12	FY2012-13
19			
20	GENERAL FUND	10,353,750	10,372,443
21	PROGRAM TOTAL	10,353,750	10,372,443
22	SALARY LIMIT	8,847,524	8,847,524

23 The unexpended General Fund appropriation balance
 24 existing on June 30, 2011, is hereby reappropriated.

25 The unexpended General Fund appropriation balance

1 existing on June 30, 2012, is hereby reappropriated.

2 Sec. 9. AGENCY NO. 5 - SUPREME COURT

3 Program No. 7 - County Court Judges' Salaries

4		FY2011-12	FY2012-13
5	GENERAL FUND	8,766,226	8,782,408
6	PROGRAM TOTAL	8,766,226	8,782,408
7	SALARY LIMIT	7,452,049	7,452,049

8 The unexpended General Fund appropriation balance
9 existing on June 30, 2011, is hereby reappropriated.

10 The unexpended General Fund appropriation balance
11 existing on June 30, 2012, is hereby reappropriated.

12 Sec. 10. AGENCY NO. 7 - GOVERNOR

13 Program No. 2 - Salary - Governor

14		FY2011-12	FY2012-13
15	GENERAL FUND	142,849	142,849
16	PROGRAM TOTAL	142,849	142,849
17	SALARY LIMIT	105,000	105,000

18 Sec. 11. AGENCY NO. 8 - LIEUTENANT GOVERNOR

19 Program No. 8 - Salary - Lieutenant Governor

20		FY2011-12	FY2012-13
21	GENERAL FUND	108,716	108,716
22	PROGRAM TOTAL	108,716	108,716
23	SALARY LIMIT	75,000	75,000

1	Sec. 12. AGENCY NO. 9 - SECRETARY OF STATE		
2	Program No. 9 - Salary - Secretary of State		
3		FY2011-12	FY2012-13
4	GENERAL FUND	112,282	112,282
5	PROGRAM TOTAL	112,282	112,282
6	SALARY LIMIT	85,000	85,000
7	Sec. 13. AGENCY NO. 10 - AUDITOR OF PUBLIC ACCOUNTS		
8	Program No. 10 - Salary - Auditor of Public Accounts		
9		FY2011-12	FY2012-13
10	GENERAL FUND	117,694	117,694
11	PROGRAM TOTAL	117,694	117,694
12	SALARY LIMIT	85,000	85,000
13	Sec. 14. AGENCY NO. 11 - ATTORNEY GENERAL		
14	Program No. 11 - Attorney General's Salary		
15		FY2011-12	FY2012-13
16	GENERAL FUND	129,913	129,913
17	PROGRAM TOTAL	129,913	129,913
18	SALARY LIMIT	95,000	95,000
19	Sec. 15. AGENCY NO. 12 - STATE TREASURER		
20	Program No. 12 - Salary - State Treasurer		
21		FY2011-12	FY2012-13
22	GENERAL FUND	120,018	120,018
23	PROGRAM TOTAL	120,018	120,018

1	SALARY LIMIT	85,000	85,000
2	Sec. 16. AGENCY NO. 14 - PUBLIC SERVICE COMMISSION		
3	Program No. 14 - Salaries of Public Service Commissioners		
4		FY2011-12	FY2012-13
5	GENERAL FUND	489,216	489,216
6	PROGRAM TOTAL	489,216	489,216
7	SALARY LIMIT	375,000	375,000
8	Sec. 17. AGENCY NO. 15 - BOARD OF PARDONS AND BOARD OF		
9	PAROLE		
10	Program No. 320 - Board of Parole Salaries		
11		FY2011-12	FY2012-13
12	GENERAL FUND	504,200	512,693
13	PROGRAM TOTAL	504,200	512,693
14	SALARY LIMIT	374,803	382,178
15	Sec. 18. AGENCY NO. 16 - DEPARTMENT OF REVENUE		
16	Program No. 13 - Tax Commissioner		
17		FY2011-12	FY2012-13
18	GENERAL FUND	187,234	190,493
19	PROGRAM TOTAL	187,234	190,493
20	SALARY LIMIT	144,328	147,159

21 It is the intent of the Legislature that if the
 22 appropriation or the salary limit is insufficient in this program to
 23 meet anticipated expenditures, the Tax Commissioner shall request

1 additional funds or a higher salary limit, or both, from the
 2 Legislature by the usual deficit process. The appropriation or the
 3 salary limit shall not be administratively increased solely by the
 4 Department of Administrative Services without legislative
 5 authorization.

6 Sec. 19. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION
 7 COURT

8	Program No. 526 - Judges' Salaries		
9		FY2011-12	FY2012-13
10	CASH FUND	1,070,460	1,070,460
11	PROGRAM TOTAL	1,070,460	1,070,460
12	SALARY LIMIT	924,375	924,375

13 Sec. 20. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION
 14 COURT

15	Program No. 635 - Retired and Acting Judges' Salaries		
16		FY2011-12	FY2012-13
17	CASH FUND	55,267	55,267
18	PROGRAM TOTAL	55,267	55,267
19	SALARY LIMIT	51,339	51,339

20 Sec. 21. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

21 (1) As used in this act:

22 (a) SALARY LIMIT means total expenditures for permanent
 23 and temporary salaries and per diems; and

24 (b) Total expenditures for permanent and temporary

1 salaries and per diems means all remuneration paid to employees
2 treated as taxable compensation by the Internal Revenue Service or
3 subject to social security coverage, specifically including payments
4 accounted for as vacation, holidays, sick leave, military leave,
5 funeral leave, maternity leave, administrative leave, compensatory
6 time, deferred compensation, or any other similar form, and amounts
7 withheld pursuant to law, but excluding state contributions for
8 social security, retirement, and employee insurance plans.

9 (2) Total expenditures for permanent and temporary
10 salaries and per diems are limited to the amount provided by law for
11 constitutional officers.

12 (3) The limitation on expenditures for permanent and
13 temporary salaries and per diems for FY2011-12 shall be increased by
14 certified encumbrance amounts from FY2010-11 for permanent and
15 temporary salaries and per diems. The limitation on expenditures for
16 permanent and temporary salaries and per diems for FY2012-13 shall be
17 increased by certified encumbrance amounts from FY2011-12 for
18 permanent and temporary salaries and per diems. Encumbered amounts
19 shall be calculated in accordance with section 81-138.01.

20 Sec. 22. This act becomes operative on July 1, 2011.

21 Sec. 23. Since an emergency exists, this act takes effect
22 when passed and approved according to law.