

April 10, 1996

LB 847, 1076
LR 343

SENATOR WITEK: I would agree the same ones might not be, but we might have more, a lot more questions by this time next year.

SENATOR CHAMBERS: Thank you. I appreciate your answering the questions.

SENATOR CROSBY: Thank you, Senator Chambers. Senator Wickersham, yours is the last light. Would you like to close on the resolution?

SENATOR WICKERSHAM: Thank you, Madam President. I'll try to be brief. We've had quite an extended discussion. I hope that all of you have found that discussion sufficient for you to make a decision on this issue. I would suggest to you it is not necessarily an easy one. It was not easy I think for members of the committee to recommend this resolution to you. There is one issue that I want to specifically comment on that was raised by Senator Beutler. That is the issue of the statute of limitations. There is indeed a statute of limitations provision in LB 1076. There is also another provision in 1076 that would have some bearing on this kind of an issue and that is express authority being granted to the PERB to correct errors that are discovered in the administration of the system so that it becomes literally a part of the contract with the beneficiaries that the PERB has authority to correct errors in the system. The difficulty with those two provisions, and I would suggest to you that they were generated at least in part by the analysis of this issue, is that I don't think they're applicable to this issue. I do not believe that we can now impose a statute of limitations on any rights, privileges, claims, et cetera, that have already arisen with regard to the noncertificated employees' rights or the potential for a claim by a district or a taxpayer or someone else to a refund of dollars. I do not think at this point that we can cut off those potential claims with a new statute of limitations. We would have to rely on one that is already in existence. And you heard I think the testimony there is some uncertainty about that, and so hopefully we are doing things in 1076, in fact, I hope we're doing things systemwide, not only in 1076 but in LB 847 and in other bills that the Retirement Committee has advanced and you've been kind enough to consider and place on Select File or adopt that will hopefully prevent or at least reduce the circumstances or the opportunity for this kind of an issue to come before you again.