

## LEGISLATIVE BILL 750

Approved by the Governor March 12, 1984

Introduced by Nebraska Retirement Systems Committee,  
Wesely, 26, Chairperson; Schmit, 23;  
Vickers, 38; Warner, 25; DeCamp, 40

AN ACT relating to judges' retirement; to amend section 24-708, Reissue Revised Statutes of Nebraska, 1943, and section 24-701, Revised Statutes Supplement, 1983; to define a term; to change retirement provisions as prescribed; and to repeal the original sections.

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

Section 1. That section 24-701, Revised Statutes Supplement, 1983, be amended to read as follows:  
24-701. As used in sections 24-701 to 24-714, unless the context otherwise requires:

(1) Fund shall mean the Nebraska Retirement Fund for Judges;

(2) Judge shall mean and include (a) all duly elected or appointed Chief Justices or Judges of the Supreme Court and judges of the district courts of Nebraska, who shall serve in such capacity on and after January 3, 1957, (b) all duly appointed judges of the Nebraska Workmen's Compensation Court who shall serve in such capacity on and after September 20, 1957, (c) judges of separate juvenile courts, (d) county judges of the respective counties, who shall serve in such capacity on and after January 5, 1961, except acting county judges appointed pursuant to section 24-507, (e) district county judges and associate county judges, except (i) associate county judges serving on a pro tempore basis as designated by the Supreme Court or (ii) associate county judges appointed after August 26, 1983, and (f) judges of municipal courts established by Chapter 26, article 1, who shall serve in such capacity on and after October 23, 1967;

(3) Prior service shall mean all the periods of time any person has served as a (a) Judge of the Supreme Court or judge of the district court prior to January 3, 1957, (b) judge of the county court prior to January 5, 1961, (c) judge of the Nebraska Workmen's Compensation Court prior to September 20, 1957, (d) judge of the separate juvenile court, or (e) judge of the municipal court prior to October 23, 1967;

(4) Current service shall mean the period of service (a) any Judge of the Supreme Court or judge of the district court shall serve in such capacity from and after January 3, 1957, and shall mean the period of service (b)

any judge of the Nebraska Workmen's Compensation Court shall serve in such capacity from and after September 20, 1957, and (c) any county judge shall serve in such capacity from and after January 5, 1961, and (d) any judge of a separate juvenile court shall serve in such capacity, and (e) any judge of the municipal court shall serve in such capacity subsequent to October 23, 1967, and (f) any district county judge or associate county judge shall serve in such capacity subsequent to January 4, 1973;

(5) Military service shall mean active service of (a) any Judge of the Supreme Court or district court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 18, 1955, and shall mean active service of (b) any judge of the Nebraska Workmen's Compensation Court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 20, 1957, and shall mean active service of (c) any judge of the municipal court in any of the armed forces of the United States during a war or national emergency prior or subsequent to October 23, 1967, if such service commenced while such judge was holding the office of judge, and shall mean active service of (d) any district county judge or associate county judge in any of the armed forces of the United States during a war or national emergency prior or subsequent to January 4, 1973, if such service commenced while such judge was holding the office of judge. The board shall have the power to determine when a national emergency exists or has existed for the purpose of applying this definition and provision;

(6) Total years of service shall mean the total number of years served as a judge, including prior service, military service, and current service as defined in this section computed to the nearest one-twelfth year;

(7) Salary shall mean the statutory salary of a judge or the salary being received by such judge pursuant to law;

(8) Beneficiary shall mean a person so designated by a judge in the last written designation of beneficiary on file with the board, or, if no designated person survives or if no designation is on file, the estate of such judge;

(9) Annuity shall mean a series of equal monthly payments payable at the end of each calendar month during the life of a retired judge. The first payment shall be made as of the end of the calendar month in which such annuity was awarded and the last payment shall be at the end of the calendar month in which such judge shall die. The first payment shall include all amounts accrued since the effective date of the award of annuities, including a pro rata portion of the monthly amount of any fraction of a month elapsing between the effective date of such annuity and the end of the calendar month in which such annuity

began;

(10) Board shall mean the Public Employees Retirement Board;

(11) Member shall mean a judge, as defined in subdivision (2) of this section, eligible to participate in the retirement system established under the provisions of sections 24-701 to 24-714;

(12) Original member shall mean a judge who first served as a judge, as defined in subdivision (2) of this section, prior to December 25, 1969, and who does not elect to become a future member on or before June 30, 1970;

(13) Future member shall mean a judge who first served as a judge, as defined in subdivision (2) of this section, on or after December 25, 1969, or shall mean a judge who first served as a judge, as defined in subdivision (2) of this section, prior to December 25, 1969, who elects to become a future member on or before June 30, 1970, as provided in subsection (8) of section 24-703;

(14) Final average salary shall mean the average monthly salary for the last four ~~years~~ years' service as a judge or, in the event of a judge serving less than four years, the average monthly salary for such judge's period of service. The final average salary of any judge who has retired or who will retire during or at the end of the presently current judicial term shall mean the average monthly salary for his or her last year of service before retirement; ~~and~~

(15) Regular interest shall mean the rate of 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; ~~and~~

(16) Normal retirement date shall mean the first day of the month following attainment of age sixty-five.

Sec. 2. That section 24-708, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-708. (1) Any judge may retire upon reaching the age of sixty-five and upon making application to the board. Any judge upon reaching age seventy-two shall retire. ~~Provided, that any judge holding office on September 27, 1973 may complete the term for which he was elected.~~ Upon retiring each such judge shall receive retirement annuities as provided in section 24-710.

(2) A judge may retire upon the attainment of age forty-five and elect to receive a reduced monthly retirement income in lieu of a deferred vested annuity. The judge may request that the reduced monthly retirement income commence at any date, beginning on the first day of the month following the actual retirement date and ending on the normal retirement date. The amount of the monthly retirement income shall be calculated based on the length of service and average compensation at the actual retirement date and shall be reduced when the payments

commence prior to the normal retirement date to an amount that is actuarially equivalent to the deferred vested annuity payable at the normal retirement date.

Sec. 3. That original section 24-708, Reissue Revised Statutes of Nebraska, 1943, and section 24-701, Revised Statutes Supplement, 1983, are repealed.