

SENATE MOTION

MADAM PRESIDENT:

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

- 1 Page 8, between lines 41 and 42, begin a new paragraph and insert:
2 "SECTION 26. 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 approval
5 of two-thirds (2/3) of the judges, shall determine the number of hearing
6 judges, commissioners, referees, bail commissioners, court reporters,
7 probation officers, and other personnel required to efficiently serve the
8 court. The salaries of the personnel shall be fixed and paid as provided
9 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
25 rules, proceedings, and similar matters. During an absence or a
26 vacation of a judge who is a member of the executive committee, the
27 senior superior court judge shall act for the absent member, if
28 necessary.
29 (d) Notwithstanding any other law, a commissioner appointed under
30 this chapter has all of the powers and duties prescribed for a magistrate

1 under IC 33-23-5. However, the provisions of IC 33-23-5-11 requiring
2 the state to pay the salary of a magistrate do not require the state to pay
3 the salary of a commissioner appointed under this chapter.

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

8 (f) The allocation of appointments of commissioners under this
9 chapter shall be determined by agreement between the judges of the
10 superior court and the judge of the circuit court with consideration
11 given to the case load of each court. However, notwithstanding any
12 other law, at least two (2) of the commissioners appointed under this
13 chapter shall be appointed by the judge of the circuit court.

14 (g) The:

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

17 (2) judges of the superior court have exclusive authority to
18 appoint commissioners allocated to the superior court by a vote of
19 the majority of the judges of the superior court.

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

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

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

25 (2) judges of the superior court ~~continue~~ **continues** in office until
26 removed ~~by the vote of a majority of the judges of the superior~~
27 ~~court.~~ **pursuant to local rule."**

28 Renumber all SECTIONS consecutively.

(Reference is to EHB 1266 as printed March 18, 2011.)

Senator BRAY