

SENATE BILL No. 392

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-3-5-7; IC 33-13-12.

Synopsis: Judicial salaries. Provides that full-time judges and justices automatically receive a salary increase in each fiscal year that the general assembly does not provide a salary increase. Provides that the automatic salary increase is the same statewide or cost of living percentage increase received for that fiscal year by state employees in the executive branch who are in the same or a similar salary bracket. (The introduced version of this bill was approved by the commission on courts.)

Effective: July 1, 2004.

Broden

January 12, 2004, read first time and referred to Committee on Rules and Legislative Procedure.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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SENATE BILL No. 392



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-3-5-7 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) The judge of the tax court is
- 3 entitled to ~~an~~ a **base** annual salary equal to the **base** annual salary
- 4 provided in IC 33-13-12-9 to a judge of the court of appeals. In
- 5 addition, the judge of the tax court is entitled to the following:
- 6 (1) Reimbursement for traveling expenses and other expenses
- 7 actually incurred in connection with the judge's duties, as
- 8 provided in the state travel policies and procedures established by
- 9 the department of administration and approved by the budget
- 10 agency.
- 11 (2) A subsistence allowance equal to the amount provided under
- 12 IC 33-13-12-9 to a judge of the court of appeals who is not the
- 13 chief judge of the court of appeals.
- 14 (3) **A salary increase under IC 33-13-12-9.5.**
- 15 (b) The judge of the tax court:
- 16 (1) shall devote full time to judicial duties; and
- 17 (2) may not engage in the practice of law.



1 (c) The state shall pay the annual salary prescribed in subsection (a)
2 from the state general fund.

3 (d) The state shall furnish an automobile to the judge of the state tax
4 court.

5 SECTION 2. IC 33-13-12-7.1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7.1. (a) The ~~total base~~
7 annual salary of each full-time judge of a circuit, superior, municipal,
8 county, or probate court is ninety thousand dollars (\$90,000). **In**
9 **addition, a judge under this section may receive:**

- 10 (1) a salary increase under section 9.5 of this chapter; and
- 11 (2) any additional salary provided under IC 36-2-5-14 or
- 12 IC 36-3-6-3(c).

13 The state shall pay all of the total salary except for the additional
14 salary, if any, under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall
15 deposit quarterly the money received from the counties under
16 subsection (c) in the state general fund.

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

21 (c) When making each payment under subsection ~~(a)~~; **(a)(2)**, the
22 county shall determine for each judge whether the total of:

- 23 (1) the payment made on behalf of that judge;
- 24 (2) previous payments made on behalf of that judge in the same
- 25 calendar year; and
- 26 (3) the state share of the judge's salary under subsection (a);

27 exceeds the Social Security wage base established by the federal
28 government for that year. If the total does not exceed the Social
29 Security wage base, the payment on behalf of that judge must also be
30 accompanied by an amount equal to the employer's share of Social
31 Security taxes and Medicare taxes. If the total does exceed the Social
32 Security wage base, the part of the payment on behalf of the judge that
33 is below the Social Security wage base must be accompanied by an
34 amount equal to the employer's share of Social Security taxes and
35 Medicare taxes, and the part of the payment on behalf of the judge that
36 exceeds the Social Security wage base must be accompanied by an
37 amount equal to the employer's share of Medicare taxes. Payments
38 made under this subsection shall be deposited in the state general fund
39 under subsection (a).

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

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- 1 (1) is established by the state;
- 2 (2) applies to a judge who is covered by this section; and
- 3 (3) bases the amount of premiums to be paid by the judge on the
- 4 amount of the judge's salary;
- 5 the judge's salary does not include any amounts paid to the state by a
- 6 county under subsection ~~(a)~~: **(a)(2)**.

7 SECTION 3. IC 33-13-12-9 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) The ~~total base~~
 9 annual salary for each justice of the supreme court of Indiana is one
 10 hundred fifteen thousand dollars (\$115,000). **In addition, a justice**
 11 **under this subsection may receive a salary increase under section**
 12 **9.5 of this chapter.**

13 (b) The ~~total base~~ annual salary for each judge of the court of
 14 appeals of Indiana is one hundred ten thousand dollars (\$110,000). **In**
 15 **addition, a judge under this subsection may receive a salary**
 16 **increase under section 9.5 of this chapter.**

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

19 (d) In addition to said salary, there shall be paid in equal monthly
 20 payments on the first day of each month out of any money in the
 21 general fund of the state treasury not otherwise appropriated, the
 22 following annual subsistence allowances to assist in defraying expenses
 23 relating to or resulting from the discharge of the justice's or judge's
 24 official duties, for which no accounting shall be made by such judge:

- 25 (1) Five thousand five hundred dollars (\$5,500) to the chief
- 26 justice of the supreme court.
- 27 (2) Five thousand five hundred dollars (\$5,500) to the chief judge
- 28 of the court of appeals.
- 29 (3) Three thousand dollars (\$3,000) to each justice of the supreme
- 30 court who is not the chief justice.
- 31 (4) Three thousand dollars (\$3,000) to each judge of the court of
- 32 appeals who is not the chief judge.

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

35 SECTION 4. IC 33-13-12-9.5 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2004]: **Sec. 9.5. (a) Beginning July 1, 2005, in**
 38 **each state fiscal year during which the general assembly does not**
 39 **provide a salary increase to a judge or justice under this chapter**
 40 **or IC 33-3-5-7, the judge's or justice's salary for that state fiscal**
 41 **year shall be increased by the same percentage amount as the**
 42 **statewide or cost of living percentage increase received by state**

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1 employees in the executive branch who are in the same or a similar
2 salary bracket.
3 (b) Subsequent salary increases under subsection (a) are
4 calculated by applying the percentage increase given to state
5 employees to the sum of the base salary in section 7.1 or 9 of this
6 chapter and each previous pay increase received under this section.
7 (c) Judges and justices are not entitled to receive a salary
8 increase under subsection (a) in a state fiscal year in which state
9 employees do not receive a statewide or cost of living salary
10 increase.
11 (d) If a salary increase is required under subsection (a), the line
12 items for judicial salaries in the state biennial budget are
13 augmented in an amount sufficient to pay for the salary increase
14 from the same source of funds as for state employee salary
15 increases.

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