

this is not the way to go to resolve the problems that we are having with the, with the mistake that was made in the retirement system allowing these individuals in. We created a contract with those individuals. I believe, through all the information that they received from the retirement systems, believe that they were part of the retirement system, paid for years into the retirement system, many of them, years into the retirement system, and now we are saying that because someone way back when, we don't even know who, and that has not been thoroughly investigated, made a mistake and allowed all these individuals in, and that policy was allowed to continue because they thought that was the policy of the state, that all of these individuals who we have now allowed into the retirement system have to go into this courtroom battle, so be it, to determine whether a mistake was made. We already know a mistake was made. We think that, that what happened here was against statute. That's all been determined. But it also what happened was we created a contract with those individuals outside of statute because we gave them, we gave them policy documents, we gave them brochures on their retirement, they were paying into the system, all of this creates a right of estoppel. And the attorneys on the floor can have a heyday with this because this is the kind of issue that they love to talk back and forth on. But in my, my very low knowledge point of view, what it created was a promise that you can't break, because we created a promise to those individuals, the state of Nebraska created a promise that we were giving them the retirement in good faith and that...

SENATOR WILL PRESIDING

SENATOR WILL: One minute.

SENATOR WITEK: ...we can continue to do so, that we shouldn't break that promise. And that it can't be broken contractually, as Mr. Clatterbuck brings up in his testimony. When other states have had problems involving this promise, it has just made more problems within the system until in his opinion it hamstrung the line of authority that was developed because of these continual cases. So it did not bring about a resolution to the problem, but it brought about...it hamstrung any individuals to do anything about the problem. The PERB is already doing something about this problem. They are reviewing each case individually as it comes into the system, and the