

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6989

BILL NUMBER: HB 1453

NOTE PREPARED: Apr 5, 2021

BILL AMENDED: Apr 1, 2021

SUBJECT: Judicial Selection in Lake and St. Joseph Counties.

FIRST AUTHOR: Rep. Aylesworth

FIRST SPONSOR: Sen. Niemeyer

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: *JNC Membership:* The bill provides that the Judicial Nominating Commission (JNC) for the Lake and St. Joseph superior courts consists of seven voting members, with three voting members appointed by the Governor and three voting members appointed by the county board of commissioners, and the Chief Justice of Indiana or the Chief Justice's designee serving ex officio as a voting member only to resolve tie votes and as chairperson of the JNC. (Current law provides that the JNC for the Lake superior court consists of nine members.)

Governor: It provides that the Governor must appoint to the JNC one attorney member, one nonattorney member who has never been licensed to practice law, and one member that is a woman.

County Board of Commissioners: It provides that the county board of commissioners must appoint to the JNC one attorney member, one nonattorney member who has never been licensed to practice law, and one member that is from a minority group.

Chairperson: It provides that the chairperson of the JNC shall have standing to dispute the validity of an appointed member.

Qualifications: It provides that a voting member of the JNC for: (1) the Lake superior court shall reside in Lake County; and (2) the St. Joseph superior court shall reside in St. Joseph County. It also provides that a voting member may not have a prior felony conviction.

Repeals Provisions: It repeals provisions concerning the appointment of nonattorney commissioners and the election of attorney commissioners to the commission.

Judicial Vacancies: It provides that after the JNC has nominated and submitted to the Governor the names of five persons to fill a vacancy in the Lake or St. Joseph superior court, the Governor shall select the most qualified person to fill the vacancy. (Current law provides that the JNC for the Lake superior court nominate and submit to the Governor the names of three people to fill a vacancy in the superior court.)

It also makes conforming changes.

Effective Date: Upon passage.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Judicial Nominating Commission (JNC):* The bill reduces the number of members to the JNC for Lake and St. Joseph counties. It also requires the Governor to appoint three members and the county board of commissioners to appoint three members to the JNC. The bill provides that voting appointees must have no prior felony conviction. Members of the JNC are not directly compensated by salary but are compensated for actual expenses incurred in performing their duties. Both counties could experience a slight reduction in local expenditures under this provision.

Repeal Provisions: The bill repeals provisions concerning the appointment of nonattorney commissioners and the election of attorney commissioners in Lake and St. Joseph counties. As a result, both counties will experience a slight reduction in expenditures under this provision. These costs include printing ballots, stamped envelopes, and nominating documents.

The bill provides that the Chief Justice of Indiana or the Chief Justice's designee serves as a voting member only to resolve tie votes and as the chairperson of the JNC. The chairperson has standing to dispute the validity of a voting appointee.

Additional Information - JNC Membership: Under current law, the Lake County JNC is comprised of nine members, including four attorney members, four nonattorney members, and a justice of the state Supreme Court or a judge of the state Court of Appeals appointed by the Chief Justice. The St. Joseph County JNC is comprised of seven members, including three attorney members, three nonattorney members, and a justice of the state Supreme Court or a judge of the state Court of Appeals appointed by the Governor.

Attorney Elections: To select the attorney members, the Clerk of the circuit court would notify all attorneys residing in the respective counties by U.S. mail to nominate candidates. The Clerk would mail a ballot and its accompanying materials to all qualified attorney electors. The candidates with the most votes are elected to the JNC.

Explanation of Local Revenues:

State Agencies Affected: Office of the Governor; Indiana Supreme Court.

Local Agencies Affected: Lake and St. Joseph Counties.

Information Sources:

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