

LEGISLATIVE BILL 47

Approved by the Governor February 12, 1975

Introduced by Nebraska Retirement Systems Committee,
Hasebroock, 18, Chmn.; Luedtke, 28; Goodrich,
20; Stull, 49; F. Lewis, 45

AN ACT to amend sections 23-2315, 23-2319, and 23-2321, Reissue Revised Statutes of Nebraska, 1943, and section 23-2301, Revised Statutes Supplement, 1974, relating to the County Employees Retirement Act; to provide definitions; to revise retirement benefits; to provide procedures for receiving benefits; and to repeal the original sections.

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

Section 1. That section 23-2301, Revised Statutes Supplement, 1974, be amended to read as follows:

23-2301. As used in sections 23-2301 to 23-2331, unless the context otherwise requires:

(1) Employees shall mean all persons or officers who are employed by a county of the State of Nebraska devoting ~~more than~~ or more twenty hours per week to such employment, all elected officers of a county, and such other persons or officers as are classified from time to time as permanent employees by the county board of the county by whom they are employed, except that the term shall not include judges, persons making contributions to the School Retirement System of the State of Nebraska, or nonelected employees and nonelected officials of any county having a population in excess of one hundred fifty thousand inhabitants;

(2) Retirement shall mean qualifying for and accepting a retirement allowance granted under the provisions of sections 23-2301 to 23-2331;

(3) Retirement board or board shall mean the Public Employees Retirement Board;

(4) Retirement system shall mean the Retirement System for Nebraska Counties;

(5) Required contribution shall mean the deduction to be made from the salary of employees, as provided in sections 23-2301 to 23-2331;

(6) Service shall mean the actual total length of employment as an employee and shall include leave of absence because of disability or military service when properly authorized by the retirement board; Provided, that service shall not include any period of disability for which disability retirement benefits are received under the provisions of section 23-2315;

(7) Straight life annuity shall mean an ordinary annuity, payable for the life of the primary annuitant only, and terminating at his death without refund or death benefit of any kind;

(8) Date of adoption of the retirement system by each county shall mean the first day of the month next following the date of approval of the retirement system by the county electors;

(9) Prior service shall mean service prior to the date of adoption of the retirement system;

(10) Future service shall mean service following the date of adoption of the retirement system;

(11) Group annuity contract shall mean the contract issued by a life insurance company to the retirement system in order to provide the future service benefits described in sections 23-2301 to 23-2331;

(12) Carrier shall mean the life insurance company or trust company designated by the retirement board as the underwriter or trustee of the retirement system; and

(13) Regular interest shall mean the rate of interest earned each calendar year commencing January 1, 1975, as determined by the retirement board in conformity with actual and expected earnings on its investments;

(14) Disability shall mean an inability to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or be of a long and indefinite duration; and

(15) Date of disability shall mean the date on which a member is determined by the board to be disabled.

Sec. 2. That section 23-2315, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2315. An employee may elect to retire at any time after attaining the age of sixty-one 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 is employed, except that such rules shall not require retirement before the end of the month in which an employee's sixty-fifth birthday occurs, which rules shall require retirement no later than the end of the month in which an employee's seventy-second birthday occurs, and 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.

Sec. 3. (1) Any member, disregarding the length of service, may be retired as a result of disability either upon his own application or upon the application of his employer or any person acting in his behalf. Before any member may be so retired, a medical examination shall be made at the expense of the retirement system, which examination shall be conducted by a disinterested physician licensed to practice medicine in this state, such physician to be selected by the retirement board, and the physician shall certify to the board that the member is physically or mentally incapable of further performing his duties as a county employee and should be retired. The application for disability retirement shall be made within one year of termination of employment.

(2) The retirement board may require any disability beneficiary who has not attained the age of sixty-five to undergo a medical examination at the expense of the board once each year. Should any disability beneficiary refuse to undergo such an examination, his disability retirement benefit may be discontinued by the board.

Sec. 4. That section 23-2319, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2319. Any member of the retirement system who ceases to be an employee before his sixty-first sixtieth birthday may, upon application, receive from the carrier a termination benefit equal to the amount of his employee account. If the terminating member does not make application to withdraw the amount in his employee account, he shall be granted, in lieu thereof, a paid-up deferred annuity under which the first annuity payment shall be made as of the first of the month immediately

following his sixty-fifth birthday. Such paid-up deferred annuity shall be the actuarial equivalent, as determined by the group annuity contract, of the employee account together with a certain percentage of the employer account. If the terminating member has been a member of the system for less than five years, such percentage shall be nil; if the terminating member has been a member of the system for at least five years, such percentage shall be twice the number of completed months, not counting the first sixty, that the terminating member has been a member of the system, but in no event shall such percentage exceed one hundred. Such percentage shall be one hundred for any disability retirement under the provisions of section 23-2315.

If the terminating member shall not be credited with one hundred per cent of his employer account, the remainder shall be paid by the carrier to the county by whom the terminating member was employed.

Sec. 5. 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 retirement date of any employee who is a member of the system, a death benefit shall be paid to the member's beneficiary as provided in the group annuity contract. The death benefit shall be equal to the total of the employee account and the employer account. ~~the actuarial equivalent, as determined by the group annuity contract, of the paid-up annuity to which the member would have been entitled had he ceased voluntarily to be an employee on the date of his death.~~

Sec. 6. That original sections 23-2315, 23-2319, and 23-2321, Reissue Revised Statutes of Nebraska, 1943, and section 23-2301, Revised Statutes Supplement, 1974, are repealed.