

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WITHDRAWN	Noes _____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 7, line 7, after "(1)" insert "judge".
- 2 Page 7, line 7, delete "judges" and insert "judges".
- 3 Page 10, delete lines 27 through 42, begin a new paragraph and
- 4 insert:
- 5 "SECTION 36. IC 33-5-40-33 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 33. (a) There is hereby
- 7 established a ~~judicial~~ local nominating commission for the St. Joseph
- 8 superior court, the functions, responsibilities and procedures of which
- 9 are set forth in sections 34 through 44 of this chapter.
- 10 (b) The board of county commissioners of St. Joseph County shall
- 11 provide all facilities, equipments, supplies and services as may be
- 12 necessary for the administration of the duties imposed upon the
- 13 commission. The members of this commission shall serve without
- 14 compensation. However, the board of county commissioners of St.
- 15 Joseph County shall reimburse members of this commission for their
- 16 actual expenses incurred in performing their duties.
- 17 SECTION 37. IC 33-5-40-34.1 IS ADDED TO THE INDIANA
- 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 19 [EFFECTIVE JULY 1, 1999]: Sec. 34.1. (a) As used in this section,
- 20 "commission" refers to the local nominating commission
- 21 established by section 33 of this chapter.
- 22 (b) As used in this section "local legislator" refers to a member
- 23 of the general assembly who is a resident of the county.
- 24 (c) The commission consists of the following members:

- 1           **(1) Two (2) local legislators selected as provided in subsection**  
 2           **(g).**  
 3           **(2) One (1) member of the county council of St. Joseph County**  
 4           **selected by a majority of the members of the county council.**  
 5           **(3) The mayor of South Bend or the mayor's designee.**  
 6           **(4) The mayor of Mishawaka or the mayor's designee.**  
 7           **(d) A commission member serving under subsection (c)(1) or**  
 8           **(c)(2) serves for a term of two (2) years, beginning on January 1 of**  
 9           **each odd numbered year.**  
 10          **(e) The commission shall select one (1) of its members to be**  
 11          **chair of the commission.**  
 12          **(f) Three (3) members of the commission constitute a quorum of**  
 13          **the commission.**  
 14          **(g) After November 30 of each even numbered year and before**  
 15          **the following January 1, the local legislator with the greatest**  
 16          **number of years of service in the general assembly shall call a**  
 17          **meeting of all local legislators to select the members of the**  
 18          **commission under subsection (c)(1). At the meeting, the local**  
 19          **legislators shall select two (2) local legislators to serve on the**  
 20          **commission. The local legislator members selected may not be**  
 21          **members of the same political party unless all of the local**  
 22          **legislators are members of the same political party. The local**  
 23          **legislator who calls the meeting shall notify the circuit court clerk**  
 24          **in writing of the names of the local legislators selected to serve on**  
 25          **the commission not later than January 1 of each odd numbered**  
 26          **year.**  
 27          **(h) After November 30 of each even numbered year and before**  
 28          **the following January 1, the county council of St. Joseph County**  
 29          **shall select the member of the commission under subsection (c)(2).**  
 30          **The presiding officer of the county council shall notify the circuit**  
 31          **court clerk in writing of the name of the member selected not later**  
 32          **than January 1 of each odd numbered year."**  
 33          Page 11, delete lines 1 through 25.  
 34          Page 12, line 17, after "44." insert "**(a)**".  
 35          Page 12, line 19, strike "judicial" and insert "**local**".  
 36          Page 12, line 25, before "The" insert "**(b)**".  
 37          Page 12, line 30, before "If" insert "**(c)**".  
 38          Page 12, line 30, strike "judicial" and insert "**local**".  
 39          Page 13, between lines 21 and 22, begin a new paragraph and insert:  
 40          "SECTION 41. IC 33-5-40-49 IS AMENDED TO READ AS  
 41          FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 49. There is hereby  
 42          created a commission on judicial qualifications for the St. Joseph  
 43          superior court, whose membership shall be the same as that of the  
 44          judicial **local** nominating commission provided for in section 33 of this  
 45          chapter. The commission shall have authority to employ special  
 46          counsel in any proceedings it undertakes pursuant to the

- 1 responsibilities imposed upon it by this chapter."  
 2 Page 13, line 27, strike "judicial" and insert "local".  
 3 Page 22, line 9, after "collect" insert "**a general justice fee of five**  
 4 **dollars (\$5) from the following:**  
 5 (1) **The defendant in each action that results in a:**  
 6 (A) **felony conviction under IC 35-50-2; or**  
 7 (B) **misdemeanor conviction under IC 35-50-3.**  
 8 (2) **The party filing a civil action except for a civil action**  
 9 **described in IC 33-19-5-4. However, the clerk shall collect the**  
 10 **general justice fee from a party filing a civil action described**  
 11 **in IC 33-19-5-4(a)(5).**  
 12 (3) **The party filing a small claims action."**  
 13 Page 22, delete lines 10 through 17.  
 14 Page 24, line 42, after "1999]:" insert "IC 33-5-40-34;".  
 15 Page 26, between lines 30 and 31, begin a new paragraph and insert:  
 16 "SECTION 67. [EFFECTIVE JULY 1, 1999] (a) **As used in this**  
 17 **SECTION, "commission" refers to the local nominating**  
 18 **commission established by IC 33-5-40-33, as amended by this act.**  
 19 (b) **The judicial nominating commission established by**  
 20 **IC 33-5-40-33, before its amendment by this act, is abolished.**  
 21 **Notwithstanding IC 33-5-40, as in effect before July 1, 1999, the**  
 22 **term of office of each member of the judicial nominating**  
 23 **commission expires July 1, 1999.**  
 24 (c) **Before August 1, 1999, the local legislators, as defined in**  
 25 **IC 33-5-40-34.1, as added by this act, shall meet to select the local**  
 26 **legislator members of the commission as provided in**  
 27 **IC 33-5-40-34.1, as added by this act. Not later than August 1,**  
 28 **1999, the local legislator calling the meeting under IC 33-5-40-34.1,**  
 29 **as added by this act, shall notify the circuit court clerk in writing**  
 30 **of the names of the local legislators selected to serve as members of**  
 31 **the commission under this subsection.**  
 32 (d) **Before August 1, 1999, the county council of St. Joseph**  
 33 **County shall select one (1) of its members to serve on the**  
 34 **commission as provided in IC 33-5-40-34.1, as added by this act.**  
 35 **Not later than August 1, 1999, the presiding officer of the county**  
 36 **council shall notify the circuit court clerk in writing of the name of**  
 37 **the member selected to serve as a member of the commission under**

- 1 **this subsection.**
- 2 (e) **This SECTION expires January 1, 2001.**"
- 3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1149 as printed March 2, 1999.)

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Representative Bauer