

settlement due to the age. The amendment printed on page 1521 of the Journal is not complete and, therefore, the amendment that is supposed to be being passed out is complete and conforms to the statute and harmonizes for the pre-55 and post-55 employees. Now someone might say, why are cities not included? That is a good question so I'm going to answer it for you before you ask it. At the hearing on this issue the League of Municipalities expressed disagreement and are not included. They did not want to be included, that is why...that is why they are not included. So I ask you to return the bill for the specific amendment.

**SPEAKER BARRETT:** Thank you. On the motion to return, Senator Wesely.

**SENATOR WESELY:** Than you, Mr. Speaker, members. I appreciate Senator Haberman's explanation. This is no small matter and I would like to again encourage some discussion of it. I think probably ultimately I'll support Senator Haberman, but very reluctantly and with great anger, not because of anything Senator Haberman or anything we've done, but the Attorney General has taken action. Do you remember the fight we had over this, Senator Miller? You're here. I'm glad you're here. We had the discussion about allowing lump sum payments. This is that whole issue again that we have fought and I thought decided back a couple of years ago. Last year I thought we took care of it by allowing 25 percent of your employee account to be available upon retirement in terms of a lump sum. Well that agreement that we thought we had fell through, and individuals have filed action through the EEOC, and we've got our backs against the wall, pinned there by the Attorney General that says that this is unconstitutional, or not unconstitutional, that it defies equal opportunity and thus they will not defend us in a lawsuit that is being filed by EEOC, and we don't know quite how we defend ourselves under the circumstance. But this policy that we have had in this state for a long time has been a clear one and a sound one, that we don't want people to take their full employee account out in a lump sum. We want to understand that our retirement plan, for county and state employees and for all employees, is a retirement plan, not a savings plan. A lump sum equates with a savings plan. We have never gone for that because our feeling was it's a retirement plan and when you retire you get an annuity, you get a savings that will come back to you and take care of you in your retirement years. We have not.... We have taken this position and many private employers, what have you, have provided for lump sums. But we are in a