

constraint because we know exactly how many of those people there are. And it could very well be a closed class and unconstitutional as special legislation.

SENATOR MAURSTAD: Thank you for that answer, Senator, and I'll relinquish the balance of my time.

SENATOR CROSBY: Senator Wickersham, you have a...did you want the other 40 seconds?

SENATOR WICKERSHAM: No.

SENATOR CROSBY: Thank you. Senator Witek on the Beutler amendment.

SENATOR WITEK: Thank you, Madam Chairman, members of the Legislature, just three points. The number of individuals who are involved according to a March 21 document from the PERB...PERB is the Public Employees Retirement Board, of course, is 538. We have 398 active, 57 inactive, 1 pending, and 82 already retired depending on this money. The contribution rates for active/inactive pending is over \$8 million; retired, \$1.5 million; the total, \$9.8 million. That's what we're talking here with just this one issue and these 538 people. One other point I'd like to make is that this is a letter from Senator Wickersham...to Senator Wickersham from the Attorney General in September. He says, I have received your letter, Senator Wickersham, urging that a lawsuit be filed. This was after he received the Attorney General's Opinion, to attempt to deprive 549, at that time this was the count, noncertified school employees or former employees of their retirement benefits. As you know, I have ruled that they are entitled to these benefits and the retirement system is acting in accordance with that ruling. So we have already had a resolution. If there is someone who disagrees with my opinion and wishes to spend the time and money to challenge it, then I will defend the ruling in court. However, I am not going to encourage anyone to file a suit. In the absence of such a legal challenge, I view this issue as having been resolved. If the Legislature wishes to take some action concerning this matter, that's for the Legislature to decide. In sum, the retirement system now seems to be working as it should be concerning this issue, and I see no reason to file a lawsuit to challenge my own legal opinion nor do I see any necessity to encourage anyone else to file a