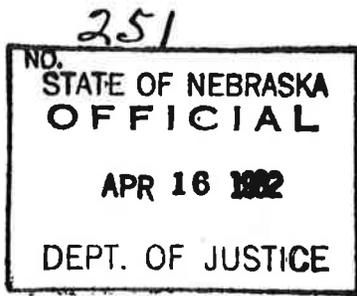


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509



PAUL L. DOUGLAS
 Attorney General
 GERALD S. VITAMVAS
 Deputy Attorney General
 JOHN R. THOMPSON
 Deputy Attorney General

April 16, 1982

Senator Rex Haberman
 Nebraska State Legislature
 State Capitol
 Lincoln, NE 68509

Dear Senator Haberman:

You have asked us whether or not it is necessary to have an appropriation bill to pay all judges' salaries. While it is true that Article III, Section 25 of the Nebraska Constitution specifies that no money shall be drawn from the treasury except in pursuance of a specific appropriation made by law. Our Supreme Court in State v. Weston, stated: "It will be observed that this provision does not require the appropriation to made by act of the Legislature, but merely that it be 'made by law', so that it may be done either by direction of the Constitution itself, that being the supreme law in the state, or by the Legislature through the forms prescribed for drawing money from the public treasury. . . ."

Therefore, we would be of the opinion as we were in Opinion No. 57, dated March 18, 1957, a copy of which is enclosed for your information, that once you have created a office and an officer has been appointed to fill that office that officer will be compensated by act of law if not by direct act of the Legislature.

Assistants:
 Bernard L. Packett
 Mel Kemmerlohr
 Harold I. Mosher
 Ralph H. Gillan

Marilyn B. Hutchinson
 Patrick T. O'Brien
 J. Kirk Brown
 Royce N. Harper
 Lynn B. Fritz

Ruth Anne E. Galter
 John M. Boehm
 G. Roderic Anderson
 Dale A. Comer
 Shantler D. Cronk

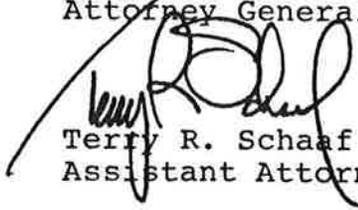
Martel J. Bundy
 Mark D. Starr
 Dale D. Brodkey
 Frank J. Hutfless

Senator Rex Haberman
April 16, 1982
Page -2-

We hope this adequately responds to your inquiry.

Sincerely,

PAUL L. DOUGLAS
Attorney General



Terry R. Schaaf
Assistant Attorney General

TRS/cmb/f3

Enc.

cc: Patrick J. O'Donnell
Clerk of the Legislature