

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 422**  
FINAL READING

Introduced by Speaker Brashear, 4; at the request of the Governor  
Read first time January 13, 2005  
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 FY2005-06 and FY2006-07; 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 is hereby appropriated, for FY2005-06 and  
3 FY2006-07, the sums specified in this act, or so much as may be  
4 necessary, for the salaries and benefits of officers of the  
5 Nebraska state government.

6 Sec. 2. DEFINITION OF APPROPRIATION PERIOD.

7 For purposes of this act, FY2005-06 means the period  
8 beginning July 1, 2005, and ending June 30, 2006, and FY2006-07  
9 means the period beginning July 1, 2006, and ending June 30, 2007.

10 Sec. 3. NEBRASKA INFORMATION SYSTEM MANUAL DEFINITIONS.

11 The definitions contained in the Nebraska Information  
12 System Manual, and any amendments thereto, on file with the Clerk  
13 of 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  
19 not to exceed the appropriations set forth in this act upon  
20 presentation of proper documentation. The State Treasurer shall  
21 pay the warrants out of the appropriate funds.

22 For fiscal years beginning on or after July 1, 2005,  
23 workers' compensation premium assessments shall not be paid from  
24 the programs listed in this act.

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

26 Program No. 3 - Supreme Court Judges' Salaries

27		FY2005-06	FY2006-07
28	GENERAL FUND	952,726	960,108

1 PROGRAM TOTAL 952,726 960,108

2 SALARY LIMIT 834,933 834,933

3 Sec. 6. AGENCY NO. 5 -- SUPREME COURT

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

5 FY2005-06 FY2006-07

6 GENERAL FUND 783,971 790,289

7 PROGRAM TOTAL 783,971 790,289

8 SALARY LIMIT 679,874 679,874

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

10 Program No. 5 - Retired Judges' Salaries

11 FY2005-06 FY2006-07

12 GENERAL FUND 25,000 25,000

13 PROGRAM TOTAL 25,000 25,000

14 SALARY LIMIT 25,000 25,000

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

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

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

27 FY2005-06 FY2006-07

28 GENERAL FUND 8,227,259 8,289,703

1	PROGRAM TOTAL	8,227,259	8,289,703
2	SALARY LIMIT	7,171,470	7,171,470
3	Sec. 9. AGENCY NO. 5 -- SUPREME COURT		
4	Program No. 7 - County Court Judges' Salaries		
5		FY2005-06	FY2006-07
6	GENERAL FUND	7,195,857	7,251,451
7	PROGRAM TOTAL	7,195,857	7,251,451
8	SALARY LIMIT	6,333,556	6,333,556
9	Sec. 10. AGENCY NO. 7 -- GOVERNOR		
10	Program No. 2 - Salary - Governor		
11		FY2005-06	FY2006-07
12	GENERAL FUND	110,423	112,019
13	PROGRAM TOTAL	110,423	112,019
14	SALARY LIMIT	85,000	85,000
15	Sec. 11. AGENCY NO. 8 -- LIEUTENANT GOVERNOR		
16	Program No. 8 - Salary - Lieutenant Governor		
17		FY2005-06	FY2006-07
18	GENERAL FUND	81,299	82,975
19	PROGRAM TOTAL	81,299	82,975
20	SALARY LIMIT	60,000	60,000
21	Sec. 12. AGENCY NO. 9 -- SECRETARY OF STATE		
22	Program No. 9 - Salary - Secretary of State		
23		FY2005-06	FY2006-07
24	GENERAL FUND	82,851	83,902
25	PROGRAM TOTAL	82,851	83,902
26	SALARY LIMIT	65,000	65,000
27	Sec. 13. AGENCY NO. 10 -- AUDITOR OF PUBLIC ACCOUNTS		
28	Program No. 10 - Salary - Auditor		

1		FY2005-06	FY2006-07
2	GENERAL FUND	80,637	82,167
3	PROGRAM TOTAL	80,637	82,167
4	SALARY LIMIT	60,000	60,000
5	Sec. 14. AGENCY NO. 11 -- ATTORNEY GENERAL		
6	Program No. 11 - Attorney General's Salary		
7		FY2005-06	FY2006-07
8	GENERAL FUND	97,379	99,281
9	PROGRAM TOTAL	97,379	99,281
10	SALARY LIMIT	75,000	75,000
11	Sec. 15. AGENCY NO. 12 -- STATE TREASURER		
12	Program No. 12 - Salary - State Treasurer		
13		FY2005-06	FY2006-07
14	GENERAL FUND	77,526	78,324
15	PROGRAM TOTAL	77,526	78,324
16	SALARY LIMIT	60,000	60,000
17	Sec. 16. AGENCY NO. 14 -- PUBLIC SERVICE COMMISSION		
18	Program No. 14 - Salaries of Public Service Commissioners		
19		FY2005-06	FY2006-07
20	GENERAL FUND	331,670	336,737
21	PROGRAM TOTAL	331,670	336,737
22	SALARY LIMIT	250,000	250,000
23	Sec. 17. AGENCY NO. 15 -- BOARD OF PARDONS AND BOARD OF		
24	PAROLE		
25	Program No. 320 - Board of Parole Salaries		
26		FY2005-06	FY2006-07
27	GENERAL FUND	418,919	436,415
28	PROGRAM TOTAL	418,919	436,415

1	SALARY LIMIT	328,601	340,843
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2           Sec. 18. AGENCY NO. 16 -- DEPARTMENT OF REVENUE

3           Program No. 13 - Tax Commissioner

4		FY2005-06	FY2006-07
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5	GENERAL FUND	114,529	117,937
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6	PROGRAM TOTAL	114,529	117,937
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7	SALARY LIMIT	95,283	98,135
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8           It is the intent of the Legislature that if the  
9 appropriation or the salary limit is insufficient in this program  
10 to meet anticipated expenditures, the Tax Commissioner shall  
11 request additional funds or a higher salary limit, or both, from  
12 the Legislature by the usual deficit process. The appropriation or  
13 the salary limit shall not be administratively increased solely by  
14 the Department of Administrative Services without legislative  
15 authorization.

16           Sec. 19. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION

17 COURT

18           Program No. 526 - Judges' Salaries

19		FY2005-06	FY2006-07
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20	CASH FUND	888,525	895,678
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21	PROGRAM TOTAL	888,525	895,678
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22	SALARY LIMIT	772,312	772,312
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23           Sec. 20. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION

24 COURT

25           Program No. 635 - Retired and Acting Judges' Salaries

26		FY2005-06	FY2006-07
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27	CASH FUND	55,267	55,267
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28	PROGRAM TOTAL	55,267	55,267
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1 SALARY LIMIT 51,339 51,339

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

3 (1) As used in this act:

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

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

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

19 (3) The limitation on expenditures for permanent and  
20 temporary salaries and per diems for FY2006-07 shall be increased  
21 by amounts encumbered from FY2005-06 for permanent and temporary  
22 salaries and per diems. Encumbered amounts shall be calculated in  
23 accordance with section 81-138.01.

24 Sec. 22. This act becomes operative on July 1, 2005.

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