

the circumstances that over a period of two or three years here that have developed, I do believe we should put this in the bill and I am supporting the Wesely amendment because even if the employee chooses to take out their first 50 percent, they still are not destroying the annuity that they will be picking up later on. So consequently I'm going to support the Wesely amendment.

SENATOR BARRETT: Thank you. Senator Wesely, please, followed by Senators Pirsch and Harris.

SENATOR WESELY: I'll just take one second again to tell you that what has happened, and I think Senator Harris said it very well, but let me again emphasize it. Senator Goodrich summarized it. This is a situation I didn't want to be in and I don't think any of us really like. The Attorney General on their own volition on a request from the Equal Opportunity Commission they had a complaint filed with Equal Opportunity and they said this is age discrimination. And the Attorney General gave them back an opinion saying, you're right, it is age discrimination. So without any court case or without any judge ruling this the AG opinion was enough to change the PERB board from continuing the way we have for years and years and years in not allowing a lump sum which is clearly the intent of this Legislature and clear in the statute, I think, but which the Attorney General says, well, that's discrimination. So the PERB board said, well the Attorney General is our attorney and if he says it's illegal, then nothing we can do. And we got them to delay implementing this till February 1, thinking that little old LB 325 would be passed by then but we got a little amendment by the school teachers and kind of screwed that up, but as a result they now have gone to the policy that the AG said they had to and are giving out 100 percent lump sum and we're trying to get that down to 50 percent because we just don't want people to be able to have all their money back when that is supposed to be for retirement. So that's the situation we're in. I don't like it, but that's where we're at and I'd ask your support for it.

SENATOR BARRETT: Senator Pirsch.

SENATOR PIRSCH: Thank you. I have a question of Senator Wesely, and maybe one of the attorneys in the body could also help me. Senator Wesely, how will this address the age discrimination? What is the difference between 100 percent