

how just changing the 100 percent to 50 percent, for the same age bracket, is going to correct that.

SENATOR WESELY: Well, it will help. But I'll tell you something, I think they are wrong on the age discrimination. I think there is a logic that we have followed all these years saying when you are up to that age you are close enough to retirement that you should get an annuity.

SENATOR PIRSCH: Um huh.

SENATOR WESELY: You are really retiring when you are 60 and over. You are not just terminating. It seems clear to me that that is the case, but it isn't to the Attorney General, so as a result we are in the box. But I think we could win a lawsuit frankly, Carol, if we ever got into it. But we just didn't have the ability to do that.

SENATOR PIRSCH: Okay, I understand then this is just kind of a conciliatory measure to address maybe a problem, but we're not sure if there is one. Thank you.

SENATOR BARRETT: Senator Harris.

SENATOR HARRIS: Mr. Speaker, members of the Legislature, the issue has been very well clarified just within the last few minutes of discussion. We are trying to again get the State Legislature, as the policy making body, to make this statement, as opposed to the PERB board, as opposed to the Attorney General or anyone else. We have to take this responsibility upon ourselves. We have to resolve this issue of age discrimination. I think this particular measure will do that. As Senator Wesely says, maybe we could win in court. But we also want to do what is best for the whole system, including the state employees. The issues that have been raised are all valid. They are important issues, but I think that this particular amendment should be supported. It clarifies the issue, does not cost the system money. It allows some options to the employee and to the state system. So I strongly urge the support of the Wesely amendment. Thank you.

SENATOR BARRETT: Thank you. Senator Abboud, please.

SENATOR ABBOUD: Mr. President, colleagues, I'd like to go one step further of what Senator Pirsch was touching on.