

April 9, 1973

should not interfere with the Constitution in this regard and so I move the second committee amendment be adopted.

PRESIDENT: Now any further discussion of this second committee amendment? Senator Warner.

SENATOR WARNER: Just a question of Senator Whitney. Could you, what agencies would that be that are required by the Constitution, could you give us a few examples of which agencies those are?

SENATOR WHITNEY: I was just reading here, the provisions pertaining to the mandatory age of retirement shall not apply to elected officials and now the committee then inserted in there, neither would it apply to employees of the Legislative Council nor to the members of the Legislature, or to employees of any agency required by the Constitution.

SENATOR WARNER: Yes, what agencies...

SENATOR WHITNEY: Those agencies would include the constitutional officers, it would include the Board of Educational Lands and Funds, it would include the Department of Education, I think those would be...

SENATOR WARNER: University, State Colleges...

SENATOR WHITNEY: I think it would also include the University of Nebraska that would be under the Board of Regents and it would include I think the state colleges. There's some question as to whether or not it would include the technical colleges.

SENATOR WARNER: Would the penal complex be, is that in the Constitution?

SENATOR WHITNEY: I'm not certain on that, Senator Warner, I'm not certain on the penal complex. Penal complex is not a Constitutional agency, is that it? I don't believe the penal complex would be considered a constitutional agency.

PRESIDENT: Senator Stahmer.

SENATOR STAHMER: Mr. President, first of all I'd like to ask Senator Whitney, going back to the first amendment, I had a question on it and, which, it says reinstate the new matter if I read this correctly. What is the new matter in the bill? I don't see anything underlined here. I only see something stricken.

SENATOR WHITNEY: No, it says, reinstate the stricken matter in lines 12 and 14.

SENATOR STAHMER: Well, right up on the top of the page, it says on page 2 strike the new matter and reinstate the stricken. What is the new matter? That's the,

SENATOR WHITNEY: On page 2 strike the new matter. That would be the period.

SENATOR STAHMER: Oh, just the period. All right, very good. Then I'm all right on that. Now let's go on to the second amendment. You're talking about legislation concerning constitutional officers so that they would be excluded from retirement?

SENATOR WHITNEY: Well, it was felt that the Legislature could not in this case legislate in this regard.