

taking that money back. And if you all are of the belief that they deserve that money, and I haven't ever heard one single individual in here argue that they don't deserve it, then why are you willing to put them at risk for a measure of certainty? Maybe they're going to be at risk anyway. But let's say somebody else put them at risk, not the Legislature. Those are my arguments.

SENATOR CROSBY PRESIDING

SENATOR CROSBY: Thank you, Senator Beutler. Your light is next, Senator Beutler. Senator Wickersham on the Beutler amendment.

SENATOR WICKERSHAM: Thank you, Madam President. I will oppose Senator Beutler's amendment and I know that when Senator Witek was discussing her amendment she kept discussing the advice that she had received and we had received from Mr. Clatterbuck. And it began to sound as though it was the majority of the Retirement Committee opposing or rejecting Mr. Clatterbuck's advice. The fact of it is that the Legislature has received advice from another attorney already. The other attorney is Mr. Achelpohl hired by the Exec Board, and Senator Witek did mention Mr. Achelpohl. Mr. Achelpohl, like Mr. Clatterbuck, is an attorney experienced in retirement issues. In fact, he is the attorney that represented a group of State Patrol officers and brought what is now known in retirement circles as the Halpin case and began to establish a contract theory of rights for individuals when there was misadministration of a retirement system. So Mr. Achelpohl came to us with what we thought substantial credentials, both as an attorney who is familiar with the constitutional issues, in fact, he developed some of the law in that area, but also an experienced litigator who could advise us concerning the various ways in which this issue might be addressed, the potential risks, the motions, the difficulties, et cetera. And it was Mr. Achelpohl's advice that we ultimately chose to follow in this issue and to agree with him that we should attempt a resolution of the issue. There is I think some confusion in what Senator Beutler said to you about this issue. And the confusion I think is one of frustration, Senator Beutler, that you're frustrated that this issue is before us and you're frustrated that potentially the issue is insoluble. That frustration was experienced I think by all of the members of the Retirement Committee as well. But our