

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 246

Introduced by Karpisek, 32.

Read first time January 11, 2011

Committee: Nebraska Retirement Systems

A BILL

1 FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to
2 amend section 81-2026, Reissue Revised Statutes of
3 Nebraska; to provide benefits to a surviving spouse that
4 has remarried; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-2026, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-2026 (1)(a) Any officer qualified for an annuity as
4 provided in section 81-2025 for reasons other than disability shall
5 be entitled to receive a monthly annuity for the remainder of the
6 officer's life. The annuity payments shall continue until the end of
7 the calendar month in which the officer dies. The amount of the
8 annuity shall be a percentage of the officer's final average monthly
9 compensation. For retirement on or after the fifty-fifth birthday of
10 the member or on or after the fiftieth birthday of a member who has
11 been in the employ of the state for twenty-five years, as calculated
12 in section 81-2033, the percentage shall be three percent multiplied
13 by the number of years of creditable service, as calculated in
14 section 81-2033, except that the percentage shall never be greater
15 than seventy-five percent.

16 (b) For retirement pursuant to subsection (2) of section
17 81-2025 on or after the fiftieth birthday of the member but prior to
18 the fifty-fifth birthday of the member who has been in the employ of
19 the state for less than twenty-five years, as calculated in section
20 81-2033, the annuity which would apply if the member were age fifty-
21 five at the date of retirement shall be reduced by five-ninths of one
22 percent for each month by which the early retirement date precedes
23 age fifty-five or for each month by which the early retirement date
24 precedes the date upon which the member has served for twenty-five
25 years, whichever is earlier. Any officer who has completed thirty

1 years of creditable service with the Nebraska State Patrol shall have
2 retirement benefits computed as if the officer had reached age fifty-
3 five.

4 (c) For purposes of this computation, final average
5 monthly compensation shall mean the sum of the officer's total
6 compensation during the three twelve-month periods of service as an
7 officer in which compensation was the greatest divided by thirty-six,
8 and for any officer employed on or before January 4, 1979, the
9 officer's total compensation shall include payments received for
10 unused vacation and sick leave accumulated during the final three
11 years of service.

12 (2) Any officer qualified for an annuity as provided in
13 section 81-2025 for reasons of disability shall be entitled to
14 receive a monthly annuity for the remainder of the period of
15 disablement as provided in sections 81-2028 to 81-2030. The amount of
16 the annuity shall be fifty percent of the officer's monthly
17 compensation at the date of disablement if the officer has completed
18 seventeen or fewer years of creditable service. If the officer has
19 completed more than seventeen years of creditable service, the amount
20 of the annuity shall be three percent of the final monthly
21 compensation at the date of disablement multiplied by the total years
22 of creditable service but not to exceed seventy-five percent of the
23 final average monthly compensation as defined in subsection (1) of
24 this section. The date of disablement shall be the date on which the
25 benefits as provided in section 81-2028 have been exhausted.

1 (3) Upon the death of an officer after retirement for
2 reasons other than disability, benefits shall be provided as a
3 percentage of the amount of the officer's annuity, calculated as
4 follows:

5 (a) If there is a surviving spouse but no dependent child
6 or children of the officer under nineteen years of age, the surviving
7 spouse shall receive a benefit equal to seventy-five percent of the
8 amount of the officer's annuity for the remainder of the surviving
9 spouse's life; ~~or until the surviving spouse remarries;~~

10 (b) If there is a surviving spouse and the surviving
11 spouse has in his or her care a dependent child or children of the
12 officer under nineteen years of age and there is no other dependent
13 child or children of the officer not in the care of the surviving
14 spouse under nineteen years of age, the benefit shall be equal to one
15 hundred percent of the officer's annuity. When there is no remaining
16 dependent child of the officer under nineteen years of age, the
17 benefit shall be seventy-five percent of the amount of the officer's
18 annuity to the surviving spouse for the remainder of the surviving
19 spouse's life; ~~or until the surviving spouse remarries;~~

20 (c) If there is a surviving spouse and the surviving
21 spouse has in his or her care a dependent child or children of the
22 officer under nineteen years of age or there is another dependent
23 child or children of the officer under nineteen years of age not in
24 the care of the surviving spouse, the benefit shall be twenty-five
25 percent of the amount of the officer's annuity to the surviving

1 spouse and seventy-five percent of the amount of the officer's
2 annuity to the dependent children of the officer under nineteen years
3 of age to be divided equally among such dependent children but in no
4 case shall the benefit received by a surviving spouse and dependent
5 children residing with such spouse be less than fifty percent of the
6 amount of the officer's annuity. At such time as any dependent child
7 of the officer attains nineteen years of age, the benefit shall be
8 divided equally among the remaining dependent children of the officer
9 who have not yet attained nineteen years of age. When there is no
10 remaining dependent child of the officer under nineteen years of age,
11 the benefit shall be seventy-five percent of the amount of the
12 officer's annuity to the surviving spouse for the remainder of the
13 surviving spouse's life; ~~or until the surviving spouse remarries;~~

14 (d) If there is no surviving spouse and a dependent child
15 or children of the officer under nineteen years of age, the benefit
16 shall be equal to seventy-five percent of the officer's annuity to
17 the dependent children of the officer under nineteen years of age to
18 be divided equally among such dependent children. At such time as any
19 dependent child of the officer attains nineteen years of age, the
20 benefit shall be divided equally among the remaining dependent
21 children of the officer who have not yet attained nineteen years of
22 age; and

23 (e) If there is no surviving spouse or no dependent child
24 or children of the officer under nineteen years of age, the amount of
25 benefit such officer has received under the Nebraska State Patrol

1 Retirement Act shall be computed. If such amount is less than the
2 contributions to the State Patrol Retirement Fund made by such
3 officer, plus regular interest, the difference shall be paid to the
4 officer's designated beneficiary or estate.

5 (4) Upon the death of an officer after retirement for
6 reasons of disability, benefits shall be provided as if the officer
7 had retired for reasons other than disability.

8 (5) Upon the death of an officer before retirement,
9 benefits shall be provided as if the officer had retired for reasons
10 of disability on the date of such officer's death, calculated as
11 follows:

12 (a) If there is a surviving spouse but no dependent child
13 or children of the officer under nineteen years of age, the surviving
14 spouse shall receive a benefit equal to seventy-five percent of the
15 amount of the officer's annuity for the remainder of the surviving
16 spouse's life; ~~or until the surviving spouse remarries;~~

17 (b) If there is a surviving spouse and the surviving
18 spouse has in his or her care a dependent child or children of the
19 officer under nineteen years of age and there is no other dependent
20 child or children of the officer not in the care of the surviving
21 spouse under nineteen years of age, the benefit shall be equal to one
22 hundred percent of the officer's annuity. When there is no remaining
23 dependent child of the officer under nineteen years of age, the
24 benefit shall be seventy-five percent of the amount of the officer's
25 annuity to the surviving spouse for the remainder of the surviving

1 spouse's life; ~~or until the surviving spouse remarries;~~

2 (c) If there is a surviving spouse and the surviving
3 spouse has in his or her care a dependent child or children of the
4 officer under nineteen years of age or there is another dependent
5 child or children of the officer under nineteen years of age not in
6 the care of the surviving spouse, the benefit shall be twenty-five
7 percent of the amount of the officer's annuity to the surviving
8 spouse and seventy-five percent of the amount of the officer's
9 annuity to the dependent children of the officer under nineteen years
10 of age to be divided equally among such dependent children but in no
11 case shall the benefit received by a surviving spouse and dependent
12 children residing with such spouse be less than fifty percent of the
13 amount of the officer's annuity. At such time as any dependent child
14 of the officer attains nineteen years of age, the benefit shall be
15 divided equally among the remaining dependent children of the officer
16 who have not yet attained nineteen years of age. When there is no
17 remaining dependent child of the officer under nineteen years of age,
18 the benefit shall be seventy-five percent of the amount of the
19 officer's annuity to the surviving spouse for the remainder of the
20 surviving spouse's life; ~~or until the surviving spouse remarries;~~

21 (d) If there is no surviving spouse and a dependent child
22 or children of the officer under nineteen years of age, the benefit
23 shall be equal to seventy-five percent of the officer's annuity to
24 the dependent children of the officer under nineteen years of age to
25 be divided equally among such dependent children. At such time as any

1 dependent child of the officer attains nineteen years of age, the
2 benefit shall be divided equally among the remaining dependent
3 children of the officer who have not yet attained nineteen years of
4 age; and

5 (e) If no benefits are paid to a surviving spouse or
6 dependent child or children of the officer, benefits will be paid as
7 described in subsection (1) of section 81-2031.

8 (6) Any changes made to this section by Laws 2004, LB
9 1097, shall apply only to retirements, disabilities, and deaths
10 occurring on or after July 16, 2004.

11 Sec. 2. Original section 81-2026, Reissue Revised
12 Statutes of Nebraska, is repealed.