LEGISLATIVE BILL 1306

Approved by the Governor April 7, 1994

Introduced by Nebraska Retirement Systems Committee:
Wickersham, 49, Chairperson; Crosby, 29; Day, 19; Fisher, 35; Lynch, 13; Moore, 24; Robak, 22

AN ACT relating to retirement; to amend sections 23-2321 and 84-1323, Reissue Revised Statutes of Nebraska, 1943, sections 79-1533, 81-2031, 84-1319, and 84-1503, Revised Statutes Supplement, 1992, and sections 23-2319, 79-1551, 81-2025, 81-2026, and 84-1321, Revised Statutes Supplement, 1993; to change provisions relating to deferred annuities, death benefits, late fees, contributions, annuity eligibility requirements, retirement age, compensation, and transfers to fund studies; to eliminate provisions relating to purchase of service credit by school employees; to repeal the original sections, and also sections 79-1514.07 to 79-1514.09, Revised Statutes Supplement, 1992; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 23-2319, Revised Statutes Supplement, 1993, be amended to read as follows:

23-2319. (1) Any member of the retirement system who ceases to be an employee before his or her fifty-fifth birthday may, upon application, receive from the primary carrier:

(a) If not vested, a termination benefit not to exceed the amount of his or her employee account (i) payable in a lump sum or (ii) payable in a lump sum deferred no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years;

(b) If vested, a termination benefit not to exceed (i) the amount of his or her employee account payable in a lump sum plus a deferred account ~~paid-up deferred annuity~~ provided by his or her employer account under which the lump-sum or first annuity payment shall be made no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years, (ii) the amount of the employee account payable in a lump sum plus a lump sum of the employer account deferred no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years, or (iii) the total amount of the employee account and the employer account payable in a lump sum deferred no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years; or

(c) A ~~paid-up deferred annuity~~ deferred account provided by the employee account and, if vested, the employer account under which the lump-sum or first annuity payment shall be made no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years.

If the terminating member does not make such application, he or she shall receive the benefits provided under subdivision (1)(c) of this section.

(2) At the option of the terminating member, any lump sum of the employer account or any ~~paid-up deferred~~ annuity payment provided under subsection (1) of this section may commence as of the first of the month at any time after such member attains the age of fifty-five years and no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years. Such election by the terminating member may be made at any time prior to the commencement of the lump-sum or annuity payments. ~~Such paid-up deferred annuity shall be the actuarial equivalent, as determined by the group annuity contract, of the employee account together with the vested percentage of the employer account.~~

(3) The vesting percentage shall be one hundred after five years of participation. The vesting percentage shall equal one hundred for any disability retirement under section 23-2315.

(4) If the terminating member is not credited with one hundred percent of his or her employer account, the remainder shall first be used to meet the expense charges incurred by the board in connection with administering the system, and the remainder shall then be used to reduce the county contributions which would be otherwise required to fund future service retirement benefits.

Sec. 2. That section 23-2321, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2321. In the event of the death before his or her retirement date of any employee who is a member of the system, a death benefit shall be paid to the member's beneficiary. The death benefit shall be equal to the total of the employee account and the employer account. The beneficiary may elect any retirement option to which the member would have been entitled. If an annuity option is not selected within sixty days after the death of the member, the beneficiary shall receive a lump-sum payment.

Sec. 3. That section 79-1533, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1533. Every employer shall deduct and withhold an amount pursuant to section 79-1531 from the compensation as a school employee of each member on each and every payroll period after such school employee becomes a member of the retirement system. The employer, through its proper agents, the city or county superintendent, or the secretary of the school board or board of education, shall transmit monthly, quarterly, or semiannually if the retirement board so directs a copy of such payroll, in such form as is approved by the retirement board, and a remittance payable to the order of the State Treasurer for all deductions from the compensation of members on such payroll. The remittances may be by draft, money order, check, or otherwise according to rules and regulations adopted and promulgated by the retirement board. The board may charge the employer a late fee, not to exceed fifty dollars, ~~for any report~~ if the quarterly deduction report, the summary of monthly remittance report, or the monthly money due is not received and properly completed by the date due as prescribed by the board. The board shall charge the employer ~~interest at the rate of fourteen percent per annum on the employee and employer contributions required by section 79-1531 or a fifty-dollar fee, whichever is greater, if payment is not received by the date due as prescribed by the board~~ an amount equal to the interest which would have accrued if the delinquent report causes the employee to lose interest on his or her account. The proceeds of the interest charge shall be used to reimburse the account of each school employee deprived of interest by the delay. ~~with regular interest, and the balance of the interest charge and any late fees shall be paid into the School Retirement Fund.~~

Sec. 4. That section 79-1551, Revised Statutes Supplement, 1993, be amended to read as follows:

79-1551. (1) There is hereby created the School Employees Retirement System Reserve Fund. Required deposits from the compensation of members and employers shall be accumulated in the fund to provide a cost-of-living benefit adjustment for each person who is retired or each surviving beneficiary who is receiving a retirement annuity from the School Retirement System of the State of Nebraska. The purpose of the cost-of-living benefit adjustment shall be to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement.

(2) Commencing July 1, 1993, member contributions into the fund shall equal three-tenths of one percent of compensation and employer contributions into the fund shall be one hundred one percent of member contributions to the fund. A member who receives a refund of his or her account after July 1, 1993, shall be entitled to receive a refund of his or her contributions to the fund. No refund shall be made for an amount less than two dollars. ~~Member and employer contributions shall be nonrefundable.~~

(3) Upon verification by the actuary, when amounts accumulated in the fund are sufficient to provide a three percent cost-of-living benefit adjustment for all qualified persons, the retirement board shall determine the amount of the cost-of-living benefit adjustment as provided by this section for each member and beneficiary. The retirement board shall make transfers to and from the School Employees Retirement System Reserve Fund and any other fund of the School Retirement System of the State of Nebraska administered by the retirement board in order to comply with this section.

(4) It is the intent of the Legislature that a cost-of-living benefit adjustment provided in this section shall be granted automatically in future years whenever funds are sufficient for such a benefit and the increase in the cost of living or wage levels justifies the adjustment as provided by this section. The cost-of-living benefit adjustment shall be the equivalent of three percent of benefits provided pursuant to the School Employees Retirement Act. The cost-of-living benefit adjustment shall be paid to a retired person or surviving beneficiary during his or her life.

(5) For members who retired prior to June 1, 1993, the cost-of-living benefit adjustment shall be calculated based on the amount of benefit the member is receiving on June 1, 1993. For members who retire on or after June 1, 1993, the cost-of-living benefit adjustment shall be calculated based on the amount of benefit the member receives on the date of retirement. Any subsequent cost-of-living benefit adjustment shall be calculated based on three percent of the amount of benefit the member is receiving on June 1,

1993, or three percent of the amount of benefit the member will receive on the date of retirement if he or she retires subsequent to June 1, 1993.

Sec. 5. That section 81-2025, Revised Statutes Supplement, 1993, be amended to read as follows:

81-2025. (1) Every officer who has been in the employ of the state as such and who becomes disabled and physically unfit to perform the duties of an officer shall be entitled to retire and receive an annuity as provided by law.

(2) Every officer who has been in the employ of the state as such for ~~twenty~~ <u>ten</u> years or more, as calculated in section 81-2033, and has attained the age of fifty years or more shall be entitled to retire and receive an annuity as provided by law. The right to retire at the age of fifty years shall be at the option of the officer but such retirement shall be mandatory upon the officer attaining the age of sixty years<u>, unless such mandatory retirement is specifically restricted by federal law</u>.

(3) Any officer who has attained the age of sixty years upon his or her separation from state service but who has not been in the employ of the state for ~~twenty~~ <u>ten</u> years as such shall be entitled to the annuity as provided for in sections 81-2014 to 81-2036.

(4) Every officer who has been in the employ of the state as such for twenty-five years or more, as calculated in section 81-2033, and has attained the age of fifty years shall be entitled to retire and receive an annuity as provided by law. The right to retire at the age of fifty years with twenty-five years of service or more shall be at the option of the officer but such retirement shall be mandatory upon the officer attaining the age of sixty years<u>, unless such mandatory retirement is specifically restricted by federal law</u>.

(5) Payment of any benefit provided under sections 81-2014 to 81-2036 may not be deferred later than the sixtieth day after the end of the year in which the officer has both attained at least age seventy and one-half years and terminated his or her employment with the Nebraska State Patrol.

(6) The effective date of retirement payments shall be the first day of the month following (a) the date a member qualifies for retirement as provided in this section or (b) the date upon which a member's request for retirement is received on an application form provided by the system, whichever is later. An application may be filed no more than ninety days in advance of qualifying for retirement.

Sec. 6. That section 81-2026, Revised Statutes Supplement, 1993, be amended to read as follows:

81-2026. (1) Any officer qualified for an annuity as provided in section 81-2025 for reasons other than disability shall be entitled to receive a monthly annuity for the remainder of the officer's life. The amount of the annuity shall be a percentage of the officer's final average monthly compensation. For retirement on or after the fifty-fifth birthday of the member or on or after the fiftieth birthday of a member who has been in the employ of the state for twenty-five years, as calculated in section 81-2033, the percentage shall be three percent multiplied by the number of years of service, as calculated in section 81-2033, except that the percentage shall never be greater than seventy-five percent.

For retirement pursuant to subsection (2) of section 81-2025 on or after the fiftieth birthday of the member but prior to the fifty-fifth birthday of the member who has been in the employ of the state for less than twenty-five years, as calculated in section 81-2033, the annuity which would apply if the member were age fifty-five at the date of retirement shall be reduced by five-ninths of one percent for each month by which the early retirement date precedes age fifty-five or for each month by which the early retirement date precedes the date upon which the member has served for twenty-five years, whichever is earlier. Any officer who has completed thirty years of service with the Nebraska State Patrol shall have retirement benefits computed as if the officer had reached age fifty-five.

For purposes of this computation, final average monthly compensation shall mean the sum of the officer's total compensation during the final three years of service as an officer divided by thirty-six, and for any officer employed on or before January 4, 1979, the officer's total compensation shall include payments received for unused vacation and sick leave ~~and compensatory time~~ accumulated during the final three years of service.

(2) Any officer qualified for an annuity as provided in section 81-2025 for reasons of disability shall be entitled to receive a monthly annuity for the remainder of the period of disablement as provided in sections 81-2028 to 81-2030. The amount of the annuity shall be fifty percent of the officer's monthly compensation at the date of disablement if the officer has completed seventeen or fewer years of service. If the officer has completed

more than seventeen years of service, the amount of the annuity shall be three percent of the final monthly compensation at the date of disablement multiplied by the total years of service but not to exceed seventy-five percent of the final average monthly compensation as defined in subsection (1) of this section. The date of disablement shall be the date on which the benefits as provided in section 81-2028 have been exhausted.

(3) Upon the death of an officer after retirement for reasons other than disability, the officer's surviving spouse, if married to the officer on the date of retirement, shall continue to receive seventy-five percent of the amount of such officer's annuity for the remainder of the surviving spouse's life or until the surviving spouse remarries. If the surviving spouse has a dependent child or children under the age of nineteen years in his or her care, the benefit shall be one hundred percent of the amount of such officer's annuity until such time as the youngest such dependent child attains the age of nineteen years, after which time the benefit shall be reduced to seventy-five percent of the amount of such officer's annuity. If there is no surviving spouse living at the date of the officer's death, the officer's child or children, if any, shall continue to receive seventy-five percent of the amount of such officer's annuity until such time as the youngest such child attains the age of nineteen years. If there is more than one such child under the age of nineteen years at such time, the amount thereof shall be divided equally among such children under such age and, as they attain the age of nineteen years, only the other child or children under such age shall participate therein. If there is no surviving spouse or no child under the age of nineteen years at the date of the officer's death, the amount of annuities such officer has received under sections 81-2014 to 81-2036 shall be computed. If such amount is less than the contributions to the State Patrol Retirement Fund made by such officer, plus regular interest, the difference shall be paid to the officer's designated beneficiary or estate. Upon the death of an officer after retirement for reasons of disability, benefits shall be provided as if the officer had retired for reasons other than disability. Upon the death of an officer before retirement, benefits shall be provided as if the officer had retired for reasons of disability on the date of such officer's death as follows: (a) To the surviving spouse and dependent child or children under the age of nineteen years in such spouse's care, the benefit shall be one hundred percent of the amount of such officer's annuity until such time as the youngest dependent child attains the age of nineteen years after which time the benefit shall be reduced to seventy-five percent of the officer's annuity for the remainder of his or her life or until he or she remarries; (b) if there is no spouse living at the date of the officer's death, his or her child or children, if any, shall continue to receive seventy-five percent of the amount of such officer's annuity until such time as the youngest child attains the age of nineteen years; (c) if there is more than one child under the age of nineteen years at the date of the officer's death, the benefit shall be divided equally among such children and, as they attain the age of nineteen years, only the child or children under the age of nineteen years shall participate therein; and (d) if there is no child or children under the age of nineteen years living at the date of the officer's death, the surviving spouse shall receive seventy-five percent of the amount of such officer's annuity for the remainder of his or her life or until he or she remarries. If no benefits are paid to a surviving spouse or dependent children, benefits will be paid as described in subsection (1) of section 81-2031.

(4) Any benefits provided in subsections (1), (2), and (3) of this section shall apply only to retirements, disabilities, and deaths occurring on or after September 2, 1977. No benefits being paid under the system on September 2, 1977, shall be modified, in any way, by the enactment of Laws 1977, LB 347.

(5) Notwithstanding anything to the contrary in sections 81-2014 to 81-2036, the annual benefit payable under such sections shall not at any time exceed the lesser of (a) ninety thousand dollars, as adjusted for cost-of-living adjustments announced by the Internal Revenue Service for each calendar year in which the adjustment is announced, actuarially reduced to reflect distributions prior to age sixty-two, or (b) one hundred percent of the member's average annual compensation for the three consecutive calendar years of service during which the member received his or her highest compensation and was an active member in the Nebraska State Patrol Retirement System. The maximum amount shall be adjusted, when necessary, as follows: (i) When the annual benefit is payable under this system to a member in a form other than a straight life annuity or the joint and survivor annuity described by subsections (1) and (3) of this section, the maximum amount shall be adjusted to the equivalent of a straight life annuity beginning at the same

age on the basis of actuarial assumptions recommended by the actuary, approved by the board, and kept on file with the board; and (ii) when the annual benefit is payable under this system to a member who has less than ten years of service under the system, the maximum amount shall be multiplied by a fraction, the numerator of which is the member's number of years of service under the system and the denominator of which is ten.

Sec. 7. That section 81-2031, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2031. (1) If any officer, prior to becoming eligible to retire, as provided in section 81-2025, separates from state service as an officer for reasons other than death or disability, either voluntarily or involuntarily, such officer shall thereupon be entitled to receive all payments which have been made by compensation deductions into the State Patrol Retirement Fund plus regular interest earned each fiscal year commencing July 1, 1974, as determined by the board in conformity with actual and expected earnings on its investments and credited monthly, quarterly, semiannually, or annually as the board may direct. The return of such contributions and interest to such officer shall preclude such officer from any benefits under sections 81-2014 to 81-2036 unless and until such officer is reemployed in such capacity and repays, within three years of rejoining the system, part or all of the amount withdrawn plus interest which would have accrued on that amount under the system. If the officer chooses not to repay such withdrawals with interest, the officer shall enter the system as a new member with no prior rights.

(2) In lieu of the benefit described in subsection (1) of this section, the officer may elect to receive a deferred annuity to commence ~~at any age from fifty to fifty-five~~ as early as age fifty. If this election is made, the contributions made to the system by the officer may not be withdrawn from the system. The deferred annuity is computed as a percentage of the retirement annuity, as computed in subsection (1) of section 81-2026. The percentage is zero percent for the first five years of service; twenty percent for each completed year of service for the next five years of service; and one hundred percent after ten completed years of service. In the event of the death of any officer during the deferred period, the accumulated value of the officer's contributions at the date of termination plus regular interest to the date of his or her death shall be paid to such officer's beneficiary.

Sec. 8. That section 84-1319, Revised Statutes Supplement, 1992, be amended to read as follows:

84-1319. (1) The future service retirement benefit shall be an annuity, payable monthly with the first payment made as of the retirement date, which shall be the actuarial equivalent of the retirement value based on factors determined by the board, except that gender shall not be a factor when determining the amount of such payments except as provided in this section.

At any time before the retirement date, the retiring employee may choose to receive his or her annuity either in the form of a straight life annuity or any optional form that is determined acceptable by the board.

In lieu of the future service retirement annuity, a retiring employee may, upon application to the board, receive a benefit not to exceed the amount in his or her employer and employee accounts payable in a lump sum and, if the employee chooses not to receive the entire amount in such accounts, an annuity equal to the actuarial equivalent of the remainder of the retirement value, and the employee may choose any form of such annuity as provided for by the board.

In any case, the amount of the monthly payment shall be such that the annuity chosen shall be the actuarial equivalent of the retirement value except as provided in this section.

The board shall provide to any state employee who is eligible for retirement, prior to his or her selecting any of the retirement options provided by this section, information on the federal and state income tax consequences of the various annuity or retirement benefit options.

(2) The monthly annuity income payable to a member retiring on or after January 1, 1984, shall be as follows:

He or she shall receive at retirement the amount which may be purchased by the accumulated contributions based on annuity rates in effect on the date of purchase which do not utilize gender as a factor, except that such amounts shall not be less than the retirement income which can be provided by the sum of the amounts derived pursuant to subdivisions (a) and (b) of this subsection as follows:

(a) The income provided by the accumulated contributions made prior to January 1, 1984, based on male annuity purchase rates in effect on the date of purchase; and

(b) The income provided by the accumulated contributions made on and after January 1, 1984, based on the annuity purchase rates in effect on the date of purchase which do not use gender as a factor.

(3) Any amounts, in excess of contributions, which may be required in order to purchase the retirement income specified in subsection (2) of this section shall be withdrawn from the State Equal Retirement Benefit Fund.

(4) Retirement benefits for persons who retire prior to January 1, 1984, shall not be affected by changes to this section which become operative on or after January 1, 1984.

(5) At the option of the retiring member, any lump sum or annuity provided under this section or section 84-1320 may be deferred to commence at any time, except that no benefit shall be deferred later than the sixtieth day after the end of the year in which the employee has both attained at least seventy and one-half years of age and has terminated his or her employment with the state. Such election by the retiring member may be made at any time prior to the commencement of the lump-sum or annuity payments. ~~Such deferred annuity shall be the actuarial equivalent, based on factors designated by the board, of the retirement value or of the prior service annuity for an annuity provided under section 84-1320.~~

Sec. 9. That section 84-1321, Revised Statutes Supplement, 1993, be amended to read as follows:

84-1321. (1) Any member of the retirement system who ceases to be an employee before becoming eligible for retirement under section 84-1317 may, upon application to the board, receive:

(a) If not vested, a termination benefit not to exceed the amount in his or her employee account (i) payable in a lump sum or (ii) payable in a lump sum deferred no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years;

(b) If vested, a termination benefit not to exceed (i) the amount in his or her employee account payable in a lump sum plus a deferred account ~~paid-up deferred annuity~~ provided by his or her employer account under which the lump-sum or first annuity payment shall be made no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years, (ii) the amount of the employee account payable in a lump sum plus a lump sum of the employer account deferred no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years, or (iii) the total amount of the employee account and the employer account payable in a lump sum deferred no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years; or

(c) A ~~paid-up deferred annuity~~ deferred account provided by the employee account and, if vested, the employer account under which the lump-sum or first annuity payment shall be made no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years.

If the terminating member does not make application he or she shall receive the benefits provided under subdivision (1)(c) of this section.

(2) At the option of the terminating member, any lump sum of the vested portion of the employer account or any ~~paid-up deferred~~ annuity provided under subsection (1) of this section may commence as of the first of the month at any time after such member attains the age of fifty-five or may be deferred, except that no benefit shall be deferred later than the sixtieth day after the end of the year in which the employee has both attained at least seventy and one-half years of age and has terminated his or her employment with the state. Such election by the terminating member may be made at any time prior to the commencement of the lump-sum or annuity payments. ~~Such paid-up deferred annuity shall be the actuarial equivalent, based on factors designated by the board, of the employee account and the vested portion of the employer account.~~

(3) The vesting percentage shall be one hundred after five years of participation in the retirement plan. The vesting percentage shall equal one hundred for any disability retirement under section 84-1317.

(4) In the event that the terminating member is not credited with one hundred percent of his or her employer account, the remainder shall be credited to the State Employees Retirement Fund and shall be applied to reduction of the liability for prior service benefits until such time as such liability is completely funded, and thereafter the remainder shall first be used to meet the expense charges incurred by the Public Employees Retirement Board in connection with administering the system and the remainder shall then be used to reduce the state contribution which would otherwise be required to fund future service retirement benefits.

(5) If a member ceases to be an employee due to the termination of his or her employment by the state and a grievance or other appeal of the termination is filed, transactions involving forfeiture of his or her employer

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account shall be suspended pending the final outcome of the grievance or other appeal.

Sec. 10. That section 84-1323, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1323. In the event of the death before his or her retirement date of any employee who is a member of the system, a death benefit shall be paid to the member's beneficiary. The death benefit shall be equal to the total of the employee account and the employer account. The beneficiary may elect any retirement option to which the member would have been entitled. If an annuity option is not selected within sixty days after the death of the member, the beneficiary shall receive a lump-sum payment.

Sec. 11. That section 84-1503, Revised Statutes Supplement, 1992, be amended to read as follows:

84-1503. (1) It shall be the duty of the Public Employees Retirement Board:

(a) To administer the retirement systems provided for in the County Employees Retirement Act, the School Employees Retirement Act, the State Employees Retirement Act, and sections 24-701 to 24-714 and 81-2014 to 81-2036;

(b) To hire a director to administer the systems under direction of the board. The director shall not be a member of the board. Salaries of the director and his or her employees shall be set by the board;

(c) To provide for an equitable allocation of expenses among the retirement systems administered by the board, and all expenses shall be provided from the investment income earned by the various retirement funds unless alternative sources of funds to pay expenses are specified by law; and

(d) To administer the deferred compensation program authorized in section 84-1504.

(2) In administering the retirement systems listed in subdivision (1)(a) of this section, it shall be the duty of the board:

(a) With respect to the retirement systems for which the board invests funds, to use the services of the state investment officer or to select, on the basis of the most sound proposal or proposals received, after written notice of such proposition to all domestic companies, one or more life insurance companies, banks, trust companies, or investment managers authorized to do business in Nebraska to underwrite, serve as trustee, or manage investments for the retirement system and to enter into a contract or contracts with such company or companies in the name of the retirement system, except that if a bank, trust company, or investment manager is chosen as the primary carrier or investment manager, the funds shall be invested or reinvested in such securities and investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another, and if the life insurance company, bank, trust company, or investment manager has special skills or is named on the basis of representations of special skills or expertise, it is under a duty to use such skills;

(b) With respect to the retirement systems for which the board invests funds, to change underwriters, trustees, or investment managers if, in the judgment of the board, such action would be desirable. The cancellation notice may be given by telephone and shall be confirmed in writing within five days by the board or a designated person appointed by the board;

(c) To determine the prior service annuity, if any, for each person who is an employee of the county on the date of adoption of the retirement system;

(d) To determine the eligibility of an individual to be a member of the retirement system and other questions of fact in the event of a dispute between an individual and the county board in his or her county;

(e) To adopt and promulgate rules and regulations for the management of the board;

(f) To keep a complete record of all proceedings taken at any meeting of the board;

(g) To employ such actuarial and other assistance as may be necessary in the performance of its duties. An actuary employed by the board shall be a member of the American Academy of Actuaries; and

(h) To direct the State Treasurer to transfer funds, as an expense of the retirement systems, to the Legislative Council Retirement Study Fund. Such transfer shall occur beginning on or after July 31, 1992, and at intervals of not less than ten years and not more than fifteen years and shall be in such amounts as the Legislature shall direct, except that up to seventy-five thousand dollars may be transferred in FY1993-94 to assist in completing the study authorized in Legislative Resolution 328, Ninety-second Legislature, Second Session, 1992.

(3) The board and the Nebraska Investment Council shall jointly have an analysis made of the investment return that has been achieved on the assets of each retirement system administered by the board. Such analysis shall be prepared annually as of January 1. The analysis shall be prepared by an independent private organization which has demonstrated expertise to perform this type of analysis and which is unrelated to any organization offering investment advice or providing investment management services to the retirement system. The analysis may be waived jointly by the board and the council for any retirement system with assets of less than ten million dollars. A copy of the analysis shall be given to the board, the council, and the Nebraska Retirement Systems Committee.

Sec. 12. That original sections 23-2321 and 84-1323, Reissue Revised Statutes of Nebraska, 1943, sections 79-1533, 81-2031, 84-1319, and 84-1503, Revised Statutes Supplement, 1992, and sections 23-2319, 79-1551, 81-2025, 81-2026, and 84-1321, Revised Statutes Supplement, 1993, and also sections 79-1514.07 to 79-1514.09, Revised Statutes Supplement, 1992, are repealed.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.