

I agree with Senator Murphy, we are going to have to face the reality of funding those plans and requiring full funding. But the bill, as it is today, and I'm not an expert on the bill and I don't carry the bill, I only have an amendment for it, my amendment said that the individual who benefits will pay. I don't see how you can find much fault with that. I would hope that we would defeat the Murphy proposal and advance the bill.

SPEAKER MARVEL: Senator Venditte.

SENATOR VENDITTE: (no response).

SPEAKER MARVEL: Okay, Senator Beutler. We are speaking on the motion to suspend the rules and take up the bill.

SENATOR BEUTLER: We are speaking on the motion to suspend the rules?

SPEAKER MARVEL: Senator Schmit's motion is to suspend the rules and take up the kill motion now. We are on the kill motion then Senator Beutler, I'm sorry.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would just reiterate what Senator Murphy has said to begin with. You may be interested to know that Section 6.09 of the City of Omaha Charter provides that the minimum or optional age of retirement for policemen or firemen should not be less than 55 years of age. So, there is something specific in the Omaha Charter that also provides the contributions of funding the police and fire pension benefits shall be substantially equal. These would be the city and its employees. So, very clearly we are going into a local area, into local government, into the City of Omaha and telling them that they can't work with their own people and decide what should be done in Omaha. Beyond that, and I haven't had a chance to research this thoroughly, but beyond that you may well be into a constitutional problem. Omaha does have a home rule charter and that does mean in areas of local concern, as opposed to areas of state wide concern, and there are a lot of cases that try to decide what is local and what is state wide, but in areas of local concern the city charter will prevail. The question that arises here is whether the pension fund is a matter of local concern or state wide concern. If this should be taken to court and if it should be decided that it is a matter of state wide concern then everything we are doing here is futile. In addition the court case could go in a number of ways. It may say for example that the question of who pays how much of the funding that has to be done is