

SENATE MOTION

MADAM PRESIDENT:

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

- 1 Page 1, between lines 3 and 4, begin a new paragraph and insert:
- 2 "SECTION 2. IC 33-29-1-3 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) A standard
- 4 superior court judge is elected at the general election every six (6)
- 5 years in the county in which the court is located. The judge's term
- 6 begins January 1 following the election and ends December 31
- 7 following the election of the judge's successor.
- 8 (b) To be eligible to hold office as a judge of a standard superior
- 9 court, a person must be:
- 10 (1) a resident of the county in which the court is located;
- 11 ~~(2) less than seventy (70) years of age at the time the judge takes~~
- 12 ~~office; and~~
- 13 ~~(3) (2) admitted to practice law in Indiana."~~
- 14 Page 5, between lines 4 and 5, begin a new paragraph and insert:
- 15 "SECTION 13. IC 33-33-22-2, AS AMENDED BY P.L.82-2010,
- 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2011]: Sec. 2. (a) There are established three (3) courts of
- 18 record to be known as the Floyd superior court No. 1, Floyd superior
- 19 court No. 2, and Floyd superior court No. 3.
- 20 (b) ~~Except as provided in section 3 of this chapter,~~ Each Floyd
- 21 superior court is a standard superior court as described in IC 33-29-1.
- 22 (c) Floyd County comprises the judicial district of each court.
- 23 SECTION 14. IC 33-33-22-3, AS AMENDED BY P.L.82-2010,
- 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2011]: Sec. 3. ~~(a) IC 33-29-1-3 does not apply to this section.~~
- 26 ~~(b) Each Floyd superior court has one (1) judge. who shall be~~
- 27 ~~elected at the general election every six (6) years in Floyd County. A~~
- 28 ~~judge's term begins January 1 following the judge's election and ends~~
- 29 ~~December 31 following the election of the judge's successor.~~
- 30 SECTION 15. IC 33-33-27.3-3 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The court has one
 2 (1) judge who shall be elected at the general election every six (6) years
 3 in Grant County. The judge's term begins January 1 following the
 4 election and ends December 31 following the election of the judge's
 5 successor.

6 (b) To be eligible to hold office as a judge of the court, a person
 7 must be:

8 (1) a resident of Grant County;

9 (2) less than seventy (70) years of age at the time of taking office;
 10 and

11 (3) (2) admitted to the practice of law in Indiana.

12 SECTION 16. IC 33-33-30-3 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) ~~IC 33-29-1-3~~
 14 ~~does not apply to this section.~~

15 (b) ~~Each of court consists of one (1) judge. who holds office for six~~
 16 ~~(6) years; beginning on January 1 after the judge's election and until the~~
 17 ~~judge's successor is elected and qualified. Every six (6) years, the~~
 18 ~~voters of Hancock County shall elect at the general election a judge for~~
 19 ~~each superior court."~~

20 Page 6, between lines 36 and 37, begin a new paragraph and insert:

21 "SECTION 24. IC 33-33-37-3 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) ~~IC 33-29-1-3~~
 23 ~~does not apply to this section.~~

24 (b) ~~The Jasper superior court has one (1) judge. who shall be elected~~
 25 ~~at the general election every six (6) years in Jasper County. The judge's~~
 26 ~~term begins January 1 following the judge's election and ends~~
 27 ~~December 31 following the election of the judge's successor.~~

28 SECTION 25. IC 33-33-43-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) There is
 30 established a court of record, which consists of three (3) judges, to be
 31 known as the "Superior Court of Kosciusko County". The court shall
 32 have a seal containing the words "Superior Court No. 1 of Kosciusko
 33 County, Indiana", "Superior Court No. 2 of Kosciusko County,
 34 Indiana", or "Superior Court No. 3 of Kosciusko County, Indiana".

35 (b) ~~Except as otherwise provided in this chapter,~~ The superior court
 36 of Kosciusko county is a standard superior court as described in
 37 IC 33-29-1.

38 (c) Kosciusko County comprises the judicial district of the court.

39 SECTION 26. IC 33-33-46-3 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) ~~IC 33-29-1-3~~
 41 ~~does not apply to this section.~~

42 (b) ~~Each LaPorte superior court has one (1) judge. who shall be~~
 43 ~~elected at the general election every six (6) years in LaPorte County.~~
 44 ~~Each judge's term begins January 1 following the election and ends~~
 45 ~~December 31 following the election of the judge's successor.~~

46 (c) ~~To be eligible to hold office as judge of any of the courts, a~~

1 person must:

- 2 ~~(1)~~ be a resident of LaPorte County; and
 3 ~~(2)~~ be admitted to the bar of Indiana:".

4 Page 8, between lines 41 and 42, begin a new paragraph and insert:
 5 "SECTION 34. IC 33-33-49-30 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. (a) A judge remains
 7 qualified to hold office as long as the judge:

- 8 (1) remains fair and impartial in judicial functions;
 9 (2) maintains a high standard of morality in dealings, public and
 10 private;
 11 (3) remains physically and mentally capable of performing all the
 12 functions and duties of the office of judge; and
 13 (4) continues to reside in Marion County.

14 (b) Complaints against a judge must be forwarded to the
 15 commission on judicial qualifications as provided in IC 33-38-13 by
 16 any judge of the superior court.

17 ~~(c) A judge of the court must retire upon becoming seventy-five (75)~~
 18 ~~years of age. If the judge wishes to retire before the judge's term has~~
 19 ~~ended, or upon reaching the mandatory retirement age, the judge shall~~
 20 ~~provide written notice to the presiding judge of the court. The judge~~
 21 ~~shall continue to hold office until a successor has been appointed and~~
 22 ~~qualified.~~

23 (d) When a vacancy occurs in the court by death, removal,
 24 retirement, or for any other reason, the governor shall appoint a
 25 successor judge who serves the balance of the term of the vacating
 26 judge. The successor judge must be a member of the same political
 27 party as the judge who is to be succeeded.

28 SECTION 35. IC 33-33-55-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The following do not
 30 apply to this chapter:

- 31 ~~(1)~~ IC 33-29-1-3;
 32 ~~(2)~~ (1) IC 33-29-1-4.
 33 ~~(3)~~ (2) IC 33-29-1-8.
 34 ~~(4)~~ (3) IC 33-29-1-9.
 35 ~~(5)~~ (4) IC 33-29-1-10.

36 SECTION 36. IC 33-33-55-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. ~~(a)~~ The Morgan
 38 superior court has three (3) judges. ~~Each judge holds office for a term~~
 39 ~~of six (6) years beginning on the first day of January after election and~~
 40 ~~until the judge's successor is elected and qualified:~~

41 ~~(b)~~ Every six (6) years, the voters of Morgan County shall elect at
 42 the general election the judges for the superior court.

43 SECTION 37. IC 33-33-56-3 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. ~~(a)~~ ~~IC 33-29-1-3~~
 45 ~~does not apply to this section:~~

46 ~~(b)~~ The Newton superior court has one (1) judge. ~~who shall be~~

1 elected at the general election every six (6) years in Newton County.
 2 The judge's term begins January 1 following the judge's election and
 3 ends December 31 following the election of the judge's successor.

4 (c) To be eligible to hold office as judge of the Newton superior
 5 court, a person must:

6 (1) be a resident of Newton County; and

7 (2) be admitted to the bar of Indiana.

8 SECTION 38. IC 33-33-67-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) There is
 10 established a court of record to be known as the Putnam superior court.

11 (b) Except as otherwise provided in this chapter, The Putnam
 12 superior court is a standard superior court as described in IC 33-29-1.

13 (c) Putnam County comprises the judicial district of the court.

14 SECTION 39. IC 33-33-67-3 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) ~~IC 33-29-1-3~~
 16 does not apply to this section.

17 (b) The Putnam superior court has one (1) judge, who shall be
 18 elected at the general election every six (6) years in Putnam County.
 19 The judge's term begins January 1 following the election and ends
 20 December 31 following the election of the judge's successor.

21 (c) To be eligible to hold office as a judge of the court, a person
 22 must be:

23 (1) a resident of Putnam County; and

24 (2) admitted to the practice of law in Indiana.

25 SECTION 40. IC 33-33-79.3-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The court has one
 27 (1) judge, who shall be elected at the general election every six (6)
 28 years in Tippecanoe County. The judge's term begins January 1
 29 following the election and ends December 31 following the election of
 30 the judge's successor.

31 (b) To be eligible to hold office as judge of the court, a person must:

32 (1) be a resident of Tippecanoe County;

33 (2) be less than seventy (70) years of age at the time of taking
 34 office; and

35 (3) (2) be admitted to the bar of Indiana.

36 SECTION 41. IC 33-33-79.4-3 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Tippecanoe
 38 superior court No. 4, No. 5, and No. 6 each has one (1) judge, who
 39 shall be elected at the general election every six (6) years in
 40 Tippecanoe County. The judge's term begins January 1 following the
 41 election and ends December 31 following the election of the judge's
 42 successor.

43 (b) To be eligible to hold office as judge of the court, a person must
 44 be:

45 (1) a resident of Tippecanoe County;

46 (2) less than seventy (70) years of age at the time of taking office;

1 and

2 ~~(3)~~ (2) admitted to the bar of Indiana.

3 SECTION 42. IC 33-33-87-13 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. To be eligible to
5 hold office as a superior court judge, a person must:

6 (1) be a resident of Warrick County;

7 ~~(2) be less than seventy (70) years of age at the time of taking~~
8 ~~office;~~ and

9 ~~(3)~~ (2) be admitted to the practice of law in Indiana.

10 SECTION 43. IC 33-33-89.3-3 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The court has one
12 (1) judge, who shall be elected at the general election every six (6)
13 years in Wayne County. The judge's term begins January 1 following
14 the judge's election and ends December 31 following the election of the
15 judge's successor.

16 (b) To be eligible to hold office as judge of the court, a person must:

17 (1) be a resident of Wayne County;

18 ~~(2) be less than seventy (70) years of age at the time the person~~
19 ~~takes office;~~

20 ~~(3)~~ (2) be admitted to the bar of Indiana; and

21 ~~(4)~~ (3) have practiced law at least five (5) years.

22 SECTION 44. THE FOLLOWING ARE REPEALED [EFFECTIVE
23 JULY 1, 2011]: IC 33-30-3-1; IC 33-33-43-3; IC 33-33-47-3;
24 IC 33-33-48-3."

25 Page 9, line 5, delete "IC 33-33-48-3;".

26 Renumber all SECTIONS consecutively.

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

Senator BUCK