

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1266 be amended to read as follows:

- 1 Page 5, between lines 1 and 2, begin a new paragraph and insert:
- 2 "SECTION 11. IC 33-33-49-15, AS AMENDED BY P.L.71-2010,
- 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2011]: Sec. 15. (a) The executive committee, with the
- 5 approval of two-thirds (2/3) of the judges, shall determine the number
- 6 of hearing judges, commissioners, referees, bail commissioners, court
- 7 reporters, probation officers, and other personnel required to efficiently
- 8 serve the court. The salaries of the personnel shall be fixed and paid as
- 9 provided by law.
- 10 (b) The administrative officers shall perform the duties prescribed
- 11 by the executive committee and shall operate under the jurisdiction of
- 12 the executive committee and serve at the pleasure of the executive
- 13 committee.
- 14 (c) The executive committee shall see that the court at all times is
- 15 amply provided with supplies and sufficient clerical and other help,
- 16 including extra reporters or bailiffs, when needed. Each judge shall
- 17 appoint the judge's court reporters, bailiffs, secretary, commissioners,
- 18 and clerks. In addition to the specified duties of this subsection, the
- 19 executive committee shall exercise any other powers and duties that
- 20 may be assigned to the executive committee by an order book entry
- 21 signed by a two-thirds (2/3) majority of the judges. At least once each
- 22 month, a general term conference of all superior division judges must
- 23 be held, at which the presiding judge shall preside. A special order
- 24 book must be kept for the court in which shall be entered all special

1 rules, proceedings, and similar matters. During an absence or a
 2 vacation of a judge who is a member of the executive committee, the
 3 senior superior court judge shall act for the absent member, if
 4 necessary.

5 (d) Notwithstanding any other law, a commissioner appointed under
 6 this chapter has all of the powers and duties prescribed for a magistrate
 7 under IC 33-23-5. However, the provisions of IC 33-23-5-11 requiring
 8 the state to pay the salary of a magistrate do not require the state to pay
 9 the salary of a commissioner appointed under this chapter.

10 (e) If a commissioner appointed under this chapter is appointed as
 11 a magistrate in Marion County, the salary of that magistrate shall be
 12 paid by the state under IC 33-23-5-11 in the same amount as other
 13 magistrates are paid.

14 (f) The allocation of appointments of commissioners under this
 15 chapter shall be determined by agreement between the judges of the
 16 superior court and the judge of the circuit court with consideration
 17 given to the case load of each court. However, notwithstanding any
 18 other law, at least two (2) of the commissioners appointed under this
 19 chapter shall be appointed by the judge of the circuit court.

20 (g) The:

21 (1) judge of the circuit court has exclusive authority to appoint
 22 commissioners allocated to the circuit court; and

23 (2) judges of the superior court have exclusive authority to
 24 appoint commissioners allocated to the superior court by a vote of
 25 the majority of the judges of the superior court.

26 (h) Not more than a simple majority of the commissioners appointed
 27 under this chapter may be from the same political party.

28 (i) ~~Commissioners~~ **A commissioner** appointed by the:

29 (1) judge of the circuit court ~~serve~~ **serves** at the pleasure of the
 30 judge of the circuit court; and

31 (2) judges of the superior court ~~continue~~ **continues** in office:

32 **(A) until removed by the vote of a majority of judge of the**
 33 **superior court who supervises the commissioner; or**

34 **(B) if a commissioner is supervised by more than one (1)**

- 1 **judge, until jointly removed by the judges of the superior court who**
- 2 **supervise the commissioner."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1266 as printed February 11, 2011.)

Representative Pryor