

LEGISLATIVE BILL 382

Approved by the Governor April 26, 2021

Introduced by Speaker Hilgers, ; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2021-22 and FY2022-23; 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 FY2021-22 and FY2022-23, 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, FY2021-22 means the period beginning July 1, 2021, and ending June 30, 2022, and FY2022-23 means the period beginning July 1, 2022, and ending June 30, 2023.

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

	FY2021-22	FY2022-23
GENERAL FUND	1,562,889	1,569,886
PROGRAM TOTAL	1,562,889	1,569,886
SALARY LIMIT	1,309,253	1,309,253

Sec. 6. AGENCY NO. 5 – SUPREME COURT

Program No. 4 - Court of Appeals Judges' Salaries

	FY2021-22	FY2022-23
GENERAL FUND	1,289,404	1,295,669
PROGRAM TOTAL	1,289,404	1,295,669
SALARY LIMIT	1,066,107	1,066,107

Sec. 7. AGENCY NO. 5 – SUPREME COURT

Program No. 5 - Retired Judges' Salaries

	FY2021-22	FY2022-23
GENERAL FUND	72,436	72,436
PROGRAM TOTAL	72,436	72,436
SALARY LIMIT	69,832	69,832

The unexpended General Fund appropriation balance existing on June 30, 2021, is hereby reappropriated.

The unexpended General Fund appropriation balance existing on June 30, 2022, is hereby reappropriated.

The budget division of the Department of Administrative Services shall administratively transfer General Fund appropriations or Salary Limits or both among Programs 3, 4, 5, 6, and 7 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.

Sec. 8. AGENCY NO. 5 – SUPREME COURT

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

	FY2021-22	FY2022-23
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LB382		LB382
2021		2021
GENERAL FUND	14,170,342	14,230,038
PROGRAM TOTAL	14,170,342	14,230,038
SALARY LIMIT	11,934,767	11,934,767
Sec. 9. AGENCY NO. 5 – SUPREME COURT		
Program No. 7 - County Court Judges' Salaries		
	FY2021-22	FY2022-23
GENERAL FUND	11,646,965	11,697,143
PROGRAM TOTAL	11,646,965	11,697,143
SALARY LIMIT	9,763,289	9,763,289
Sec. 10. AGENCY NO. 7 – GOVERNOR		
Program No. 2 - Salary - Governor		
	FY2021-22	FY2022-23
GENERAL FUND	150,689	151,900
PROGRAM TOTAL	150,689	151,900
SALARY LIMIT	105,000	105,000
Sec. 11. AGENCY NO. 8 – LIEUTENANT GOVERNOR		
Program No. 8 - Salary - Lieutenant Governor		
	FY2021-22	FY2022-23
GENERAL FUND	116,070	117,152
PROGRAM TOTAL	116,070	117,152
SALARY LIMIT	75,000	75,000
Sec. 12. AGENCY NO. 9 – SECRETARY OF STATE		
Program No. 9 - Salary - Secretary of State		
	FY2021-22	FY2022-23
GENERAL FUND	120,720	121,635
PROGRAM TOTAL	120,720	121,635
SALARY LIMIT	85,000	85,000
Sec. 13. AGENCY NO. 10 – AUDITOR OF PUBLIC ACCOUNTS		
Program No. 10 - Salary - Auditor of Public Accounts		
	FY2021-22	FY2022-23
GENERAL FUND	125,760	126,862
PROGRAM TOTAL	125,760	126,862
SALARY LIMIT	85,000	85,000
Sec. 14. AGENCY NO. 11 – ATTORNEY GENERAL		
Program No. 11 - Attorney General's Salary		
	FY2021-22	FY2022-23
GENERAL FUND	138,688	139,878
PROGRAM TOTAL	138,688	139,878
SALARY LIMIT	95,000	95,000
Sec. 15. AGENCY NO. 12 – STATE TREASURER		
Program No. 12 - Salary - State Treasurer		
	FY2021-22	FY2022-23
GENERAL FUND	47,660	48,126
CASH FUND	81,997	82,800
PROGRAM TOTAL	129,657	130,926
SALARY LIMIT	85,000	85,000

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

	FY2021-22	FY2022-23
GENERAL FUND	497,976	500,692
PROGRAM TOTAL	497,976	500,692
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

	FY2021-22	FY2022-23
GENERAL FUND	620,121	634,383
PROGRAM TOTAL	620,121	634,383
SALARY LIMIT	457,824	466,980

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

	FY2021-22	FY2022-23
GENERAL FUND	176,143	180,144
CASH FUND	53,652	54,871
PROGRAM TOTAL	229,795	235,015
SALARY LIMIT	176,775	180,310

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 an additional appropriation 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

	FY2021-22	FY2022-23
CASH FUND	1,437,424	1,442,678
PROGRAM TOTAL	1,437,424	1,442,678
SALARY LIMIT	1,211,065	1,211,065

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

	FY2021-22	FY2022-23
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 FY2021-22 shall be increased by certified encumbrance amounts from FY2020-21 for permanent and temporary salaries and per diems. The limitation on expenditures for permanent and temporary salaries and per diems for FY2022-23 shall be increased by certified encumbrance amounts from FY2021-22 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, 2021.

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