



February 18, 2005

SENATE BILL No. 363

DIGEST OF SB 363 (Updated February 17, 2005 12:46 pm - DI 58)

Citations Affected: IC 33-26; IC 33-38.

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 as the 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. Requires the budget director to augment the appropriation if necessary.

Effective: July 1, 2005.

**Broden, Clark, Bowser, Long, Hume,
Meeks**

January 11, 2005, read first time and referred to Committee on Judiciary.
January 27, 2005, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 17, 2005, amended, reported favorably — Do Pass.

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February 18, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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SENATE BILL No. 363

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 33-26-2-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The judge of the
3 tax court is entitled to ~~an~~ **a base** annual salary equal to the **base** annual
4 salary provided in IC 33-38-5-8 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 Indiana department of administration and approved by the
10 budget agency.
11 (2) A subsistence allowance equal to the amount provided under
12 IC 33-38-5-8 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 33-38-5-8.1.**
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.

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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 33-38-5-6 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The ~~total base~~
7 annual salary of each full-time judge of a circuit, superior, municipal,
8 county, or probate court is ~~(1)~~ ninety thousand dollars (\$90,000), paid
9 by the state. **In addition, a judge under this section may receive:**

- 10 (1) a salary increase under section 8.1 of this chapter; and
- 11 (2) any additional salary provided by the county under
- 12 IC 36-2-5-14 or IC 36-3-6-3(c).

13 The state shall deposit quarterly the money received from the counties
14 under subsection (c) for additional salary in the state general fund.

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

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

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

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

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

- 41 (1) is established by the state;
- 42 (2) applies to a judge who is covered by this section; and

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1 (3) bases the amount of premiums to be paid by the judge on the
2 amount of the judge's salary;
3 the judge's salary does not include any amounts paid to the state by a
4 county under subsection ~~(a)~~: **(a)(2)**.

5 SECTION 3. IC 33-38-5-8 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The ~~total base~~
7 annual salary for each justice of the supreme court is one hundred
8 fifteen thousand dollars (\$115,000). **In addition, a justice under this**
9 **subsection may receive a salary increase under section 8.1 of this**
10 **chapter.**

11 (b) The ~~total base~~ annual salary for each judge of the court of
12 appeals is one hundred ten thousand dollars (\$110,000). **In addition,**
13 **a judge under this subsection may receive a salary increase under**
14 **section 8.1 of this chapter.**

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

17 (d) In addition to salary, the state shall pay to a justice or judge, in
18 equal monthly payments on the first day of each month from money in
19 the state general fund not otherwise appropriated, the following annual
20 subsistence allowances to assist in defraying expenses relating to or
21 resulting from the discharge of the justice's or judge's official duties:

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

30 A justice or judge is not required to make an accounting for an
31 allowance received under this subsection.

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

34 SECTION 4. IC 33-38-5-8.1 IS ADDED TO THE INDIANA CODE
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
36 1, 2005]: **Sec. 8.1. (a) Beginning July 1, 2006, in each state fiscal**
37 **year during which the general assembly does not provide a salary**
38 **increase to a judge or justice under this chapter or IC 33-26-2-5,**
39 **the judge's or justice's salary for that state fiscal year shall be**
40 **increased by the same percentage amount as the statewide or cost**
41 **of living percentage increase received by state employees in the**
42 **executive branch who are in the same or a similar salary bracket.**

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1 **(b) Subsequent salary increases under subsection (a) shall be**
2 **calculated by applying the percentage increase given to state**
3 **employees in the executive branch who are in the same or a similar**
4 **salary bracket to the sum of:**
5 **(1) the base salary in section 5, 6, or 8 of this chapter; and**
6 **(2) 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**
12 **budget director shall augment the line items for judicial salaries in**
13 **the state biennial budget in an amount sufficient to pay for the**
14 **salary increase from the sources of funds determined by the budget**
15 **director.**

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SENATE MOTION

Madam President: I move that Senator Clark be added as second author of Senate Bill 363.

BRODEN

SENATE MOTION

Madam President: I move that Senator Bowser be added as coauthor of Senate Bill 363.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 363, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 4, after "section" insert "5,".

Page 4, line 4, delete "6" and insert "6,".

and when so amended that said bill do pass and be recommitted to the Committee on Appropriations.

(Reference is to SB 363 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Long be added as coauthor of Senate Bill 363.

BRODEN

SENATE MOTION

Madam President: I move that Senators Hume and Meeks be added as coauthors of Senate Bill 363.

BRODEN

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 363, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 3, after "employees" insert "**in the executive branch who are in the same or a similar salary bracket**".

Page 4, line 10, after "(a)," insert "**the budget director shall augment**".

Page 4, line 11, delete "are".

Page 4, line 12, delete "augmented".

Page 4, line 13, delete "same source" and insert "**sources**".

Page 4, line 13, delete "as for state employee salary" and insert "**determined by the budget director.**".

Page 4, delete line 14.

and when so amended that said bill do pass.

(Reference is to SB 363 as printed January 28, 2005.)

MEEKS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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