

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 390A**

Introduced by Ashford, 20.

Read first time May 20, 2011

A BILL

1 FOR AN ACT relating to appropriations; to amend sections 19, 20, 22,  
2 23, and 240, Legislative Bill 374, One Hundred Second  
3 Legislature, First Session, 2011; and section 7,  
4 Legislative Bill 376, One Hundred Second Legislature,  
5 First Session, 2011; to appropriate funds to aid in  
6 carrying out the provisions of Legislative Bill 390, One  
7 Hundred Second Legislature, First Session, 2011; to  
8 change appropriations; to provide an operative date; to  
9 repeal the original sections; and to declare an  
10 emergency.

11 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 19, Legislative Bill 374, One Hundred  
2 Second Legislature, First Session, 2011, is amended to read:

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

4                   Program No. 52 - Operations

	FY2011-12	FY2012-13
5		
6 GENERAL FUND	26,990,554	27,400,012
7 CASH FUND est.	2,340,144	2,347,925
8 FEDERAL FUND est.	766,455	769,107
9 PROGRAM TOTAL	30,097,153	30,517,044
10 SALARY LIMIT	19,140,180	19,522,984

11                   The Department of Administrative Services shall monitor  
12 the appropriations and expenditures for this program according to the  
13 following program classifications:

14                   No. 34 - Court Administration

15                   No. 40 - State Law Library

16                   No. 396 - County Court System

17                   No. 399 - District Court Reporters

18                   No. 405 - Court of Appeals

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

21                   The budget division of the Department of Administrative  
22 Services shall administratively transfer General Fund appropriations  
23 among Programs 52, and 67, ~~and 435~~ within Agency 5, upon written  
24 certification by the State Court Administrator that the Supreme Court

1 has determined that such transfer is necessary for the efficient  
2 functioning of statewide court operations and the proper  
3 administration of justice. The Salary Limit for Agency 5, Programs  
4 52, and 67, ~~and 435~~, may be administratively increased for any  
5 transfers made to Programs 52, and 67, ~~and 435~~ pursuant to this  
6 section.

7           There is included in the appropriation to this program  
8 for FY2011-12 \$270,000 Cash Funds for dispute resolution state aid,  
9 which shall only be used for such purpose except as otherwise  
10 directed by the Supreme Court. There is included in the appropriation  
11 to this program for FY2012-13 \$270,000 Cash Funds for dispute  
12 resolution state aid, which shall only be used for such purpose  
13 except as otherwise directed by the Supreme Court.

14           There is included in the appropriation to this program  
15 for FY2011-12 \$450,000 Cash Funds for parenting plan mediation for  
16 indigent and lower-income persons involved in Parenting Act cases, as  
17 state aid, which shall only be used for such purpose except as  
18 otherwise directed by the Supreme Court. There is included in the  
19 appropriation to this program for FY2012-13 \$450,000 Cash Funds for  
20 parenting plan mediation for indigent and lower-income persons  
21 involved in Parenting Act cases, as state aid, which shall only be  
22 used for such purpose except as otherwise directed by the Supreme  
23 Court.

24           Cash Fund expenditures for this program shall not be  
25 limited to the amounts shown.

1                   Sec. 2. Section 20, Legislative Bill 374, One Hundred  
2 Second Legislature, First Session, 2011, is amended to read:

3                   Sec. 20. AGENCY NO. 5 – SUPREME COURT

4                   Program No. 67 - Probation Services

	FY2011-12	FY2012-13
5		
6 GENERAL FUND	20,438,228	20,755,789
7 CASH FUND est.	947,332	947,332
8 FEDERAL FUND est.	208,798	208,798
9 PROGRAM TOTAL	21,594,358	21,911,919
10 SALARY LIMIT	14,696,308	14,990,235

11                   The Department of Administrative Services shall monitor  
12 the appropriations and expenditures for this program according to the  
13 following program classifications:

14                   No. 397 - Statewide Probation

15                   No. 398 - Intensive Supervision Probation

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

18                   The budget division of the Department of Administrative  
19 Services shall administratively transfer General Fund appropriations  
20 among Programs 52, and 67, ~~and 435~~ within Agency 5, upon written  
21 certification by the State Court Administrator that the Supreme Court  
22 has determined that such transfer is necessary for the efficient  
23 functioning of statewide court operations and the proper  
24 administration of justice. The Salary Limit for Agency 5, Programs

1 52, and 67,~~and 435,~~ may be administratively increased for any  
 2 transfers made to Programs 52, and 67,~~and 435~~ pursuant to this  
 3 section.

4 Cash Fund expenditures for this program shall not be  
 5 limited to the amounts shown.

6 Sec. 3. Section 22, Legislative Bill 374, One Hundred  
 7 Second Legislature, First Session, 2011, is amended to read:

8 Sec. 22. AGENCY NO. 5 - SUPREME COURT

9 Program No. 420 - State Specialized Court Operations

	FY2011-12	FY2012-13
10		
11	<u>2,060,526</u>	<u>2,060,521</u>
12	<u>168,965</u>	<u>190,215</u>
13	<del>2,229,491</del>	<del>2,250,736</del>
14	PROGRAM TOTAL	2,250,736
15	SALARY LIMIT	1,048,022

16 The supervision and management of the State Specialized  
 17 Courts shall be under the direct jurisdiction of the Supreme Court  
 18 and the State Court Administrator. Any contractual funds received  
 19 from the Community Corrections program, under the Nebraska Commission  
 20 on Law Enforcement and Criminal Justice, to support the cost of  
 21 operating the State Specialized Courts shall only be credited and  
 22 expended directly from the Probation Program Cash Fund.

23 Cash Fund expenditures for this program shall not be  
 24 limited to the amounts shown.

1                   Sec. 4. Section 23, Legislative Bill 374, One Hundred  
2 Second Legislature, First Session, 2011, is amended to read:

3                   Sec. 23. AGENCY NO. 5 – SUPREME COURT

4                   Program No. 435 - Probation Community Corrections

	FY2011-12	FY2012-13
5		
6	<del>959,073</del>	973,559
7	<del>8,333,836</del>	8,353,812
8	<u>4,071,208</u>	<u>4,085,694</u>
9	<u>5,221,701</u>	<u>5,241,677</u>
10	PROGRAM TOTAL	9,327,371
11	SALARY LIMIT	1,706,778

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

14                   Cash Fund expenditures for this program shall not be  
15 limited to the amounts shown.

16                   Sec. 5. Section 240, Legislative Bill 374, One Hundred  
17 Second Legislature, First Session, 2011, is amended to read:

18                   Sec. 240. AGENCY NO. 78 – NEBRASKA COMMISSION ON LAW  
19 ENFORCEMENT AND CRIMINAL JUSTICE

20                   Program No. 220 - Community Corrections Council Office

	FY2011-12	FY2012-13
21		
22	<del>5,484,959</del>	5,488,959
23	<u>281,298</u>	<u>285,298</u>

LB 390A

LB 390A

1	CASH FUND	405,917	406,951
2	<del>PROGRAM TOTAL</del>	<del>5,890,876</del>	<del>5,895,910</del>
3	<u>PROGRAM TOTAL</u>	<u>687,215</u>	<u>692,249</u>
4	SALARY LIMIT	218,643	223,016

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

7           Sec. 6. Section 7, Legislative Bill 376, One Hundred  
8 Second Legislature, First Session, 2011, is amended to read:

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

10           Program No. 5 - Retired Judges' Salaries

11		FY2011-12	FY2012-13
12	GENERAL FUND	47,436	47,436
13	PROGRAM TOTAL	47,436	47,436
14	SALARY LIMIT	44,832	44,832

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           The budget division of the Department of Administrative  
20 Services shall administratively transfer General Fund appropriations  
21 among Programs 3, 4, 5, 6, 7, 52, and 67,~~and 435~~ within Agency 5,  
22 upon written certification by the State Court Administrator that the  
23 Nebraska Supreme Court has determined that such transfer is necessary  
24 for the efficient functioning of statewide court operations and the

1 proper administration of justice. The Salary Limit for Agency 5,  
2 Programs 5, 52, and 67,~~and 435,~~ may be administratively increased  
3 for any transfers made to Programs 5, 52, and 67,~~and 435~~ pursuant to  
4 this section.

5           Sec. 7. This act become operative on July 1, 2011.

6           Sec. 8. Original sections 19, 20, 22, 23, and 240,  
7 Legislative Bill 374, One Hundred Second Legislature, First Session,  
8 2011; and section 7, Legislative Bill 376, One Hundred Second  
9 Legislature, First Session, 2011, are repealed.

10           Sec. 9. Since an emergency exists, this act takes effect  
11 when passed and approved according to law.