

LEGISLATIVE BILL 296

Approved by the Governor February 20, 1987

Introduced by Abboud, 12

AN ACT relating to retirement; to amend sections 23-2315, 24-708, 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1986; to eliminate certain provisions relating to mandatory retirement; to change certain provisions relating to mandatory retirement as prescribed; to harmonize provisions; and to repeal the original sections, and also section 79-1057, Revised Statutes Supplement, 1986.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 23-2315, Revised Statutes Supplement, 1986, be amended to read as follows:

23-2315. (1) An employee may elect to retire at any time after attaining the age of sixty. An employee may retire as a result of disability at any age. An employee may be required to retire under rules adopted by the county board of the county by whom he or she is employed, except that such rules shall not require retirement before the end of the month in which an employee's seventieth birthday occurs and, with the annual approval of the county board and employee, such employee may continue his or her employment beyond the time required in such rules. Such rules shall not apply to elected officials. The first day of the month immediately following the last day of work shall be the retirement date, except that disability retirement benefits shall be paid from the date of disability as determined by the board.

(2) Payment of any benefit provided under the retirement system may not be deferred later than the sixtieth day after the end of the year in which the employee has both attained at least age seventy and one half years and terminated his or her employment with the county.

Sec. 2. That section 24-708, Revised Statutes Supplement, 1986, be amended to read as follows:

24-708. (1) Any judge may retire upon reaching the age of sixty-five and upon making application to the board. Any judge upon reaching age seventy-two shall retire. Upon retiring each such judge

shall receive retirement annuities as provided in section 24-710.

(2) A judge may retire upon the attainment of age fifty-five and elect to receive a reduced monthly retirement income in lieu of a deferred vested annuity. The judge may request that the reduced monthly retirement income commence at any date, beginning on the first day of the month following the actual retirement date and ending on the normal retirement date. The amount of the monthly retirement income shall be calculated based on the length of service and average compensation at the actual retirement date and shall be reduced when the payments commence prior to the normal retirement date to an amount that is actuarially equivalent to the deferred vested annuity payable at the normal retirement date.

(3) Payment of any benefit provided under sections 24-701 to 24-714 may not be deferred later than the sixtieth day after the end of the year in which the judge has both attained at least age seventy and one half years and terminated his or her employment as a judge.

Sec. 3. That section 79-1521, Revised Statutes Supplement, 1986, be amended to read as follows:

79-1521. {1} Any member in service who attains or shall have attained the age of seventy years shall be retired forthwith from active duty as a school employee, except that, with the approval of his or her employer, given from year to year, he or she may remain in service beyond the attainment of age seventy. A member who remains in service past seventy years of age shall make deposits in the School Employees' Savings Fund as provided in section 79-1531, and shall receive further credit toward any service annuity.

The provision for mandatory retirement at age seventy shall not apply to elected officials.

{2} Payment of any benefit provided under the retirement system may not be deferred later than the sixtieth day after the end of the year in which the member has both attained at least age seventy and one half years and terminated his or her employment with the school system.

Sec. 4. That section 84-1317, Revised Statutes Supplement, 1986, be amended to read as follows:

84-1317. An employee may elect to retire on the attainment of age sixty-five or on after the attainment of age fifty-five after with five years of

service. An employee may retire as a result of disability at any age.

Any employee shall be required to retire at the end of the month in which his or her seventieth birthday occurs, except that with the annual approval of the department concerned and the employee, such employee may continue his or her employment beyond the attainment of age seventy, except that members of commissions and boards who serve periodically and only receive authorized per diems or expenses shall not be required to retire at age seventy.

The first of the month immediately following the last day of work shall be the retirement date, except that disability retirement benefits shall be paid from the date of disability as determined by the board. The provisions pertaining to mandatory retirement shall not apply to elected officials. First payments pertaining to retirements under prior service provisions of the State Employees Retirement Act shall be made at such time as the retirement board may determine.

Payment of any benefit provided under the retirement system may not be deferred later than the sixtieth day after the end of the year in which the employee has both attained at least age seventy and one half years and terminated his or her employment with the state.

Sec. 5. That section 85-606, Revised Statutes Supplement, 1986, be amended to read as follows:

85-606. (1) Employees of the state colleges, technical community colleges, and the University of Nebraska may retire upon reaching the age of sixty-five. Any employee Any tenured faculty member or law enforcement personnel reaching the age of seventy shall retire, except that, with the annual approval of the governing board of the institution and the employee, such employee may continue his or her employment beyond the attainment of age seventy.

(2) Any employee continuing to work after age sixty-five shall continue to make contributions to the appropriate retirement system until the date of retirement.

(3) No faculty member of the University of Nebraska, the Nebraska State Colleges, or the technical community colleges shall be forced to retire or shall have his or her tenure status revoked before age seventy without due process.

Sec. 6. That original sections 23-2315, 24-708, 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1986, and also section 79-1057, Revised