

SPEAKER NICHOL: All right, the bill is returned. Do you want to return it to Final Reading, Senator Abboud?

SENATOR ABOUD: I move to readvance it to Final Reading.

SPEAKER NICHOL: All those in favor say aye. Opposed nay. It is advanced. Do you have any other ornaments for this Christmas tree, Mr. Clerk?

CLERK: Mr. President, Senator Withem, I understand you want to withdraw your amendment, Senator? Right? Okay. Mr. President, then I have a motion from Senator Haberman to return the bill for a specific amendment. (Haberman amendment appears on page 1538 of the Legislative Journal.)

SPEAKER NICHOL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, this is noncontroversial. I hate to bring the bill back for it, but I think it is necessary. I talked to Senator Hoagland. He will accept it. Now, as it stands, what I do is I call for a public hearing. As it stands right now after a death, retirement, resignation or removal from judge of any office the Supreme Court shall determine whether a judiciary vacancy exists. Now, this presumes that the Supreme Court could also determine that a judicial vacancy does not exist. That is why I'm saying that we need a public hearing at this point in the process. Now, there is a provision for a public hearing later on in front of the judicial nominating commission. But the part that you have to remember is unless the Supreme Court determines that a vacancy exists, we don't get to the public hearing in front of the judicial nominating commission. I think the people of this state should have the right to participate in the decision affecting the number of judges. My amendment gives that opportunity. It doesn't change the bill. It doesn't add dollars to the process. It just makes the initial determination by the Supreme Court of whether or not a vacancy exists public. That is all it does. I'd ask to return the bill for this amendment.

SPEAKER NICHOL: Thank you. Senator Hoagland, please.

SENATOR HOAGLAND: As Senator Haberman stated, Mr. Speaker, this is a reasonable amendment and we have no objection to