SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed Senate Joint Resolution 1 be amended to read as follows:

Delete the title and insert the following:

A JOINT RESOLUTION recommending that the commission on courts study changes to Indiana's merit based selection, appointment, and retention procedures for judges and justices of the court of appeals and supreme court.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2005] **The Indiana General Assembly recommends that the legislative council require the commission on courts to study whether changes in Indiana's merit based selection, appointment, and retention procedures for justices of the supreme court and judges of the court of appeals should be undertaken. This issue should be considered by the commission on courts for the following reasons:**

(1) The commission on courts consists of legislators, judges, and lay members with deep knowledge of and extensive practical experience with Indiana's court system.

(2) The technical expertise of the commission on courts is necessary to insure that any changes to Indiana's merit based selection, appointment, or retention procedures do not have unintended consequences.

(3) Because the members of the commission on courts are legislators, judges, and lay members, the commission on courts is ideally suited to ascertain whether Indiana's merit based selection, appointment, or retention procedures promote the selection of the most qualified individuals to serve on the court of appeals and supreme court, while making certain that the concerns and values of ordinary Hoosiers are represented.

(4) Thirty-one (31) states currently use procedures similar to Indiana's merit based selection, appointment, and retention procedure. Accordingly, any changes to this system should be

undertaken only after considered study and careful weighing of the alternatives.

(5) The commission on courts has the expertise and resources to sift through the experiences that other states have had with merit based selection, appointment, and retention procedures similar to Indiana's system, as well as with the selection, appointment, and retention procedures used by other states.

(Reference is to SJR 1 as printed February 25, 2005.)

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Senator LANANE