

LEGISLATIVE BILL 313

Approved by the Governor May 19, 2009

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 FY2009-10 and FY2010-11; 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 FY2009-10 and FY2010-11, 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, FY2009-10 means the period beginning July 1, 2009, and ending June 30, 2010, and FY2010-11 means the period beginning July 1, 2010, and ending June 30, 2011.

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

	FY2009-10	FY2010-11
GENERAL FUND	1,112,173	1,124,134
PROGRAM TOTAL	1,112,173	1,124,134
SALARY LIMIT	951,170	951,170

Sec. 6. AGENCY NO. 5 - SUPREME COURT

Program No. 4 - Court of Appeals Judges' Salaries

	FY2009-10	FY2010-11
GENERAL FUND	916,170	926,844
PROGRAM TOTAL	916,170	926,844
SALARY LIMIT	774,525	774,525

Sec. 7. AGENCY NO. 5 - SUPREME COURT

Program No. 5 - Retired Judges' Salaries

	FY2009-10	FY2010-11
GENERAL FUND	107,864	110,255
PROGRAM TOTAL	107,864	110,255
SALARY LIMIT	103,187	104,196

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

	FY2009-10	FY2010-11
GENERAL FUND	9,636,060	9,732,075
PROGRAM TOTAL	9,636,060	9,732,075
SALARY LIMIT	8,299,791	8,299,791

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

	FY2009-10	FY2010-11
GENERAL FUND	8,286,602	8,372,811
PROGRAM TOTAL	8,286,602	8,372,811
SALARY LIMIT	7,092,994	7,092,994

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

	FY2009-10	FY2010-11
GENERAL FUND	140,858	142,849
PROGRAM TOTAL	140,858	142,849
SALARY LIMIT	105,000	105,000

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

	FY2009-10	FY2010-11
GENERAL FUND	106,692	108,716
PROGRAM TOTAL	106,692	108,716
SALARY LIMIT	75,000	75,000

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

	FY2009-10	FY2010-11
GENERAL FUND	111,006	112,282
PROGRAM TOTAL	111,006	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

	FY2009-10	FY2010-11
GENERAL FUND	115,901	117,694
PROGRAM TOTAL	115,901	117,694
SALARY LIMIT	85,000	85,000

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

	FY2009-10	FY2010-11
GENERAL FUND	128,054	129,913
PROGRAM TOTAL	128,054	129,913
SALARY LIMIT	95,000	95,000

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

	FY2009-10	FY2010-11
GENERAL FUND	115,280	117,018
PROGRAM TOTAL	115,280	117,018
SALARY LIMIT	85,000	85,000

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

	FY2009-10	FY2010-11
GENERAL FUND	492,909	504,807
PROGRAM TOTAL	492,909	504,807
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

	FY2009-10	FY2010-11
GENERAL FUND	482,260	497,925
PROGRAM TOTAL	482,260	497,925
SALARY LIMIT	360,351	369,352

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

	FY2009-10	FY2010-11
GENERAL FUND	178,887	184,825
PROGRAM TOTAL	178,887	184,825
SALARY LIMIT	138,830	142,236

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

	FY2009-10	FY2010-11
CASH FUND	1,045,994	1,055,784
PROGRAM TOTAL	1,045,994	1,055,784
SALARY LIMIT	879,834	879,834

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

	FY2009-10	FY2010-11
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 FY2009-10 shall be increased by certified encumbrance amounts from FY2008-09 for permanent and temporary salaries and per diems. The limitation on expenditures for permanent and temporary salaries and per diems for FY2010-11 shall be increased by certified encumbrance amounts from FY2009-10 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, 2009.

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