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say who has his 70th birthday just after the start of a term where the terms are six years in length, which is the case where some judges could conceivably work until he was almost 76 years of age and it appears that age

(End of Belt #12)

(Begin Belt #13)

72 is a high enough age that compulsory retirement should be provided to insure competent judicial performance. The judges retirement systems provide substantial enough retirement benefits that no judge would have to keep working to maintain an appropriate standard of living to himself or his family. The passage of LB 353 would cause no important fiscal impact on the General Fund. Mr. Isaacson appeared in support of the bill. There was no testimony against the bill. The bill was advanced with 4 ayes and 0 nays. I move the bill be advanced to E & R Initial.

PRESIDENT: Any further discussion of the bill? Senator Carpenter.

SENATOR CARPENTER: I'd like to ask Senator Whitney a few questions.

PRESIDENT: Senator Whitney, will you yield?

SENATOR WHITNEY: Yes.

SENATOR CARPENTER: What makes you think a man of 76 is senile?

SENATOR WHITNEY: Some are not and some are. This is what was felt was desirable by the retirement committee.

SENATOR CARPENTER: We've got people who are serving with distinction particularly in the area of the courts much older than that and we have a shortage of legal minds which are capable of doing what they eventually was elected and kept for. And when they get off of the bench we put them on further for example in order to take the place of those other people. We've set up for example a new court system under 1020 as I recall in which we now have the Supreme Court dissenting in judgment on all the judges and Mr. Dunlevey has the responsibility to advise them when people are competent not only from the standpoint of age but other things. I don't think we should do this to judges. I don't think a committee of four can stand judgment on the qualifications and the ability of a man because of his age. That's every individual case. Now you're putting, the fixed thing when a man is 70 he's through. Now I'm 73. I hope to live to be 100 and stay in this body until I'm 100. Think about that for a while. I think these things take care of themselves. I think the Bar Association has a responsibility in order to take care of these things just like you want to do it, it's just like ETV. What do we want to get in this field for? Let the court system take care of those who serve the people of this state. What do we want to get involved and have to set a mandatory age of 70 for example in the judicial? I don't think we ought to pass the bill. When it gets there, I'm going to make a motion to kill it.

PRESIDENT: Senator Whitney.

SENATOR WHITNEY: Senator Carpenter, if you want to put a kill motion on this, it will not hurt my feelings at all but let me say something first here. You see, the way it