go to 72 when we are anticipating having the retirement age for 65 for state employees who are not judges?

SENATOR WHITNEY: Yes, we've made the same amendment for state employees that they not be required to retire until they are 72. Now they can retire at 65 but then it depends upon the head of the department. They could continue then until 72, so we're doing this same thing for state employees that we are intending to do here for the judges.

PRESIDENT: Senator Clark. Still speaking on the committee amendment here to 353.

SENATOR CLARK: Yes, I'd like to ask Senator Whitney a question.

PRESIDENT: Senator Whitney, will you yield to another question?

SENATOR WHITNEY: Yes.

SENATOR CLARK: Would this allow these judges that were 69 when they went in ad district judges or the county judges to go ahead and fill out their term?

SENATOR WHITNEY: If they are 69 and the length of term is 4 years, let's see, they'd be 73 and I think, but I'm not certain--I have not checked with the Attorney General and Senator Luedtke's going to have an amendment to put on Select File that would permit this very thing that any judge who is within his term now then he could continue on until he finished his term. However, the way the bill is drafted at the present time, he, it all depends on whether or not it's constitutional. If it's constitutional for him to retire at 72, then he would do so. If it's not, he would not do so. It would depend upon whether Senator Luedtke's amendment would pass or not.

SENATOR CLARK: Well, to me I think it highly important because these people gave up a practice of law at 69 to run for the county judgeship, they won it and now they would have to get out before the end of their term. They certainly couldn't pick up their practice, so I would hope Senator Luedtke would have that amendment.

SENATOR WHITNEY: Yes, I told Senator Luedtke that I would support his amendment.

PRESIDENT: Any further discussion of the committee amendment? Are you all through discussing the committee amendment then to this bill? Question is, shall the committee amendment be adopted? All those in favor vote aye, all those opposed vote no. I'm sorry, I thought it might be controversial. Have you all voted? We're voting on the committee amendment here to LB 353. That's fine. Clerk will record.

CLERK: 16 ayes, 3 nays.

PRESIDENT: Committee amendment is adopted. Do we have other amendments then to this bill?

CLERK: None.

PRESIDENT: Senator Whitney, back to you.

SENATOR WHITNEY: Now I move that the LB 353 be advanced to E & R Initial and I'd like to explain the bill. The current law is somewhat inequitable because of the relationship between the age of a judge and the end of his term. For example, a judge who has his 70th birthday just before the end of a term must retire immediately whereas a judge