

case is what I'm afraid of because in the opinion of Mr. Clatterbuck, this has occurred in other states. They have gone to their Supreme Courts in other states to litigate some of these areas. And what has happened is a Pandora's box. He calls it a second major concern that the binding precedent that may be developed in the litigation. There's no way to control the areas of inquiry or holdings that may be at issues in the court cases that are called upon to examine these issues. The committee needs to realize that it's highly probable, highly probable that litigation could result in standards being imposed by the courts which would extend beyond this particular case and extend to all the retirement systems. Future administration of the retirement systems could be adversely affected or severely curtailed by these court decisions, and court decisions which, in our view, would be brought only by needless litigation. So why are we doing this? That's what I keep asking myself. Why are we even considering that we're going to go to the Supreme Court to get the exact same opinion that the Attorney General has already given us? If they don't give us that opinion and they give us something else or something broader than that, it could affect our entire retirement system in the state of Nebraska...

SENATOR CROSBY: One minute.

SENATOR WITEK: ...and all the people involved, not just these six to eight hundred people who are involved in this issue. And if they don't...and it won't resolve it for these six to eight hundred people. This won't resolve it because if the opinion comes down that there's a problem, every single one of these people are going to have to go to court to get their retirement money. And it's not money we're paying, not just the money we're paying. They have contributed to their retirement. They have...and this is their only...you know, in some cases the people came in, this is their only retirement. What do they do in the meantime while you got this all thrown into court and you get another attorney's opinion? The Supreme Court, they're just a bunch more attorneys. You know, you're just going to get all their opinions. So I would ask you to very seriously consider what you're being asked to do here. I sincerely believe it is the wrong direction. We have a resolution. We have an opinion of the Attorney General. PERB is following that opinion of the Attorney General. Everyone involved has agreed that that's a good thing except for Steve Achelpohl who was hired by the