

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

**MR. SPEAKER:**

I move that House Bill 1198 be amended to read as follows:

- 1           Page 3, between lines 35 and 36, begin a new paragraph and
- 2           insert:
- 3           SECTION 12. IC 33-5-10.8-1 IS AMENDED TO READ AS
- 4           FOLLOWS: Sec. 1. There is established a court of record to be known
- 5           as the DeKalb superior court (referred to as "the court" in this chapter).
- 6           The court may have a seal containing the words "DeKalb Superior
- 7           Court **No. 1**, DeKalb County, Indiana" and **DeKalb Superior Court**
- 8           **No. 2, DeKalb County, Indiana"**. DeKalb County comprises the
- 9           judicial district of the court.
- 10          SECTION 13. IC 33-5-10.8-2 IS AMENDED TO READ AS
- 11          FOLLOWS: Sec. 2. (a) The court has ~~one (1) judge~~; **two (2) judges**
- 12          who shall be elected at the general election every six (6) years in
- 13          DeKalb County. ~~His A judge's~~ term begins January 1 following ~~his the~~
- 14          **judge's** election and ends December 31 following the election of ~~his~~
- 15          **the judge's** successor.
- 16          (b) To be eligible to hold office as judge of the court, a person
- 17          must:
- 18               (1) be a resident of DeKalb County;
- 19               (2) be under seventy (70) years of age at the time ~~he takes of~~
- 20               **taking** office; and
- 21               (3) be admitted to the bar of Indiana.
- 22          SECTION 14. IC 33-5-10.8-4 IS AMENDED TO READ AS
- 23          FOLLOWS: Sec. 4. ~~The Each~~ judge of the court has the same powers
- 24          relating to the conduct of the business of the court as the judge of the
- 25          DeKalb circuit court. ~~The Each~~ judge of the court also may administer
- 26          oaths, solemnize marriages, and take and certify acknowledgments of

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deeds.

SECTION 15. IC 33-5-10.8-9 IS AMENDED TO READ AS FOLLOWS: Sec. 9. ~~The Each~~ judge of the court shall appoint a bailiff and an official court reporter for the court; their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the DeKalb circuit court. Their salaries shall be paid monthly out of the treasury of DeKalb County as provided by law.

SECTION 16. IC 33-5-10.8-10 IS AMENDED TO READ AS FOLLOWS: Sec. 10. The clerk of the court, under the direction of the ~~judge~~ **judges** of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

SECTION 17. IC 33-5-10.8-14 IS AMENDED TO READ AS FOLLOWS: Sec. 14. The judge of the DeKalb circuit court may, with the consent of ~~the a~~ judge of the court and of the parties or their counsel, transfer any action or proceeding from the circuit court to the court. ~~The A~~ judge of the court may, with consent of the judge of the circuit court and of the parties or their counsel, transfer any action or proceeding from the court to the circuit court.

SECTION 18. IC 33-5-10.8-15 IS AMENDED TO READ AS FOLLOWS: Sec. 15. The judge of the DeKalb circuit court may, with the consent of ~~the a~~ judge of the court and of the parties or their counsel, sit as a judge of the court in any matter as if ~~he was the judge~~ **were** an elected judge of the court. ~~The A~~ judge of the court may, with consent of the judge of the circuit court and of the parties or their counsel, sit as a judge of the circuit court in any matter as if ~~he was the judge~~ **were** an elected judge of the circuit court.

SECTION 19. IC 33-5-10.8-17 IS AMENDED TO READ AS FOLLOWS: Sec. 17. (a) ~~The Both superior~~ court ~~has~~ **No. 1 and superior court No. 2 have** a standard small claims and misdemeanor division.

(b) If the county executive establishes the position of small claims referee to serve the court, ~~the each~~ judge of the court may appoint a part-time small claims referee under IC 33-5-2.5 to assist the court in the exercise of its small claims jurisdiction.

(c) The small claims referee is entitled to reasonable compensation not exceeding twenty thousand dollars (\$20,000) a year as recommended by the judge of the court **making the appointment** to be paid by the county after the salary is approved by the county fiscal body. The state shall pay fifty percent (50%) of the salary set under this subsection and the county shall pay the remainder of the salary.

(d) The county executive shall provide and maintain a suitable courtroom and facilities for the use of the small claims referee, including necessary furniture and equipment.

(e) The court shall employ administrative staff necessary to support the functions of the small claims referee.

(f) The county fiscal body shall appropriate sufficient funds for the provision of staff and facilities required under this section.

Renumber all SECTIONS consecutively.

Page 6, after line 29, begin a new paragraph and insert:

**"SECTION 31. [EFFECTIVE: JANUARY 1, 1998**

1 **(RETROACTIVE)]:** (a) **Notwithstanding IC 33-5-10.8-2, as**  
2 **amended by this act, the initial election of the judge of the DeKalb**  
3 **superior court No. 2 is the general election to be held November 3,**  
4 **1998. The person elected takes office January 1, 1999.**

5 **(b) This SECTION expires January 2, 1999.**

6 **SECTION 32. An emergency is declared to this act."**  
(Reference is to HB1198 as printed January 30, 1998.)

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Representative KRUSE