

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 711

Introduced by Pahls, 31.

Read first time January 09, 2008

Committee: Nebraska Retirement Systems

A BILL

1 FOR AN ACT relating to retirement; to amend sections 24-709.02 and
2 79-951, Revised Statutes Cumulative Supplement, 2006; to
3 change and eliminate provisions relating to the payment
4 of disability benefits under the Judges Retirement Act
5 and the School Employees Retirement Act; and to repeal
6 the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 24-709.02, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 24-709.02 (1) Clerk magistrates who were associate county
4 judges and members of the fund at the time of their appointment
5 as clerk magistrates shall have questions of disability decided by
6 the Public Employees Retirement Board. Any such clerk magistrate
7 may be retired as a result of disability either upon his or her
8 own application or upon the application of an employer or any
9 person acting in his or her behalf. Upon such retirement he or she
10 shall be entitled to receive the retirement annuity as provided in
11 section 24-710. Before any such clerk magistrate may be retired, a
12 medical examination shall be made at the expense of the Nebraska
13 Retirement Fund for Judges, which examination shall be conducted by
14 a disinterested physician legally authorized to practice medicine
15 under the laws of the state in which he or she practices, such
16 physician to be selected by the board, and the physician shall
17 certify to the board that the clerk magistrate is physically or
18 mentally incapable of further performing his or her duties and
19 should be retired. The application for disability retirement shall
20 be made ~~within one year of termination of employment, at any time~~
21 prior to the date of normal retirement eligibility. Such disability
22 payments shall be deemed to begin on the date of certification of
23 the disability.

24 (2) The board may require any such disability beneficiary
25 who has not attained the age of sixty-five to undergo a medical

1 examination at the expense of the board once each year. Should any
2 disability beneficiary refuse to undergo such an examination, his
3 or her disability retirement benefit may be discontinued by the
4 board.

5 Sec. 2. Section 79-951, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 79-951 (1) A member shall be retired on account of
8 disability, either upon his or her own application or the
9 application of his or her employer or a person acting in his
10 or her behalf, if a medical examination, made at the expense of
11 the retirement system and conducted by a competent disinterested
12 physician legally authorized to practice medicine under the laws of
13 the state in which he or she practices, selected by the retirement
14 board, shows and the physician certifies to the retirement board
15 that the member is unable to engage in a substantially gainful
16 activity by reason of any medically determinable physical or mental
17 impairment which can be expected to result in death or be of
18 a long and indefinite duration. The medical examination may be
19 waived if, in the judgment of the retirement board, extraordinary
20 circumstances exist which preclude substantial gainful activity by
21 the member. Such circumstances shall include hospice placement or
22 similar confinement for a terminal illness or injury.

23 (2) ~~The member shall have five years from the date he or~~
24 ~~she terminates employment in a public school located in Nebraska~~
25 ~~in which to~~ may make application for disability retirement benefits

1 at any time prior to the date of normal retirement eligibility. ~~if~~
2 ~~the disability is related to employment in a public school located~~
3 ~~in Nebraska. If the disability is not related to a public school~~
4 ~~located in Nebraska,~~ the member shall have one year from the date
5 he or she terminates employment in which to make application for
6 disability retirement benefits. Any application for retirement on
7 account of disability shall be made on a retirement application
8 provided by the retirement system. Upon approval by the board,
9 benefits shall be deemed to begin on the date of certification of
10 the disability. ~~retirement date.~~

11 Sec. 3. Original sections 24-709.02 and 79-951, Revised
12 Statutes Cumulative Supplement, 2006, are repealed.