

SENATOR WITEK: The whole issue revolves around the Resolution 343 discussing individuals who were allowed into the retirement system against the statute that was written and they would not have been allowed into the retirement system had that been adhered to so there was a mistake made years ago. But over a period of years, there were nearly 600 employees allowed into the retirement system. That whole incident or issue has been the area of discussion for at least a year, well, for about a year in Nebraska on how to resolve this issue. And 343 is one approach to take that is being recommended by Senator Wickersham, some members of the Retirement Committee. The other approach to take is one that is already being taken by the PERB Board, the Retirement Board, Employee Retirement Board, and recommended by the Attorney General and that's a broad discussion of what we're discussing. My issue specifically is to put some language into the resolution, should it pass, to acknowledge that we have been advised from Mr. Clatterbuck, who is a special attorney general for these issues, for retirement issues, and also acknowledge that we have been advised by these individuals against doing what 343 recommends that we do, and they have all advised us not to go to the Supreme Court with this issue. And my amendment just says that we're acknowledging that we have received that advice. And if you'd like me to just keep talking...

SPEAKER WITHEM: Thank you, Senator Witek. We'll continue debate on the pending Witek amendment. Senator Maurstad.

SENATOR MAURSTAD: I'll waive off.

SPEAKER WITHEM: Senator Wickersham on the Witek amendment.

SENATOR WICKERSHAM: Thank you, Mr. President. I am...I have spoken before on Senator Witek's amendment and indicated my opposition. That opposition has not changed. Senator Witek's amendment really has three elements in it: a question about expense, a question about clarity and finality, and a question about liability risks and unfavorable court rulings. I have spoken before about the first element, the expense. I don't know what the expense will be. I read you testimony from Mr. Gras about what he thought the cost might be. I don't think anybody knows. There will be some cost. The other two elements in her amendment are perhaps more substantive. One, will likely fail to bring clarity and finality to the matter,