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LB 320

SENATOR HARTNETT: Sure. Yes. Yeah, that would be fine. Yeah. Um-hum.

SENATOR BRASHEAR: The \$1 is not and has not been generating sufficient monies. Occasionally, as recently, but only as recently, as 1996, the state has used General Fund monies to meet its obligation to appropriate to pay the deficiency in the fund. That was 1996. Then since 1996, the returns have been sufficient so that there was no deficiency. But now we have a deficiency again, given the inferior or the, whatever, the adverse returns. So that's where we begin to get to the \$750,000 and the \$1.5 million.

SENATOR HARTNETT: Are there a lot of judges retiring every year, Senator Brashear? Or is that...?

SENATOR BRASHEAR: I would...I'd have to research that. I certainly can and will provide you an answer.

SENATOR HARTNETT: And the purpose of this...having the fund for people to retire at 62 is to encourage them to retire? Or to just have a fund there?

SENATOR BRASHEAR: There has been some request for that. But we're not...there isn't some huge...

SENATOR HARTNETT: We're not going to open the door...yeah.

SENATOR BRASHEAR: ...outcry for early retirement. But I did offer the theoretical concept that has certainly been talked about, in that it's desirable that people who want to leave can leave. And the way the plan is structured now, it's absolutely punitive and prohibitive for anybody to leave early. We ought to want judges who want to retire to retire.

SENATOR HARTNETT: To retire. I would agree.

SENATOR BRASHEAR: Because they ought not be presiding over justice.

SENATOR HARTNETT: Yeah. Thank you, Senator Brashear.