

LEGISLATIVE BILL 45

Approved by the Governor March 15, 1975

Introduced by Nebraska Retirement Systems Committee,
Hasebroock, 18, Chmn.; Luedtke, 28; Goodrich,
20; Stull, 40; F. Lewis, 45

AN ACT to amend section 23-2329, Reissue Revised Statutes of Nebraska, 1943, section 23-2330, Revised Statutes Supplement, 1974, and section 23-2301, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 47, Eighty-fourth Legislature, First Session, 1975, relating to county employees retirement; to redefine terms; to provide for approval of a retirement system; to revise requirements for certification of a retirement system; 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, as amended by section 1, Legislative Bill 47, Eighty-fourth Legislature, First Session, 1975, 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 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 board;

(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 23-2329, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2329. The provisions of sections 23-2301 to 23-2331 shall not become effective for each county until submitted to the voters of such county at a general election or a special election called for the purpose of approving a county employees retirement system. The proposition shall be approved by a majority vote of the electors voting on such proposition at any such election. Such election may be called either by resolution of the county board or upon a petition submitted to the county board calling for the same. Such petition shall be signed by the legal voters of the county equal in number to ten per cent of the number of votes cast in the county for the office of Governor at the last general election upon their adoption by the county board.

Sec. 3. That section 23-2330, Revised Statutes Supplement, 1974, be amended to read as follows:

23-2330. If a majority of the electors approve the retirement plan upon the adoption of the retirement system by the county board, the county clerk shall certify the outcome of the election such action to the retirement 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 gross monthly wage.

Sec. 4. That original section 23-2329, Reissue Revised Statutes of Nebraska, 1943, section 23-2330, Revised Statutes Supplement, 1974, and section 23-2301, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 47, Eighty-fourth Legislature, First Session, 1975, are repealed.