

## LEGISLATIVE BILL 432

Approved by the Governor May 17, 1985

Introduced by Wesely, 26

AN ACT relating to county employees' retirement; to amend sections 23-2302, 23-2329, and 23-2330, Reissue Revised Statutes of Nebraska, 1943, and section 23-2301, Revised Statutes Supplement, 1984; to redefine terms; to require the establishment of a retirement system by additional counties as prescribed; to require a supplemental retirement plan in certain counties; to harmonize provisions; 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, 1984, 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 twenty or more 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 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, except ; ~~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 or her 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 board or January 1, 1987, whichever is earlier;

(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;

(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 23-2302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2302. A county employees' retirement system may shall be established for the purpose of providing a retirement annuity or other benefits for employees as provided by the provisions of sections 23-2301 to 23-2331. It shall be known as the Retirement System for Nebraska Counties, and by such name shall transact all business and hold all cash and other property as provided in sections 23-2301 to 23-2331.

Sec. 3. That section 23-2329, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2329. The provisions of sections 23-2301 to 23-2331 shall become effective for each county upon their adoption by the county board or on January 1, 1987, whichever is earlier.

Sec. 4. That section 23-2330, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2330. Upon the adoption of the retirement system by the county board, the county clerk shall certify such action to the retirement board. Upon the adoption of the retirement system by the county board or by January 1, 1987, whichever is earlier, the county clerk shall submit

to the board He shall also submit a list of all employees then eligible for participation in the plan, which list shall state the name and address of the employee and his or her gross monthly wage.

Sec. 5. Any county with a population in excess of eighty-five thousand inhabitants which participates in the Retirement System for Nebraska Counties established by the County Employees Retirement Act shall establish and fund a supplemental retirement plan for the benefit of all present and future commissioned law enforcement personnel employed by such county. The auxiliary benefit plan shall be funded by additional contributions to the county employees retirement plan in excess of the amounts established by sections 23-2307 and 23-2308. The additional contributions made by employees shall be credited to the employee account, and contributions paid by the county shall be credited to the employer account, with each amount to be established at a rate of two per cent of salary. All contributions made pursuant to this section shall be invested and administered according to the County Employees Retirement Act.

Sec. 6. That original sections 23-2302, 23-2329, and 23-2330, Reissue Revised Statutes of Nebraska, 1943, and section 23-2301, Revised Statutes Supplement, 1984, are repealed.