

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WITHDRAWN	Noes _____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 33-33-48-7.5, AS ADDED BY P.L.246-2005,
- 3 SECTION 221, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2011]: Sec. 7.5. (a) The judges of the Madison
- 5 ~~superior circuit~~ court may jointly appoint one (1) full-time magistrate
- 6 under IC 33-23-5 to serve the ~~superior circuit~~ court.
- 7 (b) The magistrate continues in office until removed by the judges
- 8 of the ~~superior circuit~~ court.
- 9 SECTION 12. IC 33-33-48-12 IS ADDED TO THE INDIANA
- 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2011]: **Sec. 12. (a) The Madison circuit court**
- 12 **is a court of general jurisdiction with six (6) judges. The divisions**
- 13 **of the court shall be known as Madison circuit court No. 1, No. 2,**
- 14 **No. 3, No. 4, No. 5, and No. 6. Madison County constitutes the**
- 15 **judicial district of the court and each of the court's divisions. The**
- 16 **court shall maintain the following:**
- 17 (1) **A small claims and misdemeanor division under**
- 18 **IC 33-28-3 that has:**
- 19 (A) **a small claims docket; and**
- 20 (B) **a minor offenses and violations docket.**
- 21 (2) **A criminal docket.**
- 22 (3) **A juvenile docket.**
- 23 (4) **A civil docket.**
- 24 (5) **A probate docket.**

1           **(6) A problem solving docket.**

2           **(b) The assignment of judges of the circuit court to the dockets**  
 3 **specified in subsection (a) must be by rule of the circuit court.**

4           SECTION 13. IC 33-33-48-13 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2011]: **Sec. 13. The judges of the circuit court**  
 7 **shall select from among themselves a chief judge of the circuit**  
 8 **court. The chief judge shall be selected for a minimum term of**  
 9 **twelve (12) months.**

10          SECTION 14. IC 33-33-48-14 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2011]: **Sec. 14. When any action of the entire**  
 13 **circuit court is required, the judges of the circuit court shall act in**  
 14 **concert. If the judges disagree, the decision of the majority of the**  
 15 **judges present and voting controls.**

16          SECTION 15. IC 33-33-48-15 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2011]: **Sec. 15. In accordance with rules**  
 19 **adopted by the judges of the circuit court under section 16 of this**  
 20 **chapter, the chief judge shall do the following:**

21           **(1) Ensure that the circuit court operates efficiently and**  
 22 **judicially under rules adopted by the circuit court.**

23           **(2) Annually submit to the fiscal body of Madison County a**  
 24 **budget for the court, including amounts necessary for:**

25               **(A) the operation of the circuit's probation department;**

26               **(B) the defense of indigents; and**

27               **(C) maintaining an adequate legal research facility.**

28           **(3) Make the appointments or selections required of a circuit**  
 29 **or superior court judge.**

30          SECTION 16. IC 33-33-48-16 IS ADDED TO THE INDIANA  
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2011]: **Sec. 16. (a) The judges of the circuit**  
 33 **court shall adopt rules to provide for the administration of the**  
 34 **circuit court, including rules governing the following:**

35           **(1) Allocation of case load.**

36           **(2) Legal representation for indigents.**

37           **(3) Budgetary matters of the circuit court.**

38           **(4) Operation of the probation department.**

39           **(5) Term of administration of the chief judge.**

40           **(6) Employment and management of circuit court personnel.**

41           **(7) Cooperative efforts with other courts for establishing and**  
 42 **administering shared programs and facilities.**

43           **(b) The circuit court shall file with the division of state court**  
 44 **administration a copy of the rules adopted under this section.**

45          SECTION 17. IC 33-33-48-17 IS ADDED TO THE INDIANA  
 46 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 47 [EFFECTIVE JULY 1, 2011]: **Sec. 17. (a) Each judge of the circuit**

1 court may, subject to the budget approved for the court by the  
 2 fiscal body of Madison County, employ personnel necessary for the  
 3 proper administration of the circuit court.

4 (b) Personnel employed under this section:

5 (1) include court reporters, bailiffs, clerical staff, and any  
 6 additional officers necessary for the proper administration of  
 7 the circuit court; and

8 (2) are subject to the rules concerning employment and  
 9 management of circuit court personnel adopted by the circuit  
 10 court under section 16 of this chapter.

11 SECTION 18. IC 33-33-48-18 IS ADDED TO THE INDIANA  
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2011]: **Sec. 18. (a) Subject to the budget**  
 14 **approved for the circuit court by the fiscal body of Madison**  
 15 **County, the circuit court may appoint a court administrator.**

16 (b) A court administrator appointed under this section is subject  
 17 to the rules concerning employment and management of circuit  
 18 court personnel adopted by the circuit court under section 16 of  
 19 this chapter."

20 Page 5, line 5, after "IC 33-33-10-13" insert "; IC 33-33-48-2;  
 21 IC 33-33-48-3; IC 33-33-48-4; IC 33-33-48-5; IC 33-33-48-6;  
 22 IC 33-33-48-7; IC 33-33-48-8; IC 33-33-48-9; IC 33-33-48-10;  
 23 IC 33-33-48-11."

24 Page 5, line 1, after line 37, begin a new paragraph and insert:

25 "SECTION 20. [EFFECTIVE JUNE 30, 2011] (a) A judge of the  
 26 Madison superior court established by IC 33-33-48-2, as repealed  
 27 by this act, serving on the Madison superior court on June 30,  
 28 2011, is entitled to serve as one (1) of the five (5) judges added to  
 29 the Madison circuit court under IC 33-33-48-12, as added by this  
 30 act, for a term beginning July 1, 2011. The judge may serve as  
 31 judge of the Madison circuit court until the expiration of the  
 32 Madison superior court term that the judge was serving under the  
 33 law in effect on June 30, 2011.

34 (b) The superior court for Madison County is abolished as of  
 35 July 1, 2011. All cases and other matters pending in the Madison  
 36 superior court at the close of business on June 30, 2011, shall be  
 37 transferred to the Madison circuit court on July 1, 2011. A case or  
 38 other matter transferred under this SECTION shall be treated as  
 39 if the case or other matter were originally filed in the Madison  
 40 circuit court.

1           **(c) On July 1, 2011, all property and obligations of the Madison**  
2           **superior court become the property and obligations of the Madison**  
3           **circuit court.**

4           **(d) This SECTION expires January 1, 2017."**  
5           Renumber all SECTIONS consecutively.  
            (Reference is to HB 1266 as printed February 11, 2011.)

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Representative Austin