

AMENDMENTS TO LB 508

Introduced by Nebraska Retirement Systems

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 24-707, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5           24-707 (1) In the event of the death of a judge prior  
6 to retirement, if such judge shall have had five or more years of  
7 creditable service, the surviving spouse of such judge shall at  
8 his or her option, exercised within twelve months after the date  
9 of death, be immediately entitled to receive those benefits which  
10 the surviving spouse would have been entitled to under subsection  
11 (3) of section 24-710 had the judge elected to have the retirement  
12 annuity paid as a joint and survivor annuity payable as long as  
13 either the judge or the judge's surviving spouse should survive  
14 and had the judge retired (a) on the date of death if his or her  
15 age at death is sixty-five or more or (b) at age sixty-five if  
16 his or her age at death is less than sixty-five. an annuity which  
17 shall be equal to the amount that would have accrued to the member  
18 had he or she elected to have the retirement annuity paid as a  
19 one-hundred-percent joint and survivor annuity payable as long as  
20 either the member or the member's spouse should survive and had  
21 the member retired (a) on the date of death if his or her age at  
22 death is sixty-five years or more or (b) at age sixty-five years  
23 if his or her age at death is less than sixty-five years. If such

1 option is not exercised by such surviving spouse within ~~one hundred~~  
2 ~~twenty days of~~ twelve months after the judge's death, if there is  
3 no surviving spouse, or if the judge has not served for five years,  
4 then the beneficiary, or the estate if the judge has not filed a  
5 statement with the board naming a beneficiary, shall be paid a lump  
6 sum equal to all contributions to the fund made by such judge plus  
7 regular interest.

8 (2) Except as provided in subsection (1) of this section,  
9 in the event of the death of a judge subsequent to retirement,  
10 if such judge has not filed a statement of intent with the  
11 board to elect to receive any other form of annuity which may be  
12 provided for by section 24-710 or elected to make contributions  
13 and receive benefits as provided in section 24-703.03, the amount  
14 of annuities such judge has received under the provisions of the  
15 Judges Retirement Act shall be computed and, if such amount shall  
16 be less than the contributions to the fund made by such judge, plus  
17 regular interest, the difference shall be paid to the beneficiary  
18 or estate.

19 (3) Benefits to which the surviving spouse, beneficiary,  
20 or estate of a judge shall be entitled shall commence immediately  
21 upon the death of such judge.

22 Sec. 2. Section 79-956, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 79-956 (1) If a member dies before retirement, his  
25 or her accumulated contributions shall be paid to his or her  
26 estate, to an alternate payee pursuant to a qualified domestic  
27 relations order as provided in section 42-1107, or to the

1 person he or she has nominated by designation duly executed  
2 and filed with the retirement board. Except for payment to  
3 an alternative payee pursuant to a qualified domestic relations  
4 order, if no legal representative or beneficiary applies for such  
5 accumulated contributions within five years following the date of  
6 the deceased member's death, the contributions shall be distributed  
7 in accordance with the Uniform Disposition of Unclaimed Property  
8 Act.

9 (2) When the deceased member has not less than twenty  
10 years of creditable service regardless of age or dies on or after  
11 his or her sixty-fifth birthday and leaves a surviving spouse who  
12 has been designated as beneficiary and who, as of the date of the  
13 member's death, is the sole surviving primary beneficiary, such  
14 beneficiary may elect, within ~~one hundred twenty days~~ twelve months  
15 after the death of the member, to receive an annuity which shall  
16 be equal to the amount that would have accrued to the member  
17 had he or she elected to have the retirement annuity paid as a  
18 one-hundred-percent joint and survivor annuity payable as long as  
19 either the member or the member's spouse should survive and had the  
20 member retired (a) on the date of death if his or her age at death  
21 is sixty-five years or more or (b) at age sixty-five years if his  
22 or her age at death is less than sixty-five years.

23 (3) When the deceased member who was a school employee on  
24 or after May 1, 2001, has not less than five years of creditable  
25 service and less than twenty years of creditable service and dies  
26 before his or her sixty-fifth birthday and leaves a surviving  
27 spouse who has been designated in writing as beneficiary and who,

1 as of the date of the member's death, is the sole surviving primary  
2 beneficiary, such beneficiary may elect, within ~~one hundred twenty~~  
3 ~~days~~ twelve months after the death of the member, to receive  
4 (a) a refund of the member's contribution account balance with  
5 interest plus an additional one hundred one percent of the member's  
6 contribution account balance with interest or (b) an annuity  
7 payable monthly for the surviving spouse's lifetime which shall be  
8 equal to the benefit amount that had accrued to the member at the  
9 date of the member's death, commencing when the member would have  
10 reached age sixty, or the member's age at death if greater, reduced  
11 by three percent for each year payments commence before the member  
12 would have reached age sixty-five, and adjusted for payment in the  
13 form of a one-hundred-percent joint and survivor annuity.

14 (4) If the requirements of subsection (2) or (3) of  
15 this section are not met, then the beneficiary or the estate,  
16 if the member has not filed a statement with the board naming a  
17 beneficiary, shall be paid a lump sum equal to all contributions  
18 to the fund made by such member plus regular interest, except that  
19 commencing on January 1, 2006, an application for benefits under  
20 subsection (2) or (3) of this section shall be deemed to have  
21 been timely filed if the application is received by the retirement  
22 system within twelve months after the date of the death of the  
23 member.

24 (5) Benefits to which a surviving spouse, beneficiary, or  
25 estate of a member shall be entitled pursuant to this section shall  
26 commence immediately upon the death of such member.

27 Sec. 3. Original section 79-956, Reissue Revised Statutes

1 of Nebraska, and section 24-707, Revised Statutes Cumulative  
2 Supplement, 2006, are repealed.

3           Sec. 4. Since an emergency exists, this act takes effect  
4 when passed and approved according to law.