

that it was. I know of no satisfactory explanation for that, and I'll be kind, mistake in administration of the system. But we are stuck with it. And I don't mean stuck in the sense that I believe that we should be sorry, necessarily, because it may have represented good policy. But it is simply contrary to the statutes. And that brings us to the problem. We have been asked to resolve the issue of whether those individuals whom the system allowed in contrary to the statute, we've been asked to resolve that issue. There are potentially three ways to resolve that issue. One, by remedial legislation. In other words, pass a bill that simply says, that's okay, you can all now elect membership. And, in fact, there was an early letter from the Attorney General's Office that suggested that as a possibility. The problem with that is that almost certainly that remedial legislation would violate at least one and probably two provisions in the Nebraska Constitution, Article III, Section 19, Article III, Section 18. One of those is a prohibition against additional compensation, the other is a prohibition against special legislation. The prohibition against additional compensation, pretty clearly applicable to those persons who have already retired and are receiving benefits based upon their election into the system, even though that election was contrary to the statutes, any attempt, in my opinion, any attempt to legislatively create rights for those individuals would be unconstitutional as an additional grant of compensation, that is unless we were somehow able to rehire all of those folks for some period of time and based upon their reemployed status, grant some rights to them. Now that is a greater level of gymnastics than I think most people would be able to tolerate. The issue of whether or not we could legislatively create rights for the other categories of people that are involved, and there are several of those categories, we have people who are still employed, that is they're still working, they're still, at this moment, making contributions, they're still...the school systems are still contributing on their behalf. Another category are people who have simply worked for a period of time, elected into the system, made contributions, school district made contributions, state made contributions, they're no longer working for a school system. We have people who have, are currently waiting to receive benefits. And as I noted, we have those people who could still potentially elect into the system if the practice was allowed to continue. For those people a legislative solution raises the issues of whether or not it would be special legislation. We