

LEGISLATIVE BILL 376

Approved by the Governor May 17, 2011

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

FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2011-12 and FY2012-13; to define terms; to provide an operative date; and to declare an emergency.

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

Section 1. APPROPRIATION LANGUAGE.

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

Sec. 2. DEFINITION OF APPROPRIATION PERIOD.

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

Sec. 3. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

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

Sec. 4. DRAWING AND PAYING WARRANTS.

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

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

Sec. 5. AGENCY NO. 5 - SUPREME COURT

Program No. 3 - Supreme Court Judges' Salaries

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

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

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

Sec. 6. AGENCY NO. 5 - SUPREME COURT

Program No. 4 - Court of Appeals Judges' Salaries

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

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

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

Sec. 7. AGENCY NO. 5 - SUPREME COURT

Program No. 5 - Retired Judges' Salaries

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

SALARY LIMIT 44,832 44,832

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

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

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

Sec. 8. AGENCY NO. 5 - SUPREME COURT

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

	FY2011-12	FY2012-13
GENERAL FUND	10,353,750	10,372,443
PROGRAM TOTAL	10,353,750	10,372,443

SALARY LIMIT 8,847,524 8,847,524

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

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

Sec. 9. AGENCY NO. 5 - SUPREME COURT

Program No. 7 - County Court Judges' Salaries

	FY2011-12	FY2012-13
GENERAL FUND	8,766,226	8,782,408
PROGRAM TOTAL	8,766,226	8,782,408

SALARY LIMIT 7,452,049 7,452,049

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

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

Sec. 10. AGENCY NO. 7 - GOVERNOR

Program No. 2 - Salary - Governor

	FY2011-12	FY2012-13
GENERAL FUND	142,849	142,849
PROGRAM TOTAL	142,849	142,849

SALARY LIMIT 105,000 105,000

Sec. 11. AGENCY NO. 8 - LIEUTENANT GOVERNOR

Program No. 8 - Salary - Lieutenant Governor

	FY2011-12	FY2012-13
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GENERAL FUND	108,716	108,716
PROGRAM TOTAL	108,716	108,716
SALARY LIMIT	75,000	75,000
Sec. 12. AGENCY NO. 9 - SECRETARY OF STATE Program No. 9 - Salary - Secretary of State		

	FY2011-12	FY2012-13
GENERAL FUND	112,282	112,282
PROGRAM TOTAL	112,282	112,282
SALARY LIMIT	85,000	85,000
Sec. 13. AGENCY NO. 10 - AUDITOR OF PUBLIC ACCOUNTS Program No. 10 - Salary - Auditor of Public Accounts		

	FY2011-12	FY2012-13
GENERAL FUND	117,694	117,694
PROGRAM TOTAL	117,694	117,694
SALARY LIMIT	85,000	85,000
Sec. 14. AGENCY NO. 11 - ATTORNEY GENERAL Program No. 11 - Attorney General's Salary		

	FY2011-12	FY2012-13
GENERAL FUND	129,913	129,913
PROGRAM TOTAL	129,913	129,913
SALARY LIMIT	95,000	95,000
Sec. 15. AGENCY NO. 12 - STATE TREASURER Program No. 12 - Salary - State Treasurer		

	FY2011-12	FY2012-13
GENERAL FUND	120,018	120,018
PROGRAM TOTAL	120,018	120,018
SALARY LIMIT	85,000	85,000
Sec. 16. AGENCY NO. 14 - PUBLIC SERVICE COMMISSION Program No. 14 - Salaries of Public Service Commissioners		

	FY2011-12	FY2012-13
GENERAL FUND	489,216	489,216
PROGRAM TOTAL	489,216	489,216
SALARY LIMIT	375,000	375,000
Sec. 17. AGENCY NO. 15 - BOARD OF PARDONS AND BOARD OF PAROLE		

Program No. 320 - Board of Parole Salaries

	FY2011-12	FY2012-13
GENERAL FUND	504,200	512,693
PROGRAM TOTAL	504,200	512,693
SALARY LIMIT	374,803	382,178

Sec. 18. AGENCY NO. 16 - DEPARTMENT OF REVENUE
 Program No. 13 - Tax Commissioner

	FY2011-12	FY2012-13
GENERAL FUND	187,234	190,493
PROGRAM TOTAL	187,234	190,493
SALARY LIMIT	144,328	147,159

It is the intent of the Legislature that if the appropriation or the salary limit is insufficient in this program to meet anticipated expenditures, the Tax Commissioner shall request additional funds or a higher salary limit, or both, from the Legislature by the usual deficit process. The appropriation or the salary limit shall not be administratively increased solely by the Department of Administrative Services without legislative authorization.

Sec. 19. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION COURT
 Program No. 526 - Judges' Salaries

	FY2011-12	FY2012-13
CASH FUND	1,070,460	1,070,460
PROGRAM TOTAL	1,070,460	1,070,460
SALARY LIMIT	924,375	924,375

Sec. 20. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION COURT
 Program No. 635 - Retired and Acting Judges' Salaries

	FY2011-12	FY2012-13
CASH FUND	55,267	55,267
PROGRAM TOTAL	55,267	55,267
SALARY LIMIT	51,339	51,339

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

(1) As used in this act:

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

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

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

(3) The limitation on expenditures for permanent and temporary salaries and per diems for FY2011-12 shall be increased by certified

encumbrance amounts from FY2010-11 for permanent and temporary salaries and per diems. The limitation on expenditures for permanent and temporary salaries and per diems for FY2012-13 shall be increased by certified encumbrance amounts from FY2011-12 for permanent and temporary salaries and per diems. Encumbered amounts shall be calculated in accordance with section 81-138.01.

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

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