

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 126

FINAL READING

Introduced by Nordquist, 7.

Read first time January 09, 2015

Committee: Nebraska Retirement Systems

- 1 A BILL FOR AN ACT relating to retirement; to amend section 23-1118,
- 2 Revised Statutes Cumulative Supplement, 2014; to change the
- 3 applicability of certain county retirement provisions; to change a
- 4 combined contribution rate as prescribed; to provide for an
- 5 irrevocable election regarding future contributions; and to repeal
- 6 the original section.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-1118, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 23-1118 (1)(a) Unless the county has adopted a retirement system
4 pursuant to section 23-2329, the county board of any county having a
5 population of one hundred fifty thousand inhabitants or more, as
6 determined by the most recent federal decennial census, may, in its
7 discretion and with the approval of the voters, provide retirement
8 benefits for present and future employees of the county. The cost of such
9 retirement benefits shall be funded in accordance with sound actuarial
10 principles with the necessary cost being treated in the county budget in
11 the same way as any other operating expense.

12 (b) Except as provided in subdivision (c) of this subsection, each
13 employee shall be required to contribute, or have contributed on his or
14 her behalf, an amount at least equal to the county's contribution to the
15 cost of any such retirement program as to service performed after the
16 adoption of such retirement program, but the cost of any benefits based
17 on prior service shall be borne solely by the county.

18 (c) In a county or municipal county having a population of two
19 hundred fifty thousand or more inhabitants but not more than five ~~three~~
20 hundred thousand inhabitants, as determined by the most recent federal
21 decennial census, the county or municipal county shall establish the
22 employee and employer contribution rates to the retirement program for
23 each year after July 15, 1992. The county or municipal county shall
24 contribute one hundred fifty percent of each employee's mandatory
25 contribution, and for an employee hired on or after July 1, 2012, the
26 county or municipal county shall contribute at least one hundred percent
27 of each such employee's mandatory contribution, except that an employee
28 receiving a one hundred fifty percent employer contribution under this
29 subdivision may irrevocably elect to switch to a one hundred percent
30 contribution for all future contributions. The combined contributions of
31 the county or municipal county and its employees to the cost of any such

1 retirement program shall not exceed sixteen ~~thirteen~~ percent of the
2 employees' salaries.

3 (2) Before the county board or council provides retirement benefits
4 for the employees of the county or municipal county, such question shall
5 be submitted at a regular general or primary election held within the
6 county or municipal county, and in which election all persons eligible to
7 vote for the officials of the county or municipal county shall be
8 entitled to vote on such question, which shall be submitted in the
9 following language: Shall the county board or council provide retirement
10 benefits for present and future employees of the county or municipal
11 county? If a majority of the votes cast upon such question are in favor
12 of such question, then the county board or council shall be empowered to
13 provide retirement benefits for present and future employees as provided
14 in this section. If such retirement benefits for present and future
15 county and municipal county employees are approved by the voters and
16 authorized by the county board or council, then the funds of such
17 retirement system, in excess of the amount required for current
18 operations as determined by the county board or council, may be invested
19 and reinvested in the class of securities and investments described in
20 section 30-3209.

21 (3) As used in this section, employees shall mean all persons or
22 officers devoting more than twenty hours per week to employment by the
23 county or municipal county, all elected officers of the county or
24 municipal county, and such other persons or officers as are classified
25 from time to time as permanent employees by the county board or council.

26 (4) The county or municipal county may pick up the member
27 contributions required by this section for all compensation paid on or
28 after January 1, 1985, and the contributions so picked up shall be
29 treated as employer contributions in determining federal tax treatment
30 under the Internal Revenue Code, except that the county or municipal
31 county shall continue to withhold federal income taxes based upon these

1 contributions until the Internal Revenue Service or the federal courts
2 rule that, pursuant to section 414(h) of the Internal Revenue Code, these
3 contributions shall not be included as gross income of the member until
4 such time as they are distributed or made available. The county or
5 municipal county shall pay these member contributions from the same
6 source of funds which is used in paying earnings to the member. The
7 county or municipal county shall pick up these contributions by a salary
8 deduction either through a reduction in the cash salary of the member or
9 a combination of a reduction in salary and offset against a future salary
10 increase. Member contributions picked up shall be treated in the same
11 manner and to the same extent as member contributions made prior to the
12 date picked up.

13 (5)(a) Beginning December 31, 1998, and each December 31 thereafter,
14 the chairperson of the county board or council with a retirement plan
15 established pursuant to this section and section 401(a) of the Internal
16 Revenue Code shall file with the Public Employees Retirement Board a
17 report on such plan and shall submit copies of such report to the Auditor
18 of Public Accounts. The Auditor of Public Accounts may prepare a review
19 of such report pursuant to section 84-304.02 but is not required to do
20 so. The report shall be in a form prescribed by the Public Employees
21 Retirement Board and shall contain the following information for each
22 such retirement plan:

- 23 (i) The number of persons participating in the retirement plan;
- 24 (ii) The contribution rates of participants in the plan;
- 25 (iii) Plan assets and liabilities;
- 26 (iv) The names and positions of persons administering the plan;
- 27 (v) The names and positions of persons investing plan assets;
- 28 (vi) The form and nature of investments;
- 29 (vii) For each defined contribution plan, a full description of
30 investment policies and options available to plan participants; and
- 31 (viii) For each defined benefit plan, the levels of benefits of

1 participants in the plan, the number of members who are eligible for a
2 benefit, and the total present value of such members' benefits, as well
3 as the funding sources which will pay for such benefits.

4 If a plan contains no current active participants, the chairperson
5 may file in place of such report a statement with the Public Employees
6 Retirement Board indicating the number of retirees still drawing
7 benefits, and the sources and amount of funding for such benefits.

8 (b) If such retirement plan is a defined benefit plan which was open
9 to new members on January 1, 2004, in addition to the reports required by
10 section 13-2402, the county board of a county or council of the municipal
11 county with a retirement plan established pursuant to this section shall
12 cause to be prepared an annual report and the chairperson shall file the
13 same with the Public Employees Retirement Board and the Nebraska
14 Retirement Systems Committee of the Legislature and submit to the Auditor
15 of Public Accounts a copy of such report. The Auditor of Public Accounts
16 may prepare a review of such report pursuant to section 84-304.02 but is
17 not required to do so. If the county board or council does not submit a
18 copy of the report to the Auditor of Public Accounts within six months
19 after the end of the plan year, the Auditor of Public Accounts may audit,
20 or cause to be audited, the county or municipal county. All costs of the
21 audit shall be paid by the county or municipal county. The report shall
22 consist of a full actuarial analysis of each such retirement plan
23 established pursuant to this section. The analysis shall be prepared by
24 an independent private organization or public entity employing actuaries
25 who are members in good standing of the American Academy of Actuaries,
26 and which organization or entity has demonstrated expertise to perform
27 this type of analysis and is unrelated to any organization offering
28 investment advice or which provides investment management services to the
29 retirement plan. The report to the Nebraska Retirement Systems Committee
30 shall be submitted electronically.

31 Sec. 2. Original section 23-1118, Revised Statutes Cumulative

1 Supplement, 2014, is repealed.