

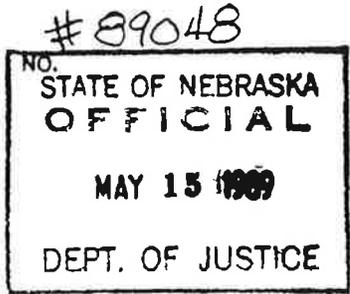
Linda Willard

DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

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ROBERT M. SPIRE
Attorney General
A. EUGENE CRUMP
Deputy Attorney General



DATE: May 12, 1989

SUBJECT: Constitutionality of Proposed Amendments to Legislative Bill 137 Relating to Adjustment of Retirement Benefits of the Nebraska State Patrolmen's Retirement System.

REQUESTED BY: Senator Rex Haberman, Chairman, District 44 Nebraska Retirement Systems Committee

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

This is in response to your question concerning the constitutionality of Amendment 1154 to Legislative Bill 137.

AM 1154 is an Amendment to Standing Committee Amendment, AM 0812. In reconstructing Section 1 of LB 137 after Amendment to Standing Committee Amendment (AM 0812), the section states:

Any annuity paid pursuant to sections 81-2014 to 81-2034 to any officer or surviving spouse qualified to receive such payment prior to January 1, 1978, shall be adjusted to an amount of at least one thousand dollars per month beginning on July 1, 1989.

Amendment 1154 deleted language in the original bill which provided that the payment was an adjustment to reflect changes in the cost of living and wage levels.

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Senator Rex Haberman, Chairman
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Article III, Section 19, of the Nebraska Constitution prohibits increases for services previously rendered except that retirement benefits may be adjusted "to reflect changes in the cost of living and wages levels. . ." . Deletion of this language from the bill results in Section 1 of LB 311 providing for increases which would be constitutionally prohibited.

Accordingly, the conclusions in Opinion 88022, (Opinion of the Attorney General, March 11, 1988), apply to Amendment 1154 to the Standing Committee Amendments to LB 311.

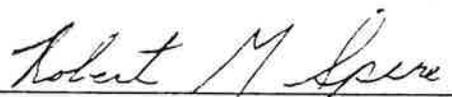
Sincerely yours,

ROBERT M. SPIRE
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APPROVED:


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cc: Patrick J. O'Donnell
Clerk of the Legislature

21-02-4