

Adopted Rejected

# COMMITTEE REPORT

YES: 7  
NO: 5

## MR. SPEAKER:

Your Committee on Judiciary, to which was referred House Bill 1703, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 4, delete lines 2 through 18, begin a new paragraph and insert:
- 2 **"(b) The commission consists of the following eleven (11)**
- 3 **members:**
- 4 **(1) The chief justice of the supreme court.**
- 5 **(2) The following four (4) members of the Indianapolis bar**
- 6 **association or its successor organization:**
- 7 **(A) The president of the association.**
- 8 **(B) Three (3) other members of the association who are:**
- 9 **(i) appointed by the association; and**
- 10 **(ii) residents of Marion County.**
- 11 **(3) The following two (2) members of the Marion County bar**
- 12 **association or its successor organization:**
- 13 **(A) The president of the association.**
- 14 **(B) One (1) other member of the association who is:**
- 15 **(i) appointed by the association; and**
- 16 **(ii) a resident of Marion County.**

- 1           **(4) Two (2) members of the general public appointed by the**
- 2           **governor who:**
- 3               **(A) are residents of Marion County; and**
- 4               **(B) may be attorneys.**
- 5           **(5) One (1) member appointed by each county chairperson of**
- 6           **the two (2) major political parties (as defined in IC 3-5-2-30)**
- 7           **in Marion County. The two (2) members appointed under this**
- 8           **subdivision:**
- 9               **(A) must be residents of Marion County; and**
- 10              **(B) may be attorneys.**
- 11           **(c) A member of the commission:**
- 12               **(1) may not hold an elected public office; and**
- 13               **(2) is not eligible for appointment to a judicial office in Marion**
- 14              **County:**
- 15               **(A) while the member is a member of the commission; and**
- 16               **(B) for three (3) years after the member ceases to be a**
- 17              **member of the commission.**
- 18           **(d) If a member of the commission who is required to be a**
- 19           **resident of Marion County under subsection (b) ceases to be a**
- 20           **resident of Marion County, the member is considered to have**
- 21           **resigned from the commission."**
- 22           Page 4, line 33, delete "governor" and insert "**chief justice**".
- 23           Page 4, line 33, delete "appoint a" and insert "**serve as**".
- 24           Page 4, line 33, after "commission." insert "**The chief justice may**
- 25           **vote at commission meetings only for the purpose of casting the**
- 26           **deciding vote to break a tie."**
- 27           Page 4, line 34, delete "Three (3)" and insert "**Six (6)**".
- 28           Page 4, line 37, delete "To be eligible to be an" and insert "**One (1)**
- 29           **month before the expiration of a term of a member appointed**
- 30           **under section 35(b) of this chapter, an appointment or a**
- 31           **reappointment shall be made in accordance with this section.**
- 32           **(b) All appointments shall be certified by the appointing**
- 33           **authority under section 35(b) of this chapter to the:**
- 34               **(1) secretary of state;**
- 35               **(2) clerk of the supreme court; and**
- 36               **(3) clerk of the superior court;**
- 37           **not more than ten (10) days after the date of the appointment.**
- 38           **(c) A member appointed under section 35(b) of this chapter:**

- 1           **(1) shall be appointed for a term of four (4) years; and**  
 2           **(2) may not serve more than two (2) consecutive terms.**

3           **(d) When an appointed member vacancy occurs on the**  
 4 **commission, the chairperson of the commission shall promptly**  
 5 **notify the appointing authority in writing of the vacancy. Vacancies**  
 6 **shall be filled by appointment of the appointing authority not more**  
 7 **than sixty (60) days after the date the notice of the vacancy is**  
 8 **received. If the appointing authority fails to appoint a member**  
 9 **within the time required in this section, the appointment shall be**  
 10 **made by the chairperson. A member appointed under this**  
 11 **subsection shall fill the vacancy for the remainder of the unexpired**  
 12 **term."**

13           Page 4, delete lines 38 through 42.

14           Page 5, delete lines 1 through 19.

15           Page 7, line 11, delete "trial".

16           Page 9, line 4, delete "2008" and insert "**2006**".

17           Page 9, line 6, delete "seventeen (17)" and insert "**fifteen (15)**".

18           Page 9, line 8, delete "2010" and insert "**2008**".

19           Page 9, line 27, delete "2008" and insert "**2006**".

20           Page 9, line 32, delete "2010" and insert "**2008**".

21           Page 10, line 34, delete "The governor shall" and insert "**A person**  
 22 **required to appoint one (1) or more members of the Marion**  
 23 **County judicial nominating commission under IC 33-33-49-35(b),**  
 24 **as added by this act, shall make the required appointment before**  
 25 **September 1, 2005."**

26           Page 10, delete lines 35 through 41.

27           Page 10, line 42, delete "November" and insert "**September**".

28           Page 11, delete lines 5 through 42, begin a new paragraph and insert:

29           **"(b) A judge described in subsection (a) serving on July 1, 2005,**  
 30 **shall be treated as if the judge had been appointed by the governor**  
 31 **under IC 33-33-49-43, as added by this act, for a term ending**  
 32 **December 31, 2006.**

33           **(c) The initial retention elections for the seventeen (17) judges**  
 34 **described in subsection (b) must occur at the 2006 general election**  
 35 **described in IC 33-33-49-45(a), as added by this act.**

36           **(d) This SECTION expires January 2, 2007.**

37           SECTION 23. [EFFECTIVE JULY 1, 2005] **(a) The terms of office**  
 38 **of the fifteen (15) judges of the Marion superior court whose terms**

1 would have expired December 31, 2008, under IC 33-33-49-13, as  
2 repealed by this act, expire December 31, 2008.

3 (b) A judge described in subsection (a) serving on July 1, 2005,  
4 shall be treated as if the judge had been appointed by the governor  
5 under IC 33-33-49-43, as added by this act, for a term ending  
6 December 31, 2008.

7 (c) The initial retention elections for the fifteen (15) judges  
8 described under subsection (b) must occur at the 2008 general  
9 election described in IC 33-33-49-45(b), as added by this act.

10 (d) This SECTION expires January 2, 2009."

11 Delete page 12.

(Reference is to HB 1703 as introduced.)

**and when so amended that said bill do pass.**

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Representative Foley