

LEGISLATIVE BILL 347

Approved by the Governor May 18, 1977

Introduced by Nebraska Retirement Systems Committee,
Hasebroock, 18, Chmn.; Fowler, 27; Warner, 25;
Goodrich, 20; Mills, 44

AN ACT to amend section 60-452.01, Revised Statutes Supplement, 1976, relating to the Nebraska State Patrol; to provide a cost-of-living increase for retired patrolmen; to change the computation of annuities; and to repeal the original section.

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

Section 1. That section 60-452.01, Revised Statutes Supplement, 1976, 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. For retirement on or after the fifty-fifth birthday of the member, the percentage shall be two and one half 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 seventy-five per cent. For retirement on or after the fiftieth birthday of the member, but prior to the fifty-fifth birthday of the member, the annuity which would apply if the member were age fifty-five at the date of retirement shall be reduced by five-ninths of one per cent for each month by which the early retirement date precedes age fifty-five; Provided, that any patrolman who has completed thirty years of service with the Nebraska State Patrol shall have his retirement benefits computed as if he had reached the age of fifty-five. 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 three years of service as a patrolman divided by sixty thirty-six.

(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 or until she remarries; 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 as follows: (a) To his widow and dependent child or children under age nineteen in her care, the benefit shall be one hundred per cent of the amount of such patrolman's annuity until such time as the youngest dependent child attains the age of nineteen years after which time the benefit shall be reduced to seventy-five per cent of the patrolman's annuity for the remainder of her life, or until she remarries; (b) if there is no widow living at the date of the patrolman's death, his child or children, if any, shall continue to receive seventy-five per cent of the amount of such patrolman's annuity until such time as the youngest child attains the age of nineteen years; (c) if there should be more than one child under the age of nineteen years at the date of the patrolman's death, the benefit shall be divided equally among such children and, as they attain the age of nineteen years, only the child or children under the age of nineteen shall participate therein; and (d) if there is no child or children under age nineteen living at the date of the patrolman's death, his widow shall receive seventy-five per cent of the amount of such patrolman's annuity for the remainder of her life, or

until she remarries; 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~~ the effective date of this act. No benefits being paid under the system on ~~December-25, 1969~~ the effective date of this act shall be modified, in any way, by the enactment of this act.

Sec. 2. Each retired patrolman of the Nebraska State Patrol, or surviving beneficiary who is receiving a retirement benefit as of December 31, 1977, shall have such retirement benefits adjusted by the increase in the cost-of-living, as determined by the difference between the Consumers Price Index for Urban Wage Earners and Clerical Workers from the date his retirement benefit commenced and January 1, 1978.

Sec. 3. That original section 60-452.01, Revised Statutes Supplement, 1976, is repealed.