

LEGISLATIVE BILL 319

Approved by the Governor May 21, 2007

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 FY2007-08 and FY2008-09; 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 FY2007-08 and FY2008-09, 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, FY2007-08 means the period beginning July 1, 2007, and ending June 30, 2008, and FY2008-09 means the period beginning July 1, 2008, and ending June 30, 2009.

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

	FY2007-08	FY2008-09
GENERAL FUND	1,025,292	1,033,606
PROGRAM TOTAL	1,025,292	1,033,606
SALARY LIMIT	887,928	887,928

Sec. 6. AGENCY NO. 5 - SUPREME COURT

Program No. 4 - Court of Appeals Judges' Salaries

	FY2007-08	FY2008-09
GENERAL FUND	843,923	851,231
PROGRAM TOTAL	843,923	851,231
SALARY LIMIT	723,027	723,027

Sec. 7. AGENCY NO. 5 - SUPREME COURT

Program No. 5 - Retired Judges' Salaries

	FY2007-08	FY2008-09
GENERAL FUND	25,000	25,000
PROGRAM TOTAL	25,000	25,000
SALARY LIMIT	25,000	25,000

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

Sec. 8. AGENCY NO. 5 - SUPREME COURT

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

	FY2007-08	FY2008-09
GENERAL FUND	8,745,272	8,819,808
PROGRAM TOTAL	8,745,272	8,819,808
SALARY LIMIT	7,626,661	7,626,661

Sec. 9. AGENCY NO. 5 - SUPREME COURT
 Program No. 7 - County Court Judges' Salaries

	FY2007-08	FY2008-09
GENERAL FUND	7,707,290	7,765,659
PROGRAM TOTAL	7,707,290	7,765,659
SALARY LIMIT	6,735,566	6,735,566

Sec. 10. AGENCY NO. 7 - GOVERNOR
 Program No. 2 - Salary - Governor

	FY2007-08	FY2008-09
GENERAL FUND	136,824	138,418
PROGRAM TOTAL	136,824	138,418
SALARY LIMIT	105,000	105,000

Sec. 11. AGENCY NO. 8 - LIEUTENANT GOVERNOR
 Program No. 8 - Salary - Lieutenant Governor

	FY2007-08	FY2008-09
GENERAL FUND	102,568	104,184
PROGRAM TOTAL	102,568	104,184
SALARY LIMIT	75,000	75,000

Sec. 12. AGENCY NO. 9 - SECRETARY OF STATE
 Program No. 9 - Salary - Secretary of State

	FY2007-08	FY2008-09
GENERAL FUND	108,370	109,387
PROGRAM TOTAL	108,370	109,387
SALARY LIMIT	85,000	85,000

Sec. 13. AGENCY NO. 10 - AUDITOR OF PUBLIC ACCOUNTS
 Program No. 10 - Salary - Auditor of Public Accounts

	FY2007-08	FY2008-09
GENERAL FUND	111,335	112,801
PROGRAM TOTAL	111,335	112,801
SALARY LIMIT	85,000	85,000

Sec. 14. AGENCY NO. 11 - ATTORNEY GENERAL
 Program No. 11 - Attorney General's Salary

	FY2007-08	FY2008-09
GENERAL FUND	124,223	125,700
PROGRAM TOTAL	124,223	125,700
SALARY LIMIT	95,000	95,000

Sec. 15. AGENCY NO. 12 - STATE TREASURER
 Program No. 12 - Salary - State Treasurer

	FY2007-08	FY2008-09
GENERAL FUND	111,137	113,038
PROGRAM TOTAL	111,137	113,038
SALARY LIMIT	85,000	85,000

Sec. 16. AGENCY NO. 14 - PUBLIC SERVICE COMMISSION
Program No. 14 - Salaries of Public Service Commissioners

	FY2007-08	FY2008-09
GENERAL FUND	489,634	495,485
PROGRAM TOTAL	489,634	495,485
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

	FY2007-08	FY2008-09
GENERAL FUND	451,291	465,991
PROGRAM TOTAL	451,291	465,991
SALARY LIMIT	342,995	351,561

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

	FY2007-08	FY2008-09
GENERAL FUND	164,887	170,168
PROGRAM TOTAL	164,887	170,168
SALARY LIMIT	129,665	132,901

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

	FY2007-08	FY2008-09
CASH FUND	964,928	974,173
PROGRAM TOTAL	964,928	974,173
SALARY LIMIT	821,335	821,335

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

	FY2007-08	FY2008-09
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 FY2007-08 shall be increased by certified encumbrance amounts from FY2006-07 for permanent and temporary salaries and per diems. The limitation on expenditures for permanent and temporary salaries and per diems for FY2008-09 shall be increased by certified encumbrance amounts from FY2007-08 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, 2007.

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