

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 363**

Citations Affected: IC 33-38-5.

Synopsis: Judicial salaries. Conference committee report for ESB 363. Increases the annual salaries of: (1) full-time trial court judges from \$90,000 to \$110,500; (2) appellate court judges from \$110,000 to \$129,800; and (3) supreme court justices from \$115,000 to \$133,600. Establishes a procedure for the salaries to be increased in each state fiscal year in which the general assembly does not amend the laws under which the salaries are determined to provide salary increases for the state fiscal year. **(This conference committee report removes the following provisions added in the House of Representatives: (1) Establishment of a judicial salaries fee. (2) Changing the name of the judicial administration fee to the public defense administration fee. (3) Changing the name of the judicial insurance adjustment fee to the judicial administration fee. (4) Repeal of the judicial branch insurance adjustment account.)**

Effective: July 1, 2005.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 363 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 33-38-5-6 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The ~~total~~ annual
4 salary of each full-time judge of a circuit, superior, municipal, county,
5 or probate court is ~~(1) ninety~~ **one hundred ten thousand five hundred**
6 **dollars** ~~(\$90,000)~~, **(\$110,500), as adjusted after June 30, 2006, under**
7 **section 8.1 of this chapter**, paid by the state. **In addition, a judge**
8 **under this section may receive** ~~and (2)~~ any additional salary provided
9 by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall
10 deposit quarterly the money received from the counties under
11 subsection (c) for additional salary in the state general fund.
12 (b) Before November 2 of each year, the county auditor of each
13 county shall certify to the division of state court administration the
14 amounts, if any, to be provided by the county during the ensuing
15 calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).
16 (c) When making each payment under subsection (a), the county shall
17 determine for each judge whether the total of:
18 (1) the payment made on behalf of that judge;
19 (2) previous payments made on behalf of that judge in the same
20 calendar year; and
21 (3) the state share of the judge's salary under subsection (a);
22 exceeds the Social Security wage base established by the federal
23 government for that year. If the total does not exceed the Social

1 Security wage base, the payment on behalf of that judge must also be
 2 accompanied by an amount equal to the employer's share of Social
 3 Security taxes and Medicare taxes. If the total exceeds the Social
 4 Security wage base, the part of the payment on behalf of the judge that
 5 is below the Social Security wage base must be accompanied by an
 6 amount equal to the employer's share of Social Security taxes and
 7 Medicare taxes, and the part of the payment on behalf of the judge that
 8 exceeds the Social Security wage base must be accompanied by an
 9 amount equal to the employer's share of Medicare taxes. Payments
 10 made under this subsection shall be deposited in the state general fund
 11 under subsection (a).

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

- 15 (1) is established by the state;
- 16 (2) applies to a judge who is covered by this section; and
- 17 (3) bases the amount of premiums to be paid by the judge on the
 18 amount of the judge's salary;

19 the judge's salary does not include any amounts paid to the state by a
 20 county under subsection (a).

21 SECTION 2. IC 33-38-5-8 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The ~~total~~ annual
 23 salary for each justice of the supreme court is one hundred ~~fifteen~~
 24 **thirty-three thousand six hundred** dollars (~~\$115,000~~), **as**
 25 **adjusted after June 30, 2006, under section 8.1 of this chapter.**

26 (b) The ~~total~~ annual salary for each judge of the court of appeals is
 27 one hundred ~~ten~~ **twenty-nine thousand eight hundred** dollars
 28 (~~\$110,000~~), **as adjusted after June 30, 2006, under**
 29 **section 8.1 of this chapter.**

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

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

- 37 (1) Five thousand five hundred dollars (\$5,500) to the chief justice
 38 of the supreme court.
- 39 (2) Five thousand five hundred dollars (\$5,500) to the chief judge
 40 of the court of appeals.
- 41 (3) Three thousand dollars (\$3,000) to each justice of the supreme
 42 court who is not the chief justice.
- 43 (4) Three thousand dollars (\$3,000) to each judge of the court of
 44 appeals who is not the chief judge.

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

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

49 SECTION 3. IC 33-38-5-8.1 IS ADDED TO THE INDIANA CODE
 50 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 51 JULY 1, 2005]: **Sec. 8.1. (a) Beginning July 1, 2006, the part of the**

1 **total salary of an official:**
2 **(1) paid by the state; and**
3 **(2) set under section 6 or 8 of this chapter;**
4 **is increased in each state fiscal year in which the general assembly**
5 **does not amend the section of law under which the salary is**
6 **determined to provide a salary increase for the state fiscal year.**
7 **(b) The percentage by which salaries are increased in a state**
8 **fiscal year under this section is equal to the statewide average**
9 **percentage, as determined by the budget director, by which the**
10 **salaries of state employees in the executive branch who are in the**
11 **same or a similar salary bracket exceed, for the state fiscal year,**
12 **the salaries of executive branch state employees in the same or a**
13 **similar salary bracket that were in effect on July 1 of the**
14 **immediately preceding state fiscal year.**
15 **(c) The amount of a salary increase under this section is equal to**
16 **the amount determined by applying the percentage increase for the**
17 **particular state fiscal year to the salary payable by the state, as**
18 **previously adjusted under this section, that is in effect on June 30**
19 **of the immediately preceding state fiscal year.**
20 **(d) An official is not entitled to receive a salary increase under**
21 **this section in a state fiscal year in which state employees described**
22 **in subsection (b) do not receive a statewide average salary increase.**
23 **(e) If a salary increase is required under this section, the budget**
24 **director shall augment judicial appropriations, including the line**
25 **items for personal services for the supreme court, local judges'**
26 **salaries, and county prosecutors' salaries, in the state biennial**
27 **budget in an amount sufficient to pay for the salary increase from**
28 **the sources of funds determined by the budget director.**
29 **SECTION 4. [EFFECTIVE JULY 1, 2005] IC 33-38-5-6 and**
30 **IC 33-38-5-8, both as amended by this act, apply only to increase**
31 **the part of an annual salary payable after June 30, 2005.**
 (Reference is to ESB 363 as reprinted March 30, 2005.)

Conference Committee Report
on
Engrossed Senate Bill 363

Signed by:

Senator Clark
Chairperson

Representative Foley

Senator Broden

Representative Kuzman

Senate Conferees

House Conferees