

April 9, 1973

Just starting the county district judge system to take out three of the judges--incidentally the three county judges that would be taken out are some of the most able and qualified judges we have in the county district court system and it would be a shame to force them out just as we're attempting to have this type of a court system initiated in the State of Nebraska. Now the amendment that I have would, on page 2, line 5, after "retire" insert "provided any judge holding office on the effective date of this act may complete the term for which he was elected". Now this, this would then satisfy and I checked this with Mr. Dunlevey and he feels that this would cause the least amount of disruption, would also, however, establish a retirement age of 70 as currently under the present law if we stick with 70 or if we go to 72 as the committee amendment made it, it would either be 70 or 72 but, but anyone who held an office, had been elected to judge or selected as of the date, effective date of this act could complete the term, only the term for which he was then elected. That would not cause us any great disruption but would announce to all judges hereafter to make plans to retire at whatever age it would be, either 70 or 72 depending on which way you want to go. Now I presume, Mr. President, that we would have to go with the committee amendment...

PRESIDENT: We've already adopted the committee amendments. They are already on the bill.

SENATOR LUEDTKE: The committee amendment at 72 is before us, so if we adopt this then it would be 72, the age would be 72, wouldn't it?

PRESIDENT: Stand by.

SENATOR LUEDTKE: Well, this does not say 70. All right, we've already adopted the committee amendments so this would mean then, provided that any judge holding office on the effective date of this act may complete the term for which he was elected. That's all it would say.

PRESIDENT: All right, now, do you all understand that amendment? Is there need for discussion of the amendment? Senator Whitney, do you wish to be, do you wish to speak on the amendment? Okay, Senator Whitney and then Senator Marsh.

SENATOR WHITNEY: Mr. President, this will take care of Senator Clark's problem that he mentioned a few moments ago and I favor the amendment.

PRESIDENT: Senator Marsh.

SENATOR MARSH: I have a question of clarification for Senator Luedtke, please.

PRESIDENT: Senator Luedtke, will you yield to a question of Senator Marsh?

SENATOR MARSH: Does this clarify that we will not have a judge elected at 71 3/4 who will be serving for an additional four years? Or are we in the same spot we're in currently?

SENATOR LUEDTKE: Only those that were in the midst of a term right now would be affected by this amendment. In other words, somebody who is elected, who is selected or elected at an age that years ahead will reach this particular age will not be affected by this amendment. It would, I don't think it would do what you're talking about.