

January 4, 1996 LB 886

of that kind of a structure, and I think that a provision where a CEO cannot file an age discrimination against a company that has that kind of a policy only for their personal executive officers is not unusual. In fact, it is probably one of these provisions that allows the free enterprise system to function at this level without the...without those individuals being able to file a complaint. I think it is probably not an unusual, not at all unusual practice to require people in those positions, strictly in larger companies, and diverse ownership, to step down at some particular age group. And that's why it's there. Seldom, I suspect, it would be used, but it does reflect federal policy in this area as well, and I would...if there is a motion to strike that from the bill, I would oppose it.

PRESIDENT ROBAK: Thank you, Senator Warner. Senator Witek.

SENATOR WITEK: Madam Chairman, members of the body, Senator Warner, I guess I just need to ask you a couple more questions. I apologize, I appreciate your explanation so far. Was there a large number of filings from executives over the age of sixty-five who are being forced to retire from Nebraska companies (interruption)?

SENATOR WARNER: Have there been?

SENATOR WITEK: Was there a large number of sixty-five and over employees who are being mandated to retire from Nebraska companies?

SENATOR WARNER: Under this...

SENATOR WITEK: And filing...and filing under the NEOC?

SENATOR WARNER: I am not aware there's been any cases filed. I simply do not know, Senator Witek.

SENATOR WITEK: So...

SENATOR WARNER: But this is...the purpose of the amendment is that why is the government getting involved here with an entrepreneur or a private corpora...public...private or public corporation, for that matter, from imposing such a policy criteria if they want?