

SPEAKER WITHEM: Debate is ceased. Senator Witek, you may close on your amendment.

SENATOR WITEK: Thank you, Mr. Speaker, members of the body. The purpose of my amendment is to try to get opportunity for more discussion on a differing point of view, a totally opposite point of view of what the committee recommendation is in 343 because I so strongly disagree with 343. I believe we have a resolution to this issue. It has been reaffirmed by the Attorney General in the state of Nebraska. It has been reaffirmed by Mr. Clatterbuck who is a special assistant attorney general for the PERB Board and he is a pension consultant, I guess expert is what you'd call him. Both of those individuals and the people involved with researching these opinions have told us in the state of Nebraska, we don't need to do anything else. And they're not saying that because there's not a resolution, they're saying the resolution to this issue is that we have already acknowledged that there was a problem, somebody made a mistake. We fixed the mistake. We allow the people to continue to receive their pensions. It's acknowledged, closed off, changed, policies changed and we don't need to go to court because they don't exactly know how to go to court for 600 people, is part of the problem, too, on how this would come about. In the hearing, it was never made clear on how this would come about. One person had one opinion how that would happen and the attorneys were totally opposite on whether to go to court. And the reason Gary Clatterbuck didn't issue a formal opinion was because he said he didn't want to provide a road map for litigants. Because if we adopt something like this, we will have litigation all over the state and he didn't want to provide a road map. He said, there's one overriding and obvious issue that we need to focus on. In view of the goal of finality and clarity which Senator Wickersham says that's what...and the committee says that's what we're trying to do, he thinks that the resolution...we already have the resolution that we're asking for; and that this resolution in 343 is no guarantee at all that it will make it any more final or any more clear. That's what the point that I wanted to make with this amendment was that I believe 343 is totally unnecessary, totally unnecessary; and not only unnecessary, but dangerous, very dangerous for a lot of people's retirement. Six hundred people's retirements are at stake here. And if they have to go to court, each and every one of them, and we have to go to court with each and every one of them, that's what's going to cause