

SENATOR CROSBY: Senator Wickersham, will you...Senator Wickersham, will you respond to a question?

SENATOR MAURSTAD: Senator, while you're walking to your mike, is it another alternative, and if it isn't, could you explain to me why it would not be an alternative for the state to just, and I think you characterized it as a mistake, just admit the mistake and reimburse those that have been damaged?

SENATOR WICKERSHAM: Well, Senator, that really isn't possible in the way that you're thinking of it I believe because that would really deny benefits to the noncertificated employees who have been participating in the system. They have made contributions, the school systems have made contributions, and the state has made contributions. Just giving the noncertificated employees their money back is really not a successful resolution of the issue. Their expectations are for benefits that are based on not only their contribution but the employer's contribution and also the state's.

SENATOR MAURSTAD: And I agree with that and I want to make it clear that I believe that they ought to be taken care of. And I guess my thought was that if we...if the people's money was in there, I guess my question is, is that safe? Is the school district's money in there, is that safe? And if the state put in what we were supposed to have put in, and then from that point forward introduced a law that would in essence from this point forward put us in the situation that we're in now, is that a potential possibility? And if not, I just would like to know that it's not.

SENATOR WICKERSHAM: Okay, that is not...I believe what you're suggesting is that we just provide a new retirement, in essence, a new retirement benefit for these people. That is not, in my opinion, is not constitutionally possible for those people who have already retired and are receiving benefits. Certainly for that class of people it is not possible because that's additional compensation. I think there's very little disagreement about that. We have an additional difficulty in doing that for the other folks...

SENATOR CROSBY: One minute.

SENATOR WICKERSHAM: ...and that is also a constitutional