

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WITHDRAWN	Noes _____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 Replace the effective date in SECTION 1 with "[EFFECTIVE
- 2 JULY 1, 1999]".
- 3 Page 1, between the enacting clause and line 1, begin a new
- 4 paragraph and insert:
- 5 "SECTION 1. IC 3-13-6-1, AS AMENDED BY P.L.18-1995,
- 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 1998]: Sec. 1. (a) A vacancy that occurs, other than by
- 8 resignation, in the office of judge of a circuit, superior, probate, or
- 9 county court shall be certified to the governor by the circuit court clerk
- 10 of the county in which the judge resided.
- 11 (b) A vacancy in the office of judge of a circuit court shall be filled
- 12 by the governor as provided by Article 5, Section 18 of the Constitution
- 13 of the State of Indiana. The person who is appointed holds the office
- 14 until:
- 15 (1) the end of the unexpired term; or
- 16 (2) a successor is elected at the next general election and
- 17 qualified;
- 18 whichever occurs first. The person elected at the general election
- 19 following an appointment to fill the vacancy, upon being qualified,
- 20 holds office for the six (6) year term prescribed by Article 7, Section 7
- 21 of the Constitution of the State of Indiana and until a successor is
- 22 elected and qualified.
- 23 (c) A vacancy in the office of judge of a superior, probate, or
- 24 county court shall be filled by the governor subject to the following:

- 1 (1) IC 33-5-5.1-37.1.
 2 (2) IC 33-5-5.1-41.1.
 3 ~~(3) IC 33-5-29.5-39;~~
 4 ~~(4) (3) IC 33-5-40-44.~~

5 **Subject to IC 33-5-29.5-41**, the person who is appointed holds office
 6 for the remainder of the unexpired term.

7 SECTION 2. IC 5-8-1-19, AS AMENDED BY P.L.19-1995,
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 1998]: Sec. 19. (a) Under Article 7, Section 13 of the
 10 Constitution of the State of Indiana, whenever a circuit, superior,
 11 probate, or county court judge or prosecuting attorney has been
 12 convicted of corruption or any other high crime, the attorney general
 13 shall bring proceedings in the supreme court, on information, in the
 14 name of the state, for the removal from office of the judge or
 15 prosecuting attorney.

16 (b) If the judgment is against the defendant, the defendant is
 17 removed from office. The governor, the officer, or the entity required
 18 to fill a vacancy under IC 3-13-6-2 shall, subject to:

- 19 (1) IC 33-5-5.1-37.1;
 20 (2) IC 33-5-5.1-41.1;
 21 ~~(3) IC 33-5-29.5-39;~~ and
 22 ~~(4) (3) IC 33-5-40-44;~~

23 appoint or select a successor to fill the vacancy in office."

24 Page 5, between lines 10 and 11, begin a new paragraph and
 25 insert:

26 "SECTION 19. IC 33-5-29.5-39 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 39. A vacancy
 28 occurring on the superior court of Lake County shall be filled by
 29 appointment of the governor from a list of three ~~(3) nominees presented~~
 30 ~~to him by the judicial nominating commission. If the governor shall fail~~
 31 ~~to make an appointment from the list within sixty (60) days from the~~
 32 ~~day it is presented to him; the appointment shall be made by the chief~~
 33 ~~justice or the acting chief justice of the Indiana supreme court from the~~
 34 ~~same list; or altered list as provided for in section 38 of this chapter.~~

35 The governor shall make all such appointments to the superior
 36 court of Lake County without regard to the political affiliation of any
 37 of the three ~~(3) nominees submitted to him. Further, in the interest of~~
 38 ~~justice; the governor shall consider only those qualifications of the~~
 39 ~~nominees included in section 36 of this chapter. under IC 3-13-6-1.~~

40 SECTION 20. IC 33-5-29.5-40 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 40. An appointment by
 42 the governor or chief justice, as required by section 39 of this chapter;
 43 to **fill a vacancy on** the superior court of Lake County shall take effect
 44 immediately if a vacancy exists at the date of the appointment. The
 45 appointment shall take effect on the date the vacancy is created if no
 46 such vacancy yet exists at the date of appointment.

1 SECTION 21. IC 33-5-29.5-41 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 41. (a) Each judge
 3 appointed under ~~section 39 of this chapter~~ **IC 3-13-6-1** shall serve an
 4 initial term, which shall commence on the effective date of the
 5 appointment of any such judge and shall continue through December
 6 31 in the year of the general election that follows the expiration of two
 7 (2) years from the effective date of the judge's appointment.

8 (b) Unless rejected by the electorate of Lake County under section
 9 42 of this chapter, a judge of the civil division, criminal division, and
 10 juvenile division shall serve successive six (6) year terms.

11 (c) The term of office of a judge of the county division of the Lake
 12 superior court is six (6) years.

13 (d) Each six (6) year term commences on the first day of January
 14 following the expiration of the preceding initial term or the preceding
 15 six (6) year term, as the case may be, and shall continue for six (6)
 16 years.

17 SECTION 22. IC 33-5-29.5-42 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 42. (a) The question of
 19 the retention in office or rejection of each judge of the following
 20 divisions of the superior court of Lake County shall be submitted to the
 21 electorate of Lake County at the general election immediately
 22 preceding expiration of the term of such judge:

- 23 (1) Civil division.
- 24 (2) Criminal division.
- 25 (3) Juvenile division.

26 (b) At such general election the question of the retention in office
 27 or rejection of a judge described in subsection (a) shall be submitted to
 28 the electorate of Lake County in the form prescribed by IC 3-11-2 and
 29 must state "Shall Judge (insert name) of the superior court of Lake
 30 County be retained in office for an additional term?"

31 (c) If that a majority of the ballots cast by the electors voting on
 32 any such question shall be "Yes", the judge whose name appeared on
 33 such question shall be approved for a six (6) year term commencing on
 34 January 1 following the general election as provided in section 41(b)
 35 of this chapter.

36 (d) If that a majority of the ballots cast by the electors voting on
 37 any such question shall be "No", the judge whose name appeared on
 38 such question shall be rejected. The office of the rejected judge shall
 39 be vacant on January 1 following the rejection. The vacancy shall be
 40 filled by appointment by the governor pursuant to ~~section 39 of this~~
 41 ~~chapter.~~ **IC 3-13-6-1.**

42 (e) The Lake County election board shall submit the question of
 43 the retention in office or rejection of a judge described in subsection (a)
 44 to the electorate of Lake County. The submission of the question is
 45 subject to the provisions of IC 3 that are not inconsistent with this
 46 chapter.

1 (f) If a judge who is appointed does not desire to serve any further
 2 term, the judge shall notify in writing the clerk of the Lake circuit court
 3 at least sixty (60) days prior to any such general election, in which case
 4 the question of that judge's retention in office or rejection shall not be
 5 submitted to the electorate, and the office shall become vacant at the
 6 expiration of the term."

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

8 "SECTION 29. IC 33-10.1-2-4, AS AMENDED BY P.L.12-1997,
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 1998]: Sec. 4. (a) **Except as provided in this section**, the city
 11 court of each of the four (4) cities having the largest populations and
 12 the town court of the town having the largest population in a county
 13 having a population of more than four hundred thousand (400,000) but
 14 less than seven hundred thousand (700,000) have concurrent civil
 15 jurisdiction with the circuit court of the county where the amount in
 16 controversy does not exceed three thousand dollars (\$3,000).

17 (b) **The city court in a city having a population of more than**
 18 **thirty-three thousand eight hundred fifty (33,850) but less than**
 19 **thirty-five thousand (35,000) in a county having a population of**
 20 **more than four hundred thousand (400,000) but less than seven**
 21 **hundred thousand (700,000) has concurrent civil jurisdiction with**
 22 **the circuit court of the county where the amount in controversy**
 23 **does not exceed six thousand dollars (\$6,000).**

24 (c) ~~The~~ **A court described in this section** has jurisdiction in any
 25 action where the parties or the subject matter are in the county in which
 26 the city or town is located. However, the city or town court does not
 27 have jurisdiction in:

- 28 (1) actions for slander or libel;
- 29 (2) matters relating to decedents' estates, appointment of
- 30 guardians, and all related matters;
- 31 (3) dissolution of marriage actions; or
- 32 (4) injunction or mandate actions.

33 SECTION 30. THE FOLLOWING ARE REPEALED
 34 [EFFECTIVE JULY 1, 1998]: IC 33-5-29.5-28; IC 33-5-29.5-29;
 35 IC 33-5-29.5-30; IC 33-5-29.5-31; IC 33-5-29.5-32; IC 33-5-29.5-33;
 36 IC 33-5-29.5-34; IC 33-5-29.5-35; IC 33-5-29.5-36; IC 33-5-29.5-37;
 37 IC 33-5-29.5-38.

38 SECTION 31. [EFFECTIVE JULY 1, 1998] **A judge appointed**
 39 **to the civil, criminal, or juvenile division of the Lake superior court**
 40 **before July 1, 1998, may continue to serve the remainder of the**
 41 **judge's term of office after June 30, 1998, before having the**
 42 **question of the judge's retention in office submitted to the voters**
 43 **under IC 33-5-29.5-42."**

44 Renumber all SECTIONS consecutively.

(Reference is to HB 1198 as printed January 30, 1998.)

