

Adopted Rejected

COMMITTEE REPORT

YES: 8
NO: 4

MR. SPEAKER:

*Your Committee on Appointments and Claims, to which was referred Senate Bill 349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 8, delete "equal to the minimum" and insert "**of one**
- 2 **hundred dollars (\$100).**".
- 3 Page 1, delete lines 9 through 16.
- 4 Page 2, between lines 15 and 16, begin a new paragraph and insert:
- 5 "SECTION 2. IC 33-5-40-1 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. **(a)** There is
- 7 established a superior court in St. Joseph County, Indiana, which court
- 8 shall consist of eight (8) judges.
- 9 **(b) To be eligible to hold office as a judge of a St. Joseph**
- 10 **superior court, a person must be:**
- 11 **(1) a resident of St. Joseph County;**
- 12 **(2) less than seventy (70) years of age at the time of taking**
- 13 **office; and**
- 14 **(3) admitted to the practice of law in Indiana.**

1 SECTION 3. IC 33-5-40-41 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 41. (a) The commission
 3 shall submit only the names of the five (5) most highly qualified
 4 candidates from among all those eligible individuals considered. To be
 5 eligible for nomination as a judge of the St. Joseph superior court, a
 6 person must be ~~domiciled in a resident of~~ the county of St. Joseph, a
 7 citizen of the United States, **less than seventy (70) years of age at the**
 8 **time of taking office**, and admitted to the practice of law in the courts
 9 of this state.

10 (b) In abiding by the mandate in subsection (a) of this section, the
 11 commission shall evaluate in writing each eligible individual on the
 12 following factors:

13 (1) Law school record, including any academic honors and
 14 achievements;

15 (2) Contribution to scholarly journals and publications, legislative
 16 draftings, and legal briefs;

17 (3) Activities in public service, including:

18 (i) (A) writings and speeches concerning public or civic affairs
 19 which are on public record, including but not limited to
 20 campaign speeches or writing, letters to newspapers, testimony
 21 before public agencies;

22 (ii) (B) efforts and achievements in improving the
 23 administration of justice; **and**

24 (iii) (C) other conduct relating to his profession.

25 (4) Legal experience, including the number of years of practicing
 26 law, the kind of practice involved, and reputation as a trial lawyer
 27 or judge;

28 (5) Probable Judicial temperament;

29 (6) Physical condition, including age, stamina, and possible
 30 habitual intemperance;

31 (7) Personality traits, including the exercise of sound judgment,
 32 ability to compromise and conciliate patience, decisiveness and
 33 dedication;

34 (8) Membership on boards of directors, financial interest, and any
 35 other consideration which might create conflict of interest with a
 36 judicial office;

37 (9) Any other pertinent information which the commission feels
 38 is important in selecting the best qualified individuals for judicial

1 office.

2 (c) These written evaluations shall not be made on an individual
3 until he states in writing that he desires to hold a judicial office that is
4 or will be created by vacancy.

5 (d) The political affiliations of any candidate shall not be considered
6 by the commission in evaluating and determining which eligible
7 candidates shall be recommended to the governor for a vacancy on the
8 St. Joseph superior court.

9 SECTION 4. [EFFECTIVE JULY 1, 2003] **IC 33-5-40-1, as**
10 **amended by this act, does not apply to a judge who holds office on**
11 **June 30, 2003, until the end of the judge's current term."**

12 Renumber all SECTIONS consecutively.

(Reference is to SB 349 as printed January 31, 2003.)

and when so amended that said bill do pass.

Representative Harris