

## LEGISLATIVE BILL 1004

Approved by the Governor March 27, 1974

Introduced by Nebraska Retirement Systems, Whitney, 44, Chmn.; Luedtke, 28; F. Lewis, 45; Hasebroock, 18; Goodrich, 20; Marvel, 33

AN ACT to amend sections 60-452.01 and 60-456, Revised Statutes Supplement, 1972, and section 60-458, Revised Statutes Supplement, 1972, as amended by section 6, Legislative Bill 905, Eighty-third Legislature, Second Session, 1974, relating to the Nebraska State Patrol; to eliminate the twenty-year limitation on the widow's benefit as prescribed; to redefine disability; to accelerate eligibility for the deferred annuity; and to repeal the original sections.

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

Section 1. That section 60-452.01, Revised Statutes Supplement, 1972, be amended to read as follows:

60-452.01. (1) Any patrolman qualified for an annuity, as provided in section 60-452 for reasons other than disability, shall be entitled to receive a monthly annuity for the remainder of his life. The amount of the annuity shall be a percentage of his final average monthly salary. The percentage shall be two per cent multiplied by the number of years of service, as calculated in section 60-460; Provided, that the percentage shall never be greater than sixty per cent. For purposes of this computation, final average monthly salary is defined to be the sum of the patrolman's total salary during his final five years of service as a patrolman divided by sixty.

(2) Any patrolman qualified for an annuity, as provided in section 60-452 for reasons of disability, shall be entitled to receive a monthly annuity for the remainder of his period of disablement, as provided in sections 60-455 to 60-457. The amount of the annuity shall be fifty per cent of the patrolman's monthly salary at the date of disablement.

(3) Upon the death of a patrolman after retirement for reasons other than disability, his widow, if married to the patrolman prior to the last four years of service of such patrolman prior to his retirement, shall continue to receive fifty per cent of the amount of such patrolman's annuity for the remainder of her life;

but not to exceed twenty years from the date of the retirement of the patrolman, or until she remarries; ~~7~~ whichever occurs first; Provided, that if the widow has a dependent child or children under age nineteen in her care, the benefit shall be seventy-five per cent of the amount of such patrolman's annuity until such time as the youngest such dependent child attains the age of nineteen years after which time the benefit is reduced to fifty per cent of the amount of such a patrolman's annuity. If there is no widow living at the date of the patrolman's death, his child or children, if any, shall continue to receive fifty per cent of the amount of such patrolman's annuity until such time as the youngest such child attains the age of nineteen years. If there should be 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. Upon the death of a patrolman after retirement for reasons of disability, benefits shall be provided as if the patrolman had retired for reasons other than disability, except that it shall not be required that his widow have been married to him for the last four years in order to qualify for such benefits. Upon the death of a patrolman before retirement, benefits shall be provided as if the patrolman had retired for reasons of disability on the date of his death; Provided, that if no benefits are paid to a surviving widow or dependent children, benefits will be paid as described in subsection (1) of section 60-458.

(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 December 25, 1969. No benefits being paid under the system on December 25, 1969 shall be modified, in any way, by the enactment of this act.

Sec. 2. That section 60-456, Revised Statutes Supplement, 1972, be amended to read as follows:

60-456. No disability benefit payments shall be made except upon adequate proof furnished to the system of the existence of such disability, and during the time when any such benefits are being paid the system shall have the right, at reasonable times, to require the disabled patrolman to submit proof of the continuance of the disability claimed. ~~For the first three years that disability payments are made, disability~~ Disability is defined to be the complete inability of the patrolman, for reasons of accident or sickness, to perform the duties of a patrolman. ~~After the first three years that disability payments are made, disability is defined to be~~

~~the complete inability of the patrolman, for reasons of accident or sickness, to perform the duties of any occupation for which he is reasonably suited by education, training, and experience.~~

Sec. 3. That section 60-458, Revised Statutes Supplement, 1972, as amended by section 6, Legislative Bill 905, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

60-458. (1) Should any patrolman, prior to becoming eligible to retire, as provided in section 60-452, become separated from state service as a patrolman for reasons other than death or disability, either voluntarily or involuntarily, such patrolman shall thereupon be entitled to receive all payments which have been made by salary deductions into the fund created by sections 60-441 to 60-461 plus regular interest earned each fiscal year commencing July 1, 1974, as determined by the retirement board in conformity with actual and expected earnings on its investments.

(2) In lieu of the benefit described in subsection (1) of this section, the patrolman may elect to receive a deferred annuity to commence at age ~~sixty~~ fifty-five. If this election is made, the contributions made to the system by the patrolman may not be withdrawn from the system. The deferred annuity to commence at age ~~sixty~~ fifty-five is computed as a percentage of the retirement annuity, as computed in subsection (1) of section 60-452.01. The percentage is zero per cent for the first ~~ten~~ five years of service; ~~fifty per cent after ten completed years of service, increasing by five~~ twenty per cent for each completed year of service for the next ~~ten~~ five years of service; and one hundred per cent after ~~twenty~~ ten completed years of service.

Sec. 4. That original sections 60-452.01 and 60-456, Revised Statutes Supplement, 1972, and section 60-458, Revised Statutes Supplement, 1972, as amended by section 6, Legislative Bill 905, Eighty-third Legislature, Second Session, 1974, are repealed.