

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

McDONNELL: [RECORDER MALFUNCTION]-- District 5 in Omaha and also Chair of this committee. Today, we will be hearing testimony on LB197 and LB198. Committee hearings are important part of the legislative process and I-- provide an important opportunity for the legislators to receive input from Nebraskans. If you plan on testifying today, you will find blue testifier sheets on the table inside the, the doors. Fill out a yellow testifier sheet only if you're actually testifying before the committee, and please print legibly. Hand the yellow testifier sheet to the page as you come forward to testify. There's also a white sheet on the table if you do not wish to testify but would like to record your position on a bill. This sheet will be included as an exhibit in the official hearing record. If you are not testifying in person on a bill and would like to submit a position letter for the official record, all committees have a deadline of 12 p.m. Central Standard Time, the last work day before the hearing. Please note that the position letters to be included in the official record must be submitted by the way of the Legislature's website at nebraskalegislature.gov. A new feature of the website allows testifiers with disabilities to submit testimony for the record on the site. The website will be the only method for submission of letters for the record other than testifying in person. Letters and comments submitted by way of email or hand-delivered will no longer be included as part of the hearing record, although they are a viable option for communicating your views with the individual senator. Keep in mind that you may submit a letter for the record on the website or testify at a hearing, but not do both. We will begin each, each bill hearing today with the intro--- introducer's opening statement, followed by the proponents of the bill, then opponents, and finally by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We ask that you begin your testimony by giving us your first and last name and spell them for the record. If you have copies of your testimony, please bring up a-- at least ten copies and give them to the page. If you are submitting testimony on someone else's behalf, you may submit it for the record, but you will not be allowed to read it. We will be using a five-minute light system. When you begin your testimony, the light on the table will turn green. The yellow light is your one-minute warning. And when the red light comes on, we ask you to wrap up your final thoughts and stop. As a matter of committee policy, I'd like to remind everyone to use the-- use of cell phones and other electronic devices is not allowed during public hearing, although you may see senators use them to take notes or stay in contact with staff. I would ask everyone to look at their cell phones and make sure they're on the silent mode. Some senators will be using

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Nebraska Retirement Systems Committee February 23, 2023

their laptops to pull up documents and follow along with each bill. You may notice committee members coming and going. That has nothing to do with how they regard the importance of your-- of the bill under consideration. Senators may have bills coming up to introduce in other committees or other meetings to attend. And with that, I will have the committee introduce themselves, starting with Senator Vargas.

VARGAS: Tony Vargas, District 7, downtown, south Omaha.

CLEMENTS: Rob Clements, District 2.

McDONNELL: Assisting the committee today are, at my far right, Tim Pendrell, committee clerk. And at my right, Neal Erickson, the committee's legal counsel. The committee pages today are Francine Heeren and Maggie Massey, Massey, both political science managers [SIC] at, at the university. We appreciate them being here today. And with that-- oh. We're going to start-- we're going to start today with a-- an appointment. Can we please have Thomas E. Henning come forward? Thank you for being here.

TOM HENNING: My pleasure. Thank you, Chairman. I'll wait till this information gets distributed.

McDONNELL: OK.

TOM HENNING: Well, I'm Tom Henning. That's Tom, T-o-m; Henning, H-e-n-n-i-n-g. I'm a fourth-generation Nebraskan who's been involved in the financial services business my whole career. For over 38 years, I've been the CEO of a bank for an insurance company. For over 27 years, I was president and CEO of Assurity Life Insurance Company or one of its predecessors. I've involved with the, the investment business for many years. I'm also a chartered financial analyst, commonly known as a CFA. I've also had quite a bit of experience with the management of defined benefit pension plans. For many years, Assurity or predecessor companies were involved in administering these plans. Additionally, until recently, Assurity had a defined benefit plan for our own associates. When I was approached about this opportunity to join the Nebraska Investment Council, I thought it was a great way to combine my interests in investments while providing a service to our state. And so with those brief remarks, you'll have a packet of information on me that was included. I'll conclude my remarks and stand for any questions.

McDONNELL: Questions from the committee? Yes, Senator Conrad.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

CONRAD: Thank you, Chair. Thank you. Good to see you again.

TOM HENNING: Good to see you.

CONRAD: Not really a question, just wanted to say thank you for your interest in extending your public service in this regard. And thank you for the leadership that you provide in our community on a lot of different charitable and business endeavors as well.

TOM HENNING: Thank you, Senator Conrad. Appreciate it. Thank you.

McDONNELL: Any other questions from the committee? Yes, Senator.

CLEMENTS: Thank you, Mr. Chairman. Thank you, Mr. Henning. Just wondering how long you've been on the Nebraska Investment Council.

TOM HENNING: How long have I been?

CLEMENTS: Yes.

TOM HENNING: Governor Ricketts appointed me in November, and so I-- I've just attended one meeting.

CLEMENTS: You're, you're not a previous--

TOM HENNING: No.

CLEMENTS: --member? OK.

TOM HENNING: No. I am not a previous member.

CLEMENTS: I didn't realize that.

TOM HENNING: Yeah.

CLEMENTS: All right. Thank you.

TOM HENNING: Yeah.

McDONNELL: Thank you, Mr. Henning. If, if you are appointed, you're committed to serving the full length of the terms to December 31 of 2027?

TOM HENNING: Yes, I am. Yes, Senator.

McDONNELL: Thank you for your commitment to the citizens of Nebraska. Any other questions? Seeing none. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

TOM HENNING: Thank you.

McDONNELL: I will now have Vice Chair Ibach take over.

IBACH: Thank you, Mr. Chairman. So now we will opine-- open the-- open with LB198. And you're welcome to go ahead, Senator.

McDONNELL: Thank you, Vice Chair Ibach and members of the Retirement Committee. My name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l. I represent Legislative District 5, south Omaha. LB198 is an in-- interesting-- is-- interest of time, I will be brief. LB198 is a product of extensive discussion and negotiations to increase the pool of available substitute teachers by utilizing teachers that are finishing their teaching career. I'd like to thank those that spent many hours crafting this proposed-- proposal, including NSEA, school boards, school administrators, NPERS, and OPS to name a few. The current law provides that a teacher who has retired cannot be reemployed by a retirement plan employer within 180 days of leaving the previous employer with exce-- exceptions for "interment" and substitute teaching. Currently, the, the amount of substitute teaching is limited to no more than eight days per month. LB198 establishes provisions for retirement eligibility teachers who choose to not apply or receive retirement benefits when leaving their previous employer to substitute teach in excess of eight days per month. For teachers that choose to apply for or receive retirement plan benefits, they will be subject to the current rules requiring 180 days before being reemployed and a limitation of eight days of substitute teaching per month during that time period. As always, there are a number of additional details contained in LB198, but I will defer to those that will follow, as they will-- they were the people that were involved in hashing out this agreement. Here to answer any of your questions.

IBACH: Great. Are there any questions from the committee? Seeing none. Thank you.

McDONNELL: Thank you.

IBACH: First prome-- proponent. Welcome. If you'd state your name and spell it for the record.

JASON HAYES: Yes. My name-- hello. My name is Jason Hayes, J-a-s-o-n H-a-y-e-s. And I am the director of government relations for the Nebraska State Education Association. NSEA appreciated the opportunity to be at the table when discussions began in early

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

October on finding a solution to this return-to-work issue. I am testifying today in support of LB198 on behalf of the following groups: Nebraska State Education Association, Nebraska Council of School Administrators, Nebraska Association of School Boards, Greater Nebraska Schools Association, Nebraska Rural Community Schools Association, Schools Taking Action for Children-- Children's Education, Educational Service Units Coordinating Commission, and Stand for Schools. This long list of groups support the bill because LB198 is a solution to a problem, namely that school employees who desire to leave full-time employment and not retire may return to work with a school plan employer in some other capacity, such as a substitute teacher, a volunteer, or a temporary employee without the 180-day limitation. The bill would eliminate the current situation where a school employee who, let's say, is 50 years old and has no plans to retire, leaves full-time employment to provide substitute service but now has to incur a 180-day break in service, which limits the teacher's ability to be a substitute for six months. Substitute teachers are in great demand, and the existing statutory interpretation-- which would limit a teacher's ability to be a substitute-- is going in the wrong direction. Some teachers in their 50s or 60s or who have small children at home or maybe caring for an elderly parent like the flexibility to be a substitute teacher where they can choose which days they go into the school building and provide substitute service. Once their children are grown or their reason for being part time ceases, they may choose to return to full-time school employment and work every day. Without LB198, it is conceivable that every time they switch from full time to substitute teaching and then back again, they would have to sit out an additional 180 days, including the 180 days that they would legitimately have to sit out once they retire from teaching. It is for these reasons that the groups I represent support the bill and we urge you to advance the bill to General File. Thank you.

IBACH: Great. Thank you very much. Are there questions from the committee?

JASON HAYES: Thank you very much.

IBACH: Seeing none. Thank you. Other proponents? Thank you very much. If you'd state your name for the record and spell it.

JAKE CURTISS: Hello, Senators. My name is Jake Curtiss, J-a-k-e C-u-r-t-i-s-s. I am testifying today on behalf of NCSA. I was also a member of the group that worked on updating some of the legislation as we looked at changes that LB147 from a couple of years brought

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

forward. Again, looking at that need for our school districts when it comes to finding substitute teachers but also substitutes for other positions. And one of the perhaps unintended consequences of that change was some limitations on how those members who moved from their regular employment into that substitute service were then capped on hours that they were able to provide. And again, looking at all job classes, all needs, we found that, through slight modification included in LB98, we could help address that issue and, you know, first and foremost, make sure we maintain the qualified tax status of the retirement plan and all necessary elements there but also look for the member districts and the employees thereunder to support them in maintaining their retirement benefit and that plan but also helping the districts find qualified substitutes because, you know, the best substitute is going to be someone that is just coming out of the classroom and familiar with your district, your building, and those students. So with that, we definitely support this and, again, ask that this be moved forward. If you have any questions, I'm definitely more than happy to answer.

IBACH: Great. Thank you very much. Are there questions from the committee? Seeing none. Thank you for your testimony.

JAKE CURTISS: Thank you.

IBACH: Other proponents of LB198. Thank you. If you'd state your name and spell it for the record.

MORGAN KREISER: Chairman McDonnell, members of the Retirement Committee, my name is Morgan Kreiser, M-o-r-g-a-n K-r-e-i-s-e-r. I'm here on behalf of the Omaha School Employees Retirement System and Omaha Public Schools in support of LB198, particularly Sections 6-- 6 and 7 of the bill which relate specifically to OSERS. Omaha Public Schools is the largest school district in Nebraska, serving over 52,000 students and is the third largest employer in the state. We very much appreciate the efforts of Senator McDonnell and his staff as well as the efforts of previous Chair of the Retirement Committee, Senator Kolterman, and his staff in preparing LB198. LB198 is the result of a collaborative effort among several stakeholder groups, including the NCSA, NSEA, NPERS, and legal representatives from school districts throughout the state. We especially appreciate the contributions of Kate Allen, this committee's former legal counsel, Orron Hill, NPERS' legal counsel, Jake Curtiss with Millard Public Schools who represented the NCSA, and Jason Hayes with NSEA for their significant efforts in helping draft this bill. LB198 addresses a significant problem facing all school districts across the state and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

a problem in which the Omaha Public Schools is particularly invested in resolving, and that is the shortage of substitute teachers. Sections 6 and 7 of LB198 are largely technical amendments to OSERS that mirror Sections 2 and 3 of the bill, which apply to NPERS. The primary focus of our discussions when drafting the bill centered around what constitutes a bona fide separation from service as it applies to employees who stop working but later return to work as a substitute employee. This is important because both the NPERS and OSERS plans require a bona fide separation from service in order to be eligible for a distribution of benefits under the plan. The requirement for a bona fide separation from service is rooted in federal law. For that reason, LB198 was drafted with the IRS regulations at top of mind. We also examined how other state pension systems address this return-to-work issue, including both Iowa and Minnesota. At its most simple, a bona fide separation from service occurs after a 180-day break in service under Nebraska law. But during that 180-day period, a member is only permitted to provide substitute service on an intermittent basis, which is defined as not greater than eight days per month. While the IRS does require a bona fide separation from service for an employee to be eligible to begin drawing on his or her retirement benefit, it does not require a bona fide separation from service for an employee who is not drawing on his or her re-- retirement benefit. LB198 was drafted to clarify that a member who terminates employment but who does not apply for a distribution of pen-- pension benefits can engage in substitute service immediately. If the member again becomes a regular employee, they will immediately rejoin the plan as a regular employee even if they're also providing services as a substitute. If the member terminates employment and requests a distribution of benefits, the member may only return to work as a substitute employee if the member meets the 180-day limitation period as set forth under current law. We appreciate your time and consideration and encourage the committee to advance LB198. Thank you again for your time and dedication. I'm happy to answer any questions that you may have.

IBACH: Perfect. Thank you very much. Are there questions from the committee? Senator--

MORGAN KREISER: Yes, Senator Clements.

IBACH: Almost called you Holdcroft.

CLEMENTS: Thank you, Senator. Thank you. I'm looking, I'm looking at-- well, on page 14, which is actually not in your-- it's Section 3, but it says a, a person shall not be eligible to contribute to the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

retirement system or accrue service credits. So is that your understanding that if they're separating from service and you're going to be eligible for substituting, that, that, that-- those work hours don't accrue any more service credits or-- and, and they can't-- they don't re-- contribute to the retirement plan?

MORGAN KREISER: That's correct. And that's, that's consistent with current law as well. Under current law, the, the definition of a substitute employee is excluded from those provisions that allow accrual of service benefits and contributions. So it just-- we just made sure that this language was consistent with those requirements.

CLEMENTS: Oh, OK. I didn't realize that's--

MORGAN KREISER: But, but again, what-- if they-- you know, if they're a substitute employee and then later become-- because of the amount that they're working, if they then become a regular employee as that's defined, then they do, you know, reenter the plan as a regular employee and are eligible for contributions as well as service accrual.

CLEMENTS: Is there any, is there any delay on going in and out of full-time employment and substitute? Is there any waiting period?

MORGAN KREISER: There's, there's not unless you request a distribution of your benefits or a refund of your contributions.

CLEMENTS: All right. That looks reasonable. Thank you.

IBACH: Great. Thank you, Senator Clements. Any other questions? With none. Thank you very much.

MORGAN KREISER: Thank you.

IBACH: Other proponents of LB198? Seeing none. Are there any opponents of LB198? None. Any in-- one in the neutral? Thank you for joining us.

RANDY GERKE: Good afternoon, Vice Chair Ibach and Chair McDonnell and members of the Retirement Committee. My name is Randy Gerke. That's spelled R-a-n-d-y G-e-r-k-e. And I'm the director of the Nebraska Public Employees Retirement System. And I'm here to testify in a neutral capacity directed by the PERB. I have a prepared statement that is much less eloquently written than what you've already heard and says no more than what you've already heard. However, I would like to reiterate very quickly the collaboration that went into this

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

bill and all the hard work that was done by the member groups: NCSA, NSEA, legal counsel for several school districts, the reps from several school districts, who-- you've heard a couple today-- excuse me-- the for-- the former legal counsel of this committee, as well as our legal counsel at NPERS. They had several meetings, and they collaborated very well with this. And I just want to make sure that I acknowledge that-- all the hard work that they did. Other than that, I would be happy to answer any questions that you might have.

IBACH: Thank you very much. Are there questions? No questions from the committee. Thank you very much.

RANDY GERKE: Thank you.

CLEMENTS: I've got another meeting I've got to go to.

IBACH: And Senator McDonnell to close.

McDONNELL: I'll waive--

IBACH: Waive? OK.

McDONNELL: --unless there's questions.

IBACH: Waives closing. Does anybody have questions? No. Thank you very much, Senator. That closes our hearing on LB198. We'll now have Senator McDonnell open on LB197.

McDONNELL: Thank you, Vice Chair Ibach. My name's Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l. Represent Legislative District 5, south Omaha. LB197, which-- would provide our police officers and firefighters a process to choose to participate in the Social Security system. This issue came to light late last summer when the cities of South Sioux City and Papillion received determination letters from the Social Security Administration. This prompted the previous and now retired Retirement Committee legal, legal counsel, Kate Allen, to take a deep dive into the Social Security coverage for the public employees. I just want to say that-- Neal is doing a great job, but Kate, if you're listening, thank you for all the work you did. And you're definitely, you're definitely missed. In December of, of late-- of last year, Ms. Allen published an incredibly comprehensive report on the history and timeline of Social Security coverage for the public employees. This report is available on the Legislature's website. As I, I know Kate is now watching, I offer my highest kudos and, and great appreciation for your work on this issue. I am aware that there are other-- others wishing to testify on

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

this issue, so I'll try to be brief, but I do want to provide a snapshot of the history on, on this issue. When the Social Security Act passed in 1935, all public employees were excluded from the system. In 1951, the act was amended to allow states to voluntarily cover public employees under Section 218 of the act. In 1955, under what is called a-- the Section 2-- 218 modification, states could extend Social Security coverage to public employees covered by a retirement plan. However, police and firefighters were excluded. I'll jump a, a bit to 19-- 1994. When changes were made to the Social Security system, states were allowed to remove the prohibitions and include police and firefighters in the 218 modification process. Since then, all states except Nebraska have removed the prohibitions on police and firefighters from participating in the 2-- 218 modifications and referendum process. This brings us to the purpose of LB197, which is, is to remove the prohibition on police and firefighters from participating in the Section 218 modification and referendum process. Removing this prohibition does not guarantee there will be a modification or referendum by police and firefighters and certainly does not guarantee that, if the referendum were held, that it would pass. What it would do is to allow the process that is allowed in every other state to include police and firefighters in the Social Security system in Nebraska. Here to answer any of your questions.

IBACH: Very good. Are there questions? Senator Vargas.

VARGAS: I thought you were going to call me Senator Holdcroft. So thank you, Senator McDonnell.

IBACH: Sorry.

VARGAS: Why, why didn't we do this in the past if other states have done this previously and we're the last state to--

McDONNELL: Well, you're going to hear some of that history from the people following, following me. But, yeah, that's-- it's-- I don't, I don't think it's a-- I don't want to point fingers and say they should have done this or this person should have done this in the past. I just know where we are today with the problem and, and try to solve it.

VARGAS: All right. I'll ask them. Appreciate you.

IBACH: Very good. Thank you, Senator. Senator McDonnell, one other question.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

CONRAD: That's OK.

McDONNELL: Oh.

CONRAD: I, I-- thank you, Vice Chair Ibach. And thank you, Senator McDonnell. I just wanted to note for the record, I had an opportunity to dig into the legal memo that former legal counsel constructed and that we were directed to our attention by the present legal counsel. And it was incredibly comprehensive and informative and really an excellent treatment of these complex issues. And I, I really appreciated the staff support, past and present, in regards to understanding this issue, so. Thank you.

McDONNELL: Thank you, Senator. And again, I, I just don't think we can thank Kate enough for all the work she did and, and, and-- again, the position she left this committee in and the help she's continued to give Neal as our, as our legal counsel.

CONRAD: Great. Thank you.

IBACH: Thank you, Senator. Are there proponents of this bill? No proponents. Are there opponents of this bill? Seeing none. Are there anyone present that wants to speak in the neutral? Thank you.

LYNN REX: Thank you. Members of the committee, my name was Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. I appear here today in a neutral capacity. I would just like to underscore the comments by Senator McDonnell. I really appreciate all the hard work of this committee and Kate Allen, former legal counsel, and your current legal counsel. But just tell you that this is probably one of the most complicated issues-- I'm trying to think of the right words, the right adjectives-- that we have faced in terms of pension systems for first-class city police and fire. As the committee itself found out in October 2022, the League was finding out at the same time-- and I think some of the firefighters found out-- and subsequently at a fire hall meeting at the Lincoln Fire Hall to discuss basically some of these-- the issues of Social Security for firefighters. That meeting was called by Senator Carol Blood, who had put in a bill, Senator Mike McDonnell, and then current-- then Chair of the Retirement Committee, Mark Kolterman. So the purpose of that was to discuss Social Security issues, cash balance plan possibly, other sorts of things for first-class city fire. But this issue came out about Social Security, and subsequent to that then, there were discussions because, at that point, I think South Sioux City had already informed. We gave a copy of those

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

letters-- of that letter to Kate Allen and to the committee. They were informed that they shouldn't be paying Social Security. Papillion had been informed in a determination letter they should be paying Social Security. There's 31 cities of the first class. To be-- the, the kindest word I can say, it was a complete debacle and has caused nothing but stress for police officers. I can't speak for firefighters, but I can certainly tell you for police officers it has, and for city manager administrators, everyone trying to do the right thing. And as Senator McDonnell said, it's not a function of, is anyone to blame? It's not the firefighters. It's not the police officers. It's certainly not the cities. It's not this committee. But it's one of those situations of why good-- my goodness, why didn't we know? And then what's been put at stake here is if you're a police officer in this state, do you have to then have-- when-- and by the way, this bill-- I mean, we're the only state that doesn't have it. And so really appreciate all the efforts that Kate Allen and others put forward to bring you to this point as a committee so Nebraska could be in line with other states. But what does it mean? Does it mean then that if you-- every, every city of the first class has a police department. Not every city of the first class has a paid full-time fire department. So does-- when the police officers were told in the first instance they were not going to be covered, they're not eligible, does that mean they have to have a referendum? What, what happens if it doesn't pass? Would they then pay Social Security? Those are the kinds of questions we're getting from police officers in cities of the first class. So the consequences of something like this are really huge. The implications are huge. And I think there's a-- there are a lot more answers that we need to get as this bill proceeds forward. And I do think too, just-- I can't underscore enough the hard work that Kate Allen did. Senator Conrad, glad that you took the time to read this very comprehensive report. But I can tell you that, as I've been involved in this effort for over 40 years with police and fire pensions, that one of the last times that we had negotiations which fundamentally changed the defined benefit plans for first-class city police and fire to defined contribution plans-- and this was in 1982, '83-- has a lot to do with what was happening with unfunded liabilities, quite frankly, because of-- unlike any other retirement system in the state, the State Legislature, your, your predecessors put not one dime into it-- just a mandate to do it. And so if you had older, experienced officers, then basically-- and they retired, they wouldn't have the opportunity to put in enough mon-- money to basically provide for, for example, the average of the last five years' benefit in a defined benefit plan. And so there are issues there. We had one municipality of the first class that was on

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

the verge of bankruptcy because of their unfunded liabilities and but for a bond issue that was going to pass in that city, either they were going to go into bankruptcy or not, and John DeCamp at the time put in a bill to enable. That was why the bill went into effect, to enable municipalities in this state to file bankruptcy. And so some first-class cities managed better than others. Some had younger officers when those mandates came in, and so they were in a better position to backfill it. But in any event, the negotiated agreement in 1982, '83, which took the passage of LB237 and LB531 when they took effect January 1, 1984, that officers hired before January 1, 1984, got the bet-- the greater benefit of the defined benefit plan or the defined contribution plan. Officers hired after January of 1984 would be under the defined contribution plan, and that's the system we have in play today. So you can imagine the shock if you were-- if you're a police officer, even if you're a firefighter, to find out. Because firefighters back then-- actually throughout my entire career-- you know, we were told-- they were saying they elected not to participate. We were told that. The-- there are former people in this committee that were told that. We believe that. I think they believe that or they wouldn't have been saying it. There's an issue now about, well, did they really say it or didn't they? Who elected in? Who didn't? Was it an opt in? Wasn't it? But at the end of the day, confusion underscores this issue because-- and firefighters in a city of the first class were not paying-- other than-- it was shock to find out that South Sioux City was actually paying Social Security. So they have not been paying Social Security, which is why back in '82, '83 when those negotiations happened, changing them from a defined benefit plan to a defined contribution plan, cities of the first class then and now are putting in 13 percent, and they put in 6.5. Whereas on the fire-- on the police side-- because police officers have and continue to be paid Social Security and they contribute to Social Security, the 6.2 percent. So they-- the city pays the Social Security for the police officer. They pay the Social Security. So to offset that, in fairness, the firefighters said, well, you've got to give us more than the police that were getting six and six at the time because the city isn't paying Social Security. So that's why they-- firefighters were getting 13-- and now are as well-- 13 percent. And they put in 6.5-- 6, 6.5, whereas on the police side, it was initially six and six; and then we negotiated with them, and they went up to 7.5, and we're doing 7.5. We offered them up to 9.5. They didn't want to go to 9.5. So in any event, this is a very complicated issue. Really appreciate all the hard work of this committee and just underscoring on behalf of those police officers who are wondering at this moment in time,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Nebraska Retirement Systems Committee February 23, 2023

they've been paying in, what does it mean for them? Do they have to have an election? What are the consequences? And, and, frankly, the Social Security Administration, in my view-- this is my view only-- has been inconsistent in the information that they have provided even of recent. So it's very frustrating to know what exactly to do. So this is a very important issue, and I really appreciate the time and effort, again, of your former committee counsel, your current committee counsel, and the Chair of your committee, as well as Mark Kolterman. I'm happy to answer any questions that you might have.

IBACH: Great. Thank you. Are there questions? I think you defined it--

LYNN REX: Thank you so very much.

IBACH: --and outlined it very, very well, so. Thank you.

LYNN REX: Thank you so much. Thank you for your time and effort.

IBACH: Are there other folks to testify in the neutral? Seeing none. We'll ask you to close, Senator McDonnell.

McDONNELL: I'll waive unless [INAUDIBLE] has questions.

IBACH: He waives. Waives closing. With that, we will close LB197. By the way, there was one online letter submitted in the neutral position. Thank you.

McDONNELL: That ends our hearing. Thank you all for coming. Can we have a motion to go in Exec Session?

CONRAD: So moved.