

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1149 be amended to read as follows:

- 1 Page 6, between lines 19 and 20, begin a new paragraph and insert:
- 2 "SECTION 16. IC 33-5-29.5-29 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 29. (a) The judicial
- 4 nominating commission (hereafter called the commission) shall consist
- 5 of ~~nine (9)~~ **seven (7)** members, the majority of whom shall form a
- 6 quorum. ~~The chief justice of the Indiana supreme court (or a justice of~~
- 7 ~~the Indiana supreme court or judge of the Indiana court of appeals~~
- 8 ~~designated by the chief justice) shall be a member and shall act as~~
- 9 ~~chairman.~~
- 10 (b) ~~Under sections 31 and 32 of this chapter, those admitted to the~~
- 11 ~~practice of law and residing in Lake County shall elect four (4) of their~~
- 12 ~~number to serve as members of the commission, subject to the~~
- 13 ~~following:~~
- 14 (1) ~~At least one (1) attorney member must be a minority~~
- 15 ~~individual (as defined in IC 20-12-21.7-4).~~
- 16 (2) ~~Two (2) attorney members must be women.~~
- 17 (3) ~~Two (2) attorney members must be men.~~
- 18 (c) ~~The Lake County board of commissioners shall appoint four (4)~~
- 19 ~~nonattorney citizens to the commission, subject to the following:~~
- 20 (1) ~~Each of the three (3) county commissioners shall appoint one~~
- 21 ~~(1) nonattorney member who is a resident of the appointing~~
- 22 ~~commissioner's district.~~
- 23 (2) ~~After each county commissioner has had the opportunity to~~
- 24 ~~make the county commissioner's appointment, the fourth~~

1 nonattorney member must be appointed by a majority vote of the
2 Lake County board of commissioners.

3 (3) At least one (1) nonattorney member must be a minority
4 individual (as defined in IC 20-12-21.7-4).

5 (4) Two (2) nonattorney members must be women.

6 (5) Two (2) nonattorney members must be men.

7 (6) Not more than two (2) of such appointees may be from the
8 same political party.

9 The appointees shall reflect the composition of the community. If the
10 Lake County board of commissioners fails to appoint any of the
11 nonattorney commission members within the time required to do so in
12 section 30 of this chapter, such appointment shall be made by the chief
13 justice of the Indiana supreme court.

14 (d) No member of the commission, other than a judge or justice,
15 shall hold any other elected public office. No member shall hold an
16 office in a political party or organization. A nonattorney member of the
17 commission may not hold an elected or salaried public office. A
18 nonattorney member may not be an employee of the state or of a
19 political subdivision of the state.

20 (e) A member of the commission is not eligible for appointment to
21 a judicial office in Lake County so long as the member is a member of
22 the commission and for a period of three (3) years thereafter.

23 (f) If any member of the commission, other than a judge or justice,
24 terminates the member's residence in Lake County, the member shall
25 be considered to have resigned from the commission.

26 (b) The commission has the following membership:

27 (1) Two (2) members of the general assembly who:

28 (A) reside in Lake County; and

29 (B) are appointed by the governor.

30 (2) The mayor of Gary or the mayor's designee.

31 (3) The mayor of East Chicago or the mayor's designee.

32 (4) The mayor of Hammond or the mayor's designee.

33 (5) One (1) member of the county council of Lake County
34 selected by a majority of the members of the county council.

35 (6) One (1) county commissioner selected by a majority of the
36 members of the board of county commissioners of Lake
37 County.

38 (c) The commission shall select one (1) member of the
39 commission as its chairman.

40 SECTION 17. IC 33-5-29.5-34 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 34. A member of the
42 judicial nominating commission may serve until his the member's
43 successor is appointed or elected. No attorney commissioner or
44 non-attorney commissioner shall be eligible for more than two (2)
45 successive re-elections or reappointments.

46 SECTION 18. IC 33-5-29.5-35 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 35. (a) When a vacancy
2 occurs in the superior court of Lake County, the clerk of such court
3 shall promptly notify the chairman and each member of the
4 commission of such vacancy. The chairman shall call a meeting of the
5 commission within ten (10) days following such notice. The
6 commission shall submit its nominations of three (3) candidates for
7 each vacancy and certify them to the governor as promptly as possible,
8 and in any event not later than sixty (60) days from the time such
9 vacancy occurs. When it is known that a vacancy will occur at a
10 definite future date within the term of the governor then serving, but
11 the vacancy has not yet occurred, the clerk shall notify the chairman
12 and each member of the commission immediately of the forthcoming
13 vacancy and the commission may within fifty (50) days of such notice
14 of such vacancy make its nominations and submit to the governor the
15 names of three (3) persons nominated for such forthcoming vacancy.

16 (b) Meetings of the commission shall be called by its chairman, or
17 in the event of the chairman's failure to call a necessary meeting, upon
18 the call of any ~~five (5)~~ **four (4)** members of the commission. The
19 chairman, whenever the chairman considers a meeting necessary, or
20 upon the request by any ~~five (5)~~ **four (4)** members of the commission
21 for a meeting, shall give each member of the commission at least five
22 (5) days written notice by mail of the time and place of every meeting
23 unless the commission at its previous meeting designated the time and
24 place of its next meeting.

25 (c) Meetings of the commission are to be held at such a place in the
26 Lake County government center in Crown Point, Indiana, or such other
27 place, as the circuit court clerk of Lake County may arrange, at the
28 direction of the chairman of the commission.

29 (d) The commission shall act only at a public meeting. IC 5-14-1.5
30 applies to meetings of the commission. The commission may not meet
31 in executive session under IC 5-14-1.5-6.1 for the consideration of a
32 candidate for judicial appointment.

33 (e) The commission may act only by the concurrence of a majority
34 of its members attending a meeting. ~~Five (5)~~ **Four (4)** members are
35 required to constitute a quorum at a meeting.

36 (f) The commission shall have power to adopt reasonable and proper
37 rules and regulations for the conduct of its proceedings and the
38 discharge of its duties. These rules must provide for the receipt of
39 public testimony concerning the qualifications of candidates for
40 nomination to the governor."

- 1 Page 24, line 42, after "JULY 1, 1999]:" insert "IC 33-5-29.5-30;
- 2 IC 33-5-29.5-31; IC 33-5-29.5-32; IC 33-5-29.5-33;".
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1149 as printed March 2, 1999.)

Representative Brown C