

between Senator Wickersham and myself. And other members of the committee have agreed that they would like to put 343 forward after carefully listening to all the discussion at the hearing, receiving all the information on it, reviewing it and talking to the individuals involved. I have taken an opposing position. I think what we have done so far will be adequate to take care of what has occurred and to handle the problem and I do not see a need to ask the Attorney General to go to court on this issue. Not only do I not see a need to go to court on the issue, but I also see a lot of dangers involved, a lot of complications and possibly potentially some very expensive complications involved, and we won't really be solving the problem by going to court. So not only do we not solve the problem by passing 343, because I believe the problem has already been adequately taken care of by the PERB Board and the Opinion of the Attorney General and the Special Assistant Attorney General Gary Clatterbuck. But I think by going forward with 343 we are creating a whole Pandora's box of problems that we really don't have any idea of what will happen. I sent out to another senator a memo on 343 and I have given you the testimony of Gary Clatterbuck, who is a Special Attorney General that was hired by the state of Nebraska to...he is a pension law expert from Baird Holm Law Firm and he has researched this entire issue and has come to a completely different conclusion than what we have before us in 343. He believes the appropriate response is already being taken, and he concludes that if we go ahead with 343 that it will incur...we will incur an enormous expense, the lawsuit will require the inclusion of over 600 necessary parties. There are 600 retirees involved in this issue. And it could be broken down individually. Each one of those people would have to go to court because each one of their cases are different, which in each one of their different situations within their school districts, et cetera. He believes that no resolution can come from 343 or going ahead with the lawsuits because it will fail to bring clarity to the actual issue of 343, which really is very clear, a mistake was made. We are also exposing ourselves to a Supreme Court rule that might adversely effect issues outside. If you'll read through his testimony, he talks about other states that have gone ahead with this decision. And the worst decision that he believes was ever made for their retirement system was to decide to litigate the issue of equitable estoppel which, which I tend to agree with him on all of these issues. I agree with the Attorney General's Opinion on this, I agree with a pension law expert, Mr. Clatterbuck's