

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 376

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	Sec. 6. AGENCY NO. 5 - SUPREME COURT		
6	Program No. 4 - Court of Appeals Judges' Salaries		
7		FY2011-12	FY2012-13
8	GENERAL FUND	969,636	971,310
9	PROGRAM TOTAL	969,636	971,310
10	SALARY LIMIT	813,730	813,730
11	Sec. 7. AGENCY NO. 5 - SUPREME COURT		
12	Program No. 5 - Retired Judges' Salaries		
13		FY2011-12	FY2012-13
14	GENERAL FUND	47,436	47,436
15	PROGRAM TOTAL	47,436	47,436
16	SALARY LIMIT	44,832	44,832

17 The budget division of the Department of Administrative
 18 Services is hereby authorized to administratively transfer General
 19 Fund appropriations among Programs 3, 4, 5, 6, and 7 within Agency 5,
 20 upon written certification by the State Court Administrator that
 21 excess appropriations are available and are necessary to pay retired
 22 judges' salaries or are necessary to adjust for program shortfalls in
 23 Agency 5, Programs 3, 4, 6, and 7. The Salary Limit for Agency 5,

1 Program 5, may be administratively increased for any transfers made
 2 to Program 5 pursuant to this section.

3 Sec. 8. AGENCY NO. 5 - SUPREME COURT

4 Program No. 6 - District and Juvenile Court Judges'
 5 Salaries

	FY2011-12	FY2012-13
6 GENERAL FUND	10,191,269	10,209,683
7 PROGRAM TOTAL	10,191,269	10,209,683
8 SALARY LIMIT	8,847,524	8,847,524

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

11 Program No. 7 - County Court Judges' Salaries

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

16 Sec. 10. AGENCY NO. 7 - GOVERNOR

17 Program No. 2 - Salary - Governor

	FY2011-12	FY2012-13
18 GENERAL FUND	142,849	142,849
19 PROGRAM TOTAL	142,849	142,849
20 SALARY LIMIT	105,000	105,000

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

23 Program No. 8 - Salary - Lieutenant Governor

1		FY2011-12	FY2012-13
2	GENERAL FUND	108,716	108,716
3	PROGRAM TOTAL	108,716	108,716
4	SALARY LIMIT	75,000	75,000
5	Sec. 12. AGENCY NO. 9 - SECRETARY OF STATE		
6	Program No. 9 - Salary - Secretary of State		
7		FY2011-12	FY2012-13
8	GENERAL FUND	112,282	112,282
9	PROGRAM TOTAL	112,282	112,282
10	SALARY LIMIT	85,000	85,000
11	Sec. 13. AGENCY NO. 10 - AUDITOR OF PUBLIC ACCOUNTS		
12	Program No. 10 - Salary - Auditor of Public Accounts		
13		FY2011-12	FY2012-13
14	GENERAL FUND	117,694	117,694
15	PROGRAM TOTAL	117,694	117,694
16	SALARY LIMIT	85,000	85,000
17	Sec. 14. AGENCY NO. 11 - ATTORNEY GENERAL		
18	Program No. 11 - Attorney General's Salary		
19		FY2011-12	FY2012-13
20	GENERAL FUND	129,913	129,913
21	PROGRAM TOTAL	129,913	129,913
22	SALARY LIMIT	95,000	95,000
23	Sec. 15. AGENCY NO. 12 - STATE TREASURER		

1	Program No. 12 - Salary - State Treasurer		
2		FY2011-12	FY2012-13
3	GENERAL FUND	117,018	117,018
4	PROGRAM TOTAL	117,018	117,018
5	SALARY LIMIT	85,000	85,000
6	Sec. 16. AGENCY NO. 14 - PUBLIC SERVICE COMMISSION		
7	Program No. 14 - Salaries of Public Service Commissioners		
8		FY2011-12	FY2012-13
9	GENERAL FUND	489,216	489,216
10	PROGRAM TOTAL	489,216	489,216
11	SALARY LIMIT	375,000	375,000
12	Sec. 17. AGENCY NO. 15 - BOARD OF PARDONS AND BOARD OF		
13	PAROLE		
14	Program No. 320 - Board of Parole Salaries		
15		FY2011-12	FY2012-13
16	GENERAL FUND	504,200	512,693
17	PROGRAM TOTAL	504,200	512,693
18	SALARY LIMIT	374,803	382,178
19	Sec. 18. AGENCY NO. 16 - DEPARTMENT OF REVENUE		
20	Program No. 13 - Tax Commissioner		
21		FY2011-12	FY2012-13
22	GENERAL FUND	187,234	190,493
23	PROGRAM TOTAL	187,234	190,493

1	SALARY LIMIT	144,328	147,159
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2 It is the intent of the Legislature that if the
3 appropriation or the salary limit is insufficient in this program to
4 meet anticipated expenditures, the Tax Commissioner shall request
5 additional funds or a higher salary limit, or both, from the
6 Legislature by the usual deficit process. The appropriation or the
7 salary limit shall not be administratively increased solely by the
8 Department of Administrative Services without legislative
9 authorization.

10 Sec. 19. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION
11 COURT

12 Program No. 526 - Judges' Salaries			
		FY2011-12	FY2012-13
13			
14	CASH FUND	1,070,460	1,070,460
15	PROGRAM TOTAL	1,070,460	1,070,460
16	SALARY LIMIT	924,375	924,375

17 Sec. 20. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION
18 COURT

19 Program No. 635 - Retired and Acting Judges' Salaries			
		FY2011-12	FY2012-13
20			
21	CASH FUND	55,267	55,267
22	PROGRAM TOTAL	55,267	55,267
23	SALARY LIMIT	51,339	51,339

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

1 (1) As used in this act:

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

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

13 (2) Total expenditures for permanent and temporary
14 salaries and per diems are limited to the amount provided by law for
15 constitutional officers.

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

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

25 Sec. 23. Since an emergency exists, this act takes effect

1 when passed and approved according to law.