

Adopted	Rejected
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## COMMITTEE REPORT

YES:	7
NO:	1

### MR. SPEAKER:

*Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1856, 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 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 2-3-1-1 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JANUARY 1, 2002]: Sec. 1. The annual salary of the
- 4 members of the general assembly shall be ~~eleven thousand six hundred~~
- 5 ~~dollars (\$11,600): an amount equal to twenty percent (20%) of the~~
- 6 **governor's annual salary.** One-half (1/2) the annual salary shall be
- 7 paid on the fifteenth day of January, and one-half (1/2) the annual
- 8 salary shall be paid on the fifteenth day of February.
- 9 SECTION 2. IC 2-3-1-5 IS ADDED TO THE INDIANA CODE AS
- 10 A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON
- 11 **PASSAGE]: Sec. 5. (a) This section applies during the following**
- 12 **periods:**
- 13 **(1) Each day that the general assembly is not convened in**
- 14 **regular or special session.**
- 15 **(2) Each day after the first session day held in November and**
- 16 **before the first session day held in January except for any day**

1 after the first session day held in November and before the  
 2 first session day held in January with respect to which all  
 3 members of the general assembly are entitled to a legislative  
 4 business per diem.

5 (b) As used in this section, "maximum daily amount" refers to  
 6 the maximum daily amount allowable to employees of the executive  
 7 branch of the federal government for subsistence expenses while  
 8 away from home in travel status in the Indianapolis area.

9 (c) Each member of the general assembly is entitled to a  
 10 subsistence allowance equal to forty percent (40%) of the  
 11 maximum daily amount.

12 (d) The subsistence allowance changes each time there is a  
 13 change in the maximum daily amount.

14 (e) The subsistence allowance is payable from appropriations  
 15 for legislators' subsistence.

16 SECTION 3. IC 2-5-1.5 IS ADDED TO THE INDIANA CODE AS  
 17 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 18 1, 2001]:

19 **Chapter 1.5. Public Officers Compensation Commission**

20 **Sec. 1.** As used in this chapter, "commission" refers to the  
 21 public officers compensation commission established by section 5  
 22 of this chapter.

23 **Sec. 2.** As used in this chapter, "political subdivision" has the  
 24 meaning set forth in IC 36-1-2-13.

25 **Sec. 3.** As used in this chapter, "public employee" refers to any  
 26 of the following:

- 27 (1) An employee of the state.  
 28 (2) An employee of a political subdivision.  
 29 (3) An employee of any other entity whose salary is paid in  
 30 any part from funds derived from taxes imposed by the state  
 31 or a political subdivision.

32 **Sec. 4.** As used in this chapter, "public officer" refers to any of  
 33 the following:

- 34 (1) The governor.  
 35 (2) The lieutenant governor.  
 36 (3) The secretary of state.  
 37 (4) The auditor of state.  
 38 (5) The treasurer of state.

- 1           **(6) The attorney general.**
- 2           **(7) The clerk of the supreme court.**
- 3           **(8) The state superintendent of public instruction.**
- 4           **(9) A justice of the supreme court of Indiana.**
- 5           **(10) A judge of the court of appeals of Indiana.**
- 6           **(11) A judge of the Indiana tax court.**
- 7           **(12) A judge of a circuit, superior, probate, or county court.**

8           **Sec. 5. The public officers compensation commission is**  
 9 **established.**

10          **Sec. 6. (a) The commission consists of the following members:**

- 11           **(1) Two (2) members appointed by the speaker of the house of**  
 12 **representatives. The members appointed under this**  
 13 **subdivision may not be members of the same political party.**
- 14           **(2) Two (2) members appointed by the president pro tempore**  
 15 **of the senate. The members appointed under this subdivision**  
 16 **may not be members of the same political party.**
- 17           **(3) Two (2) members appointed by the governor. The**  
 18 **members appointed under this subdivision may not be**  
 19 **members of the same political party.**
- 20           **(4) Two (2) members appointed by the chief justice of the**  
 21 **supreme court of Indiana. The members appointed under this**  
 22 **subdivision may not be members of the same political party.**
- 23           **(5) One (1) member appointed by the chief judge of the court**  
 24 **of appeals of Indiana.**

25          **(b) The following may not be a commission member:**

- 26           **(1) A public officer.**
- 27           **(2) A public employee.**
- 28           **(3) An individual who has a pecuniary interest in the salary of**  
 29 **a public officer. For purposes of this subdivision, an**  
 30 **individual has a pecuniary interest in the salary of a public**  
 31 **officer if an increase in the salary of a public officer will result**  
 32 **in an ascertainable increase in the income or net worth of the**  
 33 **individual.**

34          **Sec. 7. (a) The term of a commission member begins on the later**  
 35 **of the following:**

- 36           **(1) July 1 after the member is appointed.**
- 37           **(2) The day the member accepts the member's appointment.**
- 38          **(b) The term of a commission member expires on July 1 of the**

1 third year after the year the member's term begins.

2 (c) A member may be reappointed to serve a new term.

3 Sec. 8. (a) If there is a vacancy on the commission, the public  
4 officer who appointed the member whose position is vacant shall  
5 appoint an individual to fill the vacancy.

6 (b) The member appointed under this section shall fill the  
7 vacancy for the remainder of the unexpired term.

8 Sec. 9. (a) Before July 1 of each year, the chairman of the  
9 legislative council shall appoint one (1) member to be chair of the  
10 commission.

11 (b) The member appointed as chair of the commission serves as  
12 chair beginning July 1 after appointment.

13 (c) A member of the commission may be reappointed as chair of  
14 the commission.

15 Sec. 10. Six (6) commission members constitute a quorum. The  
16 affirmative votes of at least six (6) commission members are  
17 necessary for the commission to take official action other than to  
18 adjourn or to meet to hear reports or testimony.

19 Sec. 11. The commission shall meet at the call of the chair and  
20 at other times as the commission considers necessary.

21 Sec. 12. Each member of the commission is entitled to the  
22 following:

23 (1) The salary per diem provided under IC 4-10-11-2.1(b).

24 (2) Reimbursement for traveling expenses as provided under  
25 IC 4-13-1-4.

26 (3) Other expenses actually incurred in connection with the  
27 member's duties as provided in the state policies and  
28 procedures established by the Indiana department of  
29 administration and approved by the budget agency.

30 Sec. 13. The legislative services agency shall provide  
31 administrative support for the commission. At the request of the  
32 legislative services agency, the state personnel department or the  
33 Indiana judicial center established by IC 33-13-14-2 shall assign  
34 staff to provide research and other support to assist the legislative  
35 services agency in providing administrative support to the  
36 commission.

37 Sec. 14. The legislative services agency may contract with  
38 consultants on behalf of the commission as the commission

1 considers necessary to implement this chapter.

2 Sec. 15. Except as otherwise provided by this chapter, the  
3 commission is subject to the rules of the legislative council.

4 Sec. 16. The commission shall make reports to the general  
5 assembly as required by this chapter or by the legislative council.

6 Sec. 17. The commission shall meet at least one (1) time before  
7 April 1 of each even-numbered year to do the following:

8 (1) Receive information relating to the salaries of public  
9 officers.

10 (2) Consider recommendations for suitable salaries for public  
11 officers.

12 (3) Take testimony relating to the salaries of public officers.

13 Sec. 18. (a) When determining a recommendation for a suitable  
14 salary for a public officer, the commission may consider the  
15 following:

16 (1) The responsibilities of the office.

17 (2) The educational background required or desired for an  
18 individual who holds the office.

19 (3) The skills required or desired for the office.

20 (4) The experience required or desired for the office.

21 (5) The time required or desired to be spent to fulfill the  
22 duties of the office.

23 (6) The opportunity or lack of opportunity that an individual  
24 who holds the office has to earn other income.

25 (7) The salaries paid to government officers in other states  
26 that have comparable duties and authority.

27 (8) Salaries paid to comparable professionals in the private  
28 sector in Indiana and other comparable states based on the  
29 responsibility and discretion required from or desired in an  
30 individual who holds the office.

31 (9) The increase in the cost of living in Indiana since the most  
32 recent increase in the salary of the public officer.

33 (10) Benefits other than salaries provided to public officers.

34 (11) Ability to attract and retain qualified individuals to be  
35 public officers.

36 (12) The interests and welfare of the public.

37 (13) The financial ability of the state to meet the costs of  
38 salaries recommended by the commission.

- 1           **(14) Other factors the commission considers relevant.**
- 2           **(b) The commission may give the weight to the factors described**  
 3 **in subsection (a) that the commission considers appropriate.**
- 4           **(c) The commission may make recommendations to the general**  
 5 **assembly concerning benefits other than salaries.**
- 6           **Sec. 19. (a) The commission shall make written**  
 7 **recommendations to the:**
- 8               **(1) legislative council; and**  
 9               **(2) budget committee;**
- 10          **concerning suitable salaries for public officials not later than**  
 11 **September 1 of each even-numbered year.**
- 12          **(b) When making recommendations, the commission shall make**  
 13 **a separate recommendation, including a recommendation for no**  
 14 **adjustment of salary, for each separate public officer listed in**  
 15 **section 4 of this chapter.**
- 16          **Sec. 20. A commission recommendation does not take effect**  
 17 **unless enacted by the general assembly.**
- 18          **Sec. 21. A bill containing salary adjustments for public officers**  
 19 **may not contain salary adjustments both for public officers in the**  
 20 **executive branch and for public officers in the judicial branch.**
- 21          **Sec. 22. There is appropriated to the legislative services agency**  
 22 **from the state general fund money necessary for the operation of**  
 23 **the commission.**
- 24          SECTION 4. IC 5-10.2-4-3 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JUNE 1, 2001]: Sec. 3. (a) Except as  
 26 provided in subsection ~~(e)~~ **(f)**, in computing the retirement benefit for  
 27 a nonteacher member, "average of the annual compensation" means the  
 28 average annual compensation calculated using the twenty (20) calendar  
 29 quarters of service in a position covered by the retirement fund before  
 30 retirement in which the member's annual compensation was the  
 31 highest. However, in order for a quarter to be included in the twenty  
 32 (20) calendar quarters, the nonteacher member must have performed  
 33 service throughout the calendar quarter. All twenty (20) calendar  
 34 quarters do not have to be continuous but they must be in groups of  
 35 four (4) consecutive calendar quarters. The same calendar quarter may  
 36 not be included in two (2) different groups.
- 37          **(b) This subsection does not apply to a teacher member**  
 38 **described in subsection (c). In computing the retirement benefit for a**

1 teacher member, "average of the annual compensation" means the  
 2 average annual compensation for the five (5) years of service before  
 3 retirement in which the member's annual compensation was highest. In  
 4 order for a year to be included in the five (5) years, the teacher member  
 5 must have received for the year credit under IC 21-6.1-4-2 for at least  
 6 one-half (1/2) year of service. The five (5) years do not have to be  
 7 continuous.

8 **(c) This subsection applies to a member of the Indiana state**  
 9 **teachers' retirement fund who serves in an elected position for**  
 10 **which the member takes an unpaid leave of absence. In computing**  
 11 **the retirement benefit for a teacher member described in this**  
 12 **subsection for years of service to which IC 21-6.1-5-7.5 does not**  
 13 **apply, "average of the annual compensation" means the annual**  
 14 **compensation for the one (1) year of service before retirement in**  
 15 **which the member's annual compensation was highest. In order for**  
 16 **a year to be used, the teacher member must have received for the**  
 17 **year credit under IC 21-6.1-4-2 for at least one-half (1/2) year of**  
 18 **service.**

19 **(d) Subject to IC 5-10.2-2-1.5 "annual compensation" means:**

20 **(1) the basic salary earned by and paid to the member plus the**  
 21 **amount that would have been part of that salary but for:**

22 **(+) (A) the state's, a school corporation's, a participating**  
 23 **political subdivision's, or a state educational institution's (as**  
 24 **defined in IC 20-12-0.5-1) paying the member's contribution**  
 25 **to the fund for the member; or**

26 **(-) (B) the member's salary reduction agreement established**  
 27 **under Section 125, 403(b), or 457 of the Internal Revenue**  
 28 **Code; and**

29 **(2) in the case of a member described in subsection (c) and for**  
 30 **years of service to which IC 21-6.1-5-7.5 does not apply, the**  
 31 **basic salary that was not paid during the year but would have**  
 32 **been paid to the member during the year under the member's**  
 33 **employment contracts if the member had not taken any**  
 34 **unpaid leave of absence to serve in an elected position.**

35 The portion of a back pay award or a similar award that the board  
 36 determines is compensation under an agreement or under a judicial or  
 37 an administrative proceeding shall be allocated by the board among the  
 38 years the member earned or should have earned the compensation.

1 Only that portion of the award allocated to the year the award is made  
 2 is considered to have been earned during the year the award was made.  
 3 Interest on an award is not considered annual compensation for any  
 4 year.

5 ~~(d)~~ **(e)** Compensation of no more than two thousand dollars (\$2,000)  
 6 received from the employer in contemplation of the member's  
 7 retirement, including severance pay, termination pay, retirement bonus,  
 8 or commutation of unused sick leave or personal leave, may be  
 9 included in the total annual compensation from which the average of  
 10 the annual compensation is determined, if it is received:

- 11 (1) before the member ceases service; or  
 12 (2) within twelve (12) months after the member ceases service.  
 13 ~~(e)~~ **(f)** This section applies to a member of the general assembly:  
 14 (1) who is a participant in the legislators' retirement system  
 15 established under IC 2-3.5;  
 16 (2) who is also a member of the public employees' retirement fund  
 17 or the state teachers' retirement fund; and  
 18 (3) whose years of service in the general assembly may not be  
 19 considered in determining the average of the annual  
 20 compensation under this section, as provided in  
 21 IC 2-3.5-1-2(b)(2) or IC 2-3.5-3-1(c).

22 The board shall use the board's actuarial salary increase assumption to  
 23 project the salary for any previous year needed to determine the  
 24 average of the annual compensation.

25 SECTION 5. IC 33-13-12-7.1 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 7.1. (a) The total  
 27 annual salary of each full-time judge of a circuit, superior, municipal,  
 28 county, or probate court is ~~ninety ninety-nine~~ thousand dollars  
 29 ~~(\$90,000) and (\$99,000) plus~~ any additional salary provided under  
 30 IC 36-2-5-14 or IC 36-3-6-3(c). The state shall pay all of the total  
 31 salary except for the additional salary, if any, under IC 36-2-5-14 or  
 32 IC 36-3-6-3(c). The state shall deposit quarterly the money received  
 33 from the counties under subsection (c) in the state general fund.

34 (b) Before November 2 of each year, the county auditor of each  
 35 county shall certify to the division of state court administration the  
 36 amounts, if any, to be provided by the county during the ensuing  
 37 calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

38 (c) When making each payment under subsection (a), the county



1 shall determine for each judge whether the total of:  
 2 (1) the payment made on behalf of that judge;  
 3 (2) previous payments made on behalf of that judge in the same  
 4 calendar year; and  
 5 (3) the state share of the judge's salary under subsection (a);  
 6 exceeds the Social Security wage base established by the federal  
 7 government for that year. If the total does not exceed the Social  
 8 Security wage base, the payment on behalf of that judge must also be  
 9 accompanied by an amount equal to the employer's share of Social  
 10 Security taxes and Medicare taxes. If the total does exceed the Social  
 11 Security wage base, the part of the payment on behalf of the judge that  
 12 is below the Social Security wage base must be accompanied by an  
 13 amount equal to the employer's share of Social Security taxes and  
 14 Medicare taxes, and the part of the payment on behalf of the judge that  
 15 exceeds the Social Security wage base must be accompanied by an  
 16 amount equal to the employer's share of Medicare taxes. Payments  
 17 made under this subsection shall be deposited in the state general fund  
 18 under subsection (a).

19 (d) For purposes of determining the amount of life insurance  
 20 premiums to be paid by a judge who participates in a life insurance  
 21 program that:

22 (1) is established by the state;  
 23 (2) applies to a judge who is covered by this section; and  
 24 (3) bases the amount of premiums to be paid by the judge on the  
 25 amount of the judge's salary;  
 26 the judge's salary does not include any amounts paid to the state by a  
 27 county under subsection (a).

28 SECTION 6. IC 33-13-12-9 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 9. (a) The total  
 30 annual salary for each justice of the supreme court of Indiana is one  
 31 hundred ~~fifteen~~ **twenty-four** thousand dollars (~~\$115,000~~): **(\$124,000)**.

32 (b) The total annual salary for each judge of the court of appeals of  
 33 Indiana is one hundred ~~ten~~ **nineteen** thousand dollars (~~\$110,000~~):  
 34 **(\$119,000)**.

35 (c) The state shall pay the annual salaries prescribed in subsections  
 36 (a) through (b) from the state general fund.

37 (d) In addition to said salary, there shall be paid in equal monthly  
 38 payments on the first day of each month out of any money in the

1 general fund of the state treasury not otherwise appropriated, the  
 2 following annual subsistence allowances to assist in defraying expenses  
 3 relating to or resulting from the discharge of the justice's or judge's  
 4 official duties, for which no accounting shall be made by such judge:

5 (1) Five thousand five hundred dollars (\$5,500) to the chief  
 6 justice of the supreme court.

7 (2) Five thousand five hundred dollars (\$5,500) to the chief judge  
 8 of the court of appeals.

9 (3) Three thousand dollars (\$3,000) to each justice of the supreme  
 10 court who is not the chief justice.

11 (4) Three thousand dollars (\$3,000) to each judge of the court of  
 12 appeals who is not the chief judge.

13 (e) The state shall not furnish automobiles for the use of justices or  
 14 judges compensated under this section.

15 SECTION 7. IC 33-19-5-1 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action  
 17 that results in a felony conviction under IC 35-50-2 or a misdemeanor  
 18 conviction under IC 35-50-3, the clerk shall collect from the defendant  
 19 a criminal costs fee of one hundred twenty dollars (\$120).

20 (b) In addition to the criminal costs fee collected under this section,  
 21 the clerk shall collect from the defendant the following fees if they are  
 22 required under IC 33-19-6:

23 (1) A document fee.

24 (2) A marijuana eradication program fee.

25 (3) An alcohol and drug services program user fee.

26 (4) A law enforcement continuing education program fee.

27 (5) A drug abuse, prosecution, interdiction, and correction fee.

28 (6) An alcohol and drug countermeasures fee.

29 (7) A child abuse prevention fee.

30 (8) A domestic violence prevention and treatment fee.

31 (9) A highway work zone fee.

32 (10) A deferred prosecution fee (IC 33-19-6-16.2).

33 **(11) A judicial salaries fee (IC 33-19-6-18).**

34 (c) Instead of the criminal costs fee prescribed by this section, the  
 35 clerk shall collect a pretrial diversion program fee if an agreement  
 36 between the prosecuting attorney and the accused person entered into  
 37 under IC 33-14-1-7 requires payment of those fees by the accused  
 38 person. The pretrial diversion program fee is:

- 1 (1) an initial user's fee of fifty dollars (\$50); and
- 2 (2) a monthly user's fee of ten dollars (\$10) for each month that
- 3 the person remains in the pretrial diversion program.

4 (d) The clerk shall transfer to the county auditor or city or town  
 5 fiscal officer the following fees, within thirty (30) days after they are  
 6 collected, for deposit by the auditor or fiscal officer in the appropriate  
 7 user fee fund established under IC 33-19-8:

- 8 (1) The pretrial diversion fee.
- 9 (2) The marijuana eradication program fee.
- 10 (3) The alcohol and drug services program user fee.
- 11 (4) The law enforcement continuing education program fee.

12 (e) Unless otherwise directed by a court, if a clerk collects only part  
 13 of a criminal costs fee from a defendant under this section, the clerk  
 14 shall distribute the partial payment of the criminal costs fee as follows:

- 15 (1) First, the clerk shall apply the partial payment to general court  
 16 costs.
- 17 (2) Second, if there is money remaining after the partial payment  
 18 is applied to general court costs under subdivision (1), the clerk  
 19 shall distribute the partial payment for deposit in the appropriate  
 20 county user fee fund.
- 21 (3) Third, if there is money remaining after distribution under  
 22 subdivision (2), the clerk shall distribute the partial payment for  
 23 deposit in the state user fee fund.
- 24 (4) Fourth, if there is money remaining after distribution under  
 25 subdivision (3), the clerk shall distribute the partial payment to  
 26 any other applicable user fee fund.
- 27 (5) Fifth, if there is money remaining after distribution under  
 28 subdivision (4), the clerk shall apply the partial payment to any  
 29 outstanding fines owed by the defendant.

30 SECTION 8. IC 33-19-5-2 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as  
 32 provided in subsections (d) and (e), for each action that results in a  
 33 judgment:

- 34 (1) for a violation constituting an infraction; or
- 35 (2) for a violation of an ordinance of a municipal corporation (as  
 36 defined in IC 36-1-2-10);

37 the clerk shall collect from the defendant an infraction or ordinance  
 38 violation costs fee of seventy dollars (\$70).

1 (b) In addition to the infraction or ordinance violation costs fee  
 2 collected under this section, the clerk shall collect from the defendant  
 3 the following fees if they are required under IC 33-19-6:

- 4 (1) A document fee.
- 5 (2) An alcohol and drug services program user fee.
- 6 (3) A law enforcement continuing education program fee.
- 7 (4) An alcohol and drug countermeasures fee.
- 8 (5) A highway work zone fee.
- 9 (6) A deferred prosecution fee (IC 33-19-6-16.2).

10 **(7) A judicial salaries fee (IC 33-19-6-18).**

11 (c) The clerk shall transfer to the county auditor or fiscal officer of  
 12 the municipal corporation the following fees, within thirty (30) days  
 13 after they are collected, for deposit by the auditor or fiscal officer in the  
 14 user fee fund established under IC 33-19-8:

- 15 (1) The alcohol and drug services program user fee.
- 16 (2) The law enforcement continuing education program fee.
- 17 (3) The deferral program fee.

18 (d) The defendant is not liable for any ordinance violation costs fee  
 19 in an action in which:

- 20 (1) the defendant was charged with an ordinance violation subject  
 21 to IC 33-6-3;
- 22 (2) the defendant denied the violation under IC 33-6-3-2;
- 23 (3) proceedings in court against the defendant were initiated  
 24 under IC 34-28-5 (or IC 34-4-32 before its repeal); and
- 25 (4) the defendant was tried and the court entered judgment for the  
 26 defendant for the violation.

27 (e) Instead of the infraction or ordinance violation costs fee  
 28 prescribed by subsection (a), the clerk shall collect a deferral program  
 29 fee if an agreement between a prosecuting attorney or an attorney for  
 30 a municipal corporation and the person charged with a violation  
 31 entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal)  
 32 requires payment of those fees by the person charged with the  
 33 violation. The deferral program fee is:

- 34 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- 35 (2) a monthly user's fee not to exceed ten dollars (\$10) for each  
 36 month the person remains in the deferral program.

37 SECTION 9. IC 33-19-5-3 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) For each action

1 filed under:

2 (1) IC 31-34 or IC 31-37 (delinquent children and children in  
3 need of services); or

4 (2) IC 31-14 (paternity);

5 the clerk shall collect a juvenile costs fee of one hundred twenty dollars  
6 (\$120).

7 (b) In addition to the juvenile costs fee collected under this section,  
8 the clerk shall collect the following fees if they are required under  
9 IC 33-19-6:

10 (1) A document fee.

11 (2) A marijuana eradication program fee.

12 (3) An alcohol and drug services program user fee.

13 (4) A law enforcement continuing education program fee.

14 (5) An alcohol and drug countermeasures fee.

15 **(6) A judicial salaries fee (IC 33-19-6-18).**

16 (c) The clerk shall transfer to the county auditor or city or town  
17 fiscal officer the following fees, within thirty (30) days after they are  
18 collected, for deposit by the auditor or fiscal officer in the appropriate  
19 user fee fund established under IC 33-19-8:

20 (1) The marijuana eradication program fee.

21 (2) The alcohol and drug services program user fee.

22 (3) The law enforcement continuing education program fee.

23 SECTION 10. IC 33-19-5-4 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) For each civil  
25 action except:

26 (1) proceedings to enforce a statute defining an infraction under  
27 IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);

28 (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or  
29 IC 34-4-32-4 before its repeal);

30 (3) proceedings in juvenile court under IC 31-34 or IC 31-37;

31 (4) proceedings in paternity under IC 31-14;

32 (5) proceedings in small claims court under IC 33-11.6; and

33 (6) proceedings in actions under section 6 of this chapter;

34 the clerk shall collect from the party filing the action a civil costs fee  
35 of one hundred dollars (\$100), except as provided in subsection (b).

36 (b) For each proceeding for the issuance of a protective order under  
37 IC 34-26-2:

38 (1) the clerk shall initially collect thirty-five dollars (\$35) of the

1 civil costs fee from the party that filed the action or the court may  
2 waive the initial thirty-five dollars (\$35) of the civil costs fee for  
3 the party that filed the action; and

4 (2) upon disposition of the protective order petition under  
5 IC 34-26-2, the court may order that:

6 (A) the remainder of the civil costs fee, in the amount of  
7 sixty-five dollars (\$65), be assessed against the respondent in  
8 the action as provided in IC 34-26-2-4 or against the party that  
9 filed the action; and

10 (B) the initial thirty-five dollar (\$35) civil costs fee be  
11 reimbursed by the respondent in the action to the party that  
12 filed the action or assessed against the respondent in the action  
13 as provided in IC 34-26-2-4.

14 (c) In addition to the civil costs fee collected under this section, the  
15 clerk shall collect the following fees if they are required under  
16 IC 33-19-6:

17 (1) A document fee.

18 (2) A support and maintenance fee.

19 **(3) A judicial salaries fee (IC 33-19-6-18).**

20 SECTION 11. IC 33-19-5-5 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) For each small  
22 claims action the clerk shall collect from the party filing the action a  
23 small claims costs fee of thirty-five dollars (\$35).

24 (b) In addition to a small claims costs fee collected under this  
25 section, the clerk shall collect ~~a document fee~~ **the following fees** if ~~it~~  
26 **is they are** required under IC 33-19-6:

27 **(1) A document fee.**

28 **(2) A judicial salaries fee (IC 33-19-6-18).**

29 SECTION 12. IC 33-19-5-6 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Except as  
31 provided under subsection (c), for each action filed under:

32 (1) IC 6-4.1-5 (determination of inheritance tax);

33 (2) IC 29 (probate); and

34 (3) IC 30 (trusts and fiduciaries);

35 the clerk shall collect from the party filing the action a probate costs fee  
36 of one hundred twenty dollars (\$120).

37 (b) In addition to the probate costs fee collected under this section,  
38 the clerk shall collect from the party filing the action ~~a document fee~~

1 **the following fees if it is they are** required under IC 33-19-6:

2 **(1) A document fee.**

3 **(2) A judicial salaries fee (IC 33-19-6-18).**

4 (c) A clerk may not collect a court costs fee for the filing of the  
5 following exempted actions:

6 (1) Petition to open a safety deposit box.

7 (2) Filing an inheritance tax return, unless proceedings other than  
8 the court's approval of the return become necessary.

9 (3) Offering a will for probate under IC 29-1-7, unless  
10 proceedings other than admitting the will to probate become  
11 necessary.

12 SECTION 13. IC 33-19-6-18 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2001]: **Sec. 18. (a) This subsection does not**  
15 **apply to the following:**

16 **(1) A criminal proceeding.**

17 **(2) A proceeding for an infraction violation.**

18 **(3) A proceeding for an ordinance violation.**

19 **In each action filed in a court described in IC 33-19-1-1, the clerk**  
20 **shall collect a judicial salaries fee of six dollars (\$6).**

21 **(b) In each action in which a person is:**

22 **(1) convicted of an offense;**

23 **(2) required to pay a pretrial diversion fee;**

24 **(3) found to have violated an infraction; or**

25 **(4) found to have violated an ordinance;**

26 **the clerk shall collect a judicial salaries fee of six dollars (\$6).**

27 SECTION 14. IC 33-19-7-1 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The clerk of a  
29 circuit court shall semiannually distribute to the auditor of state as the  
30 state share for deposit in the state general fund seventy percent (70%)  
31 of the amount of fees collected under the following:

32 (1) IC 33-19-5-1(a) (criminal costs fees).

33 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

34 (3) IC 33-19-5-3(a) (juvenile costs fees).

35 (4) IC 33-19-5-4(a) (civil costs fees).

36 (5) IC 33-19-5-5(a) (small claims costs fees).

37 (6) IC 33-19-5-6(a) (probate costs fees).

38 (7) IC 33-19-6-16.2 (deferred prosecution fees).

1 (b) The clerk of a circuit court shall semiannually distribute to the  
2 auditor of state for deposit in the state user fee fund established under  
3 IC 33-19-9-2 the following:

4 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
5 interdiction, and correction fees collected under  
6 IC 33-19-5-1(b)(5).

7 (2) Twenty-five percent (25%) of the alcohol and drug  
8 countermeasures fees collected under IC 33-19-5-1(b)(6),  
9 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

10 (3) Fifty percent (50%) of the child abuse prevention fees  
11 collected under IC 33-19-5-1(b)(7).

12 (4) One hundred percent (100%) of the domestic violence  
13 prevention and treatment fees collected under IC 33-19-5-1(b)(8).

14 (5) One hundred percent (100%) of the highway work zone fees  
15 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

16 (6) One hundred percent (100%) of the safe schools fee collected  
17 under IC 33-19-6-16.3.

18 (c) The clerk of a circuit court shall monthly distribute to the county  
19 auditor the following:

20 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
21 interdiction, and correction fees collected under  
22 IC 33-19-5-1(b)(5).

23 (2) Seventy-five percent (75%) of the alcohol and drug  
24 countermeasures fees collected under IC 33-19-5-1(b)(6),  
25 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

26 The county auditor shall deposit fees distributed by a clerk under this  
27 subsection into the county drug free community fund established under  
28 IC 5-2-11.

29 (d) The clerk of a circuit court shall monthly distribute to the county  
30 auditor fifty percent (50%) of the child abuse prevention fees collected  
31 under IC 33-19-5-1(b)(8). The county auditor shall deposit fees  
32 distributed by a clerk under this subsection into the county child  
33 advocacy fund established under IC 12-17-17.

34 **(e) The clerk of a circuit court shall semiannually distribute to**  
35 **the auditor of state for deposit in the state general fund one**  
36 **hundred percent (100%) of the judicial salaries fee.**

37 SECTION 15. IC 33-19-7-4 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The clerk of a



1 city or town court shall semiannually distribute to the auditor of state  
 2 as the state share for deposit in the state general fund fifty-five percent  
 3 (55%) of the amount of fees collected under the following:

- 4 (1) IC 33-19-5-1(a) (criminal costs fees).
- 5 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 6 (3) IC 33-19-5-4(a) (civil costs fees).
- 7 (4) IC 33-19-5-5 (small claims costs fees).
- 8 (5) IC 33-19-6-16.2 (deferred prosecution fees).

9 (b) Once each month the city or town fiscal officer shall distribute  
 10 to the county auditor as the county share twenty percent (20%) of the  
 11 amount of fees collected under the following:

- 12 (1) IC 33-19-5-1(a) (criminal costs fees).
- 13 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 14 (3) IC 33-19-5-4(a) (civil costs fees).
- 15 (4) IC 33-19-5-5 (small claims costs fees).
- 16 (5) IC 33-19-6-16.2 (deferred prosecution fees).

17 (c) The city or town fiscal officer shall retain twenty-five percent  
 18 (25%) as the city or town share of the fees collected under the  
 19 following:

- 20 (1) IC 33-19-5-1(a) (criminal costs fees).
- 21 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 22 (3) IC 33-19-5-4(a) (civil costs fees).
- 23 (4) IC 33-19-5-5 (small claims costs fees).
- 24 (5) IC 33-19-6-16.2 (deferred prosecution fees).

25 (d) The clerk of a city or town court shall semiannually distribute to  
 26 the auditor of state for deposit in the state user fee fund established  
 27 under IC 33-19-9 the following:

- 28 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 29 interdiction, and corrections fees collected under  
 30 IC 33-19-5-1(b)(5).
- 31 (2) Twenty-five percent (25%) of the alcohol and drug  
 32 countermeasures fees collected under IC 33-19-5-1(b)(6),  
 33 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 34 (3) One hundred percent (100%) of the highway work zone fees  
 35 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- 36 (4) One hundred percent (100%) of the safe schools fee collected  
 37 under IC 33-19-6-16.3.

38 (e) The clerk of a city or town court shall monthly distribute to the

1 county auditor the following:

2 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
3 interdiction, and corrections fees collected under  
4 IC 33-19-5-1(b)(5).

5 (2) Seventy-five percent (75%) of the alcohol and drug  
6 countermeasures fees collected under IC 33-19-5-1(b)(6),  
7 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

8 The county auditor shall deposit fees distributed by a clerk under this  
9 subsection into the county drug free community fund established under  
10 IC 5-2-11.

11 **(f) The clerk of a city or town court shall semiannually**  
12 **distribute to the auditor of state for deposit in the state general**  
13 **fund one hundred percent (100%) of the judicial salaries fee.**

14 SECTION 16. IC 33-19-7-5 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) On June 30 and  
16 on December 31 of each year, the auditor of state shall transfer to the  
17 treasurer of state six million ~~seven hundred four eight hundred~~  
18 ~~ninety-nine~~ thousand ~~two four~~ hundred ~~fifty-seven~~ ~~thirty-one~~ dollars  
19 ~~(\$6,704,257)~~ **(\$6,899,431)** for distribution under subsection (b).

20 (b) On June 30 and on December 31 of each year the treasurer of  
21 state shall deposit into:

22 (1) the family violence and victim assistance fund established  
23 under IC 12-18-5-2 an amount equal to ~~eleven ten and~~  
24 ~~eight-hundredths~~ **seventy-seven hundredths** percent ~~(11.08%)~~;  
25 **(10.77%);**

26 (2) the Indiana judges' retirement fund established under  
27 IC 33-13-8 an amount equal to ~~twenty-five~~ ~~twenty-seven~~ and  
28 ~~twenty-one~~ **twenty-nine** hundredths percent ~~(25.21%)~~; **(27.29%);**

29 (3) the law enforcement academy building fund established under  
30 IC 5-2-1-13 an amount equal to three and ~~fifty-two~~ ~~forty-three~~  
31 hundredths percent ~~(3.52%)~~; **(3.43%);**

32 (4) the law enforcement training fund established under  
33 IC 5-2-1-13 an amount equal to ~~fourteen~~ ~~thirteen~~ and  
34 ~~nineteen-hundredths~~ **seventy-nine hundredths** percent ~~(14.19%)~~;  
35 **(13.79%);**

36 (5) the violent crime victims compensation fund established under  
37 IC 5-2-6.1-40 an amount equal to sixteen and ~~fifty-hundredths~~  
38 **four hundredths** percent ~~(16.50%)~~; **(16.04%);**

- 1 (6) the motor vehicle highway account an amount equal to
- 2 twenty-six and ~~ninety-five~~ **nineteen** hundredths percent (~~26.95%~~);
- 3 **(26.19%);**
- 4 (7) the fish and wildlife fund established by IC 14-22-3-2 an
- 5 amount equal to thirty-two hundredths of one percent (0.32%);
- 6 and
- 7 (8) the Indiana judicial center drug and alcohol programs fund
- 8 established under IC 12-23-14-17 for the administration,
- 9 certification, and support of alcohol and drug services programs
- 10 under IC 12-23-14 an amount equal to two and ~~twenty-three~~
- 11 **seventeen** hundredths percent (~~2.23%~~); **(2.17%);**

12 of the amount transferred by the auditor of state under subsection (a).

13 (c) On June 30 and on December 31 of each year the auditor of state  
14 shall transfer to the treasurer of state one million two hundred thousand  
15 dollars (\$1, 200,000) for deposit into the public defense fund  
16 established under IC 33-9-14.

17 SECTION 17. [EFFECTIVE UPON PASSAGE] **(a) As used in this**  
18 **SECTION, "commission" refers to the public officers**  
19 **compensation commission established by IC 2-5-1.5-5, as added by**  
20 **this act.**

21 **(b) The appointing authorities shall appoint the commission**  
22 **members not later than July 1, 2001.**

23 **(c) Notwithstanding IC 2-5-1.5-7, as added by this act, the term**  
24 **of a commission member appointed under subsection (b) expires as**  
25 **follows:**

26 **(1) The term of a member appointed by the speaker of the**  
27 **house of representatives expires as follows:**

- 28 **(A) The term of one (1) member expires July 1, 2004.**
- 29 **(B) The term of one (1) member expires July 1, 2003.**

30 **When making an appointment under this subdivision, the**  
31 **speaker shall state, subject to this subdivision, the date when**  
32 **the term of the member expires.**

33 **(2) The term of a member appointed by the president pro**  
34 **tempore of the senate expires as follows:**

- 35 **(A) The term of one (1) member expires July 1, 2004.**
- 36 **(B) The term of one (1) member expires July 1, 2003.**

37 **When making an appointment under this subdivision, the**  
38 **president pro tempore shall state, subject to this subdivision,**

- 1           **the date when the term of the member expires.**
- 2           **(3) The term of a member appointed by the governor expires**
- 3           **as follows:**
- 4                 **(A) The term of one (1) member expires July 1, 2004.**
- 5                 **(B) The term of one (1) member expires July 1, 2002.**
- 6           **When making an appointment under this subdivision, the**
- 7           **governor shall state, subject to this subdivision, the date when**
- 8           **the term of the member expires.**
- 9           **(4) The term of a member appointed by the chief justice of the**
- 10           **supreme court of Indiana expires as follows:**
- 11                 **(A) The term of one (1) member expires July 1, 2003.**
- 12                 **(B) The term of one (1) member expires July 1, 2002.**
- 13           **When making an appointment under this subdivision, the**
- 14           **chief justice shall state, subject to this subdivision, the date**
- 15           **when the term of the member expires.**
- 16           **(5) The term of the member appointed by the chief judge of**
- 17           **the court of appeals of Indiana expires July 1, 2002.**
- 18           **(d) Notwithstanding IC 2-5-1.5-7, as added by this act, the term**
- 19           **of a commission member begins the day the member accepts the**
- 20           **member's appointment.**
- 21           **(e) This SECTION expires July 1, 2004.**
- 22           **SECTION 18. [EFFECTIVE JUNE 1, 2001] IC 5-10.2-4-3, as**
- 23           **amended by this act, applies only to members of the Indiana state**
- 24           **teachers' retirement fund who retire after May 31, 2001.**
- 25           **SECTION 19. [EFFECTIVE UPON PASSAGE] Notwithstanding**
- 26           **IC 1-1-1-8, the provisions of this act are not severable.**
- 27           **SECTION 20. An emergency is declared for this act.**  
                  (Reference is to HB1856 as introduced.)

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

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Representative Moses