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## SENATE BILL No. 438

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-3-1-1; IC 4-2-1-1; IC 33-3-5-7; IC 33-13-12-7.1; IC 33-13-12-9.

**Synopsis:** Public officers compensation. Increases the salary of members of the general assembly, state elected officials, and appellate and trial court judges. Increases the per diem paid to members of the general assembly when the general assembly is not in session. (The introduced version of this bill was prepared by the public officers compensation study committee.)

**Effective:** January 1, 2001.

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### Harrison, Lewis, Mills, Washington

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January 10, 2000, read first time and referred to Committee on Finance.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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## SENATE BILL No. 438

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 2-3-1-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JANUARY 1, 2001]: Sec. 1. The annual salary of the  
3 members of the general assembly shall be ~~eleven nineteen thousand six~~  
4 ~~hundred~~ dollars (~~\$11,600~~); **(\$19,000)**. One-half (1/2) the annual salary  
5 shall be paid on the fifteenth day of January, and one-half (1/2) the  
6 annual salary shall be paid on the fifteenth day of February.

7 SECTION 2. IC 4-2-1-1 IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JANUARY 1, 2001]: Sec. 1. The salary of the elected  
9 officials of the state is as follows:

- 10 (1) For the governor the following salary:  
11 (A) Before January 8, 2001, seventy-seven thousand two  
12 hundred dollars (\$77,200) per year.  
13 (B) After January 7, 2001, ~~ninety-five one hundred~~  
14 ~~thirty-five~~ thousand dollars (~~\$95,000~~) **(\$135,000)** per year.  
15 (2) For the lieutenant governor the following salary:  
16 (A) Before January 8, 2001, sixty-four thousand dollars  
17 (~~\$64,000~~) per year.



- 1 (B) After January 7, 2001, seventy-six thousand dollars  
 2 (\$76,000) per year.
- 3 However, the lieutenant governor is not entitled to receive per  
 4 diem allowance for performance of duties as president of the  
 5 senate.
- 6 (3) For the secretary of state, ~~the following salary:~~
- 7 (A) ~~Before January 1, 1999, forty-six thousand dollars~~  
 8 ~~(\$46,000) per year.~~
- 9 (B) ~~After December 31, 1998, sixty-six~~ **sixty-nine** thousand  
 10 dollars ~~(\$66,000)~~ **(\$69,000)** per year.
- 11 (4) For the auditor of state, ~~the following salary:~~
- 12 (A) ~~Before December 1, 1998, forty-six thousand dollars~~  
 13 ~~(\$46,000) per year.~~
- 14 (B) ~~After November 30, 1998, sixty-six~~ **sixty-nine** thousand  
 15 dollars ~~(\$66,000)~~ **(\$69,000)** per year.
- 16 (5) For the treasurer of state, ~~the following salary:~~
- 17 (A) ~~Before February 10, 1999, forty-six thousand dollars~~  
 18 ~~(\$46,000) per year.~~
- 19 (B) ~~After February 9, 1999, sixty-six~~ **sixty-nine** thousand  
 20 dollars ~~(\$66,000)~~ **(\$69,000)** per year.
- 21 (6) For the attorney general, ~~the following salary:~~
- 22 (A) ~~Before January 1, 1999, fifty-nine thousand two hundred~~  
 23 ~~dollars (\$59,200) per year.~~
- 24 (B) ~~After December 31, 1998, seventy-nine~~ **eighty-three**  
 25 thousand ~~four hundred~~ dollars ~~(\$79,400)~~ **(\$83,000)** per year.
- 26 (7) For the clerk of the supreme court, ~~the following salary:~~
- 27 (A) ~~Before January 1, 1999, thirty-eight thousand dollars~~  
 28 ~~(\$38,000) per year.~~
- 29 (B) ~~After December 31, 1998, sixty~~ **sixty-two** thousand dollars  
 30 ~~(\$60,000)~~ **(\$62,000)** per year.
- 31 (8) For the state superintendent of public instruction, ~~the~~  
 32 ~~following salary:~~
- 33 (A) ~~Before January 1, 1999, sixty-three thousand one hundred~~  
 34 ~~dollars (\$63,100) per year.~~
- 35 (B) ~~After December 31, 1998, seventy-nine~~ **eighty-three**  
 36 thousand ~~four hundred~~ dollars ~~(\$79,400)~~ **(\$83,000)** per year.
- 37 SECTION 3. IC 33-3-5-7 IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JANUARY 1, 2001]: Sec. 7. (a) The judge of the tax  
 39 court is entitled to an annual salary equal to the annual salary provided  
 40 in IC 33-13-12-9 to a judge of the court of appeals. In addition, the  
 41 judge of the tax court is entitled to ~~the following:~~
- 42 (†) reimbursement for traveling expenses and other expenses



1 actually incurred in connection with the judge's duties, as  
 2 provided in the state travel policies and procedures established by  
 3 the department of administration and approved by the budget  
 4 agency.

5 ~~(2) A subsistence allowance equal to the amount provided under~~  
 6 ~~IC 33-13-12-9 to a judge of the court of appeals who is not the~~  
 7 ~~chief judge of the court of appeals:~~

8 (b) The judge of the tax court:

9 (1) shall devote full time to judicial duties; and

10 (2) may not engage in the practice of law.

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

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

15 SECTION 4. IC 33-13-12-7.1 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 7.1. (a) The total  
 17 annual salary of each full-time judge of a circuit, superior, municipal,  
 18 county, or probate court is ~~ninety~~ **ninety-seven** thousand dollars  
 19 ~~(\$90,000)~~ **(\$97,000)** and any additional salary provided under  
 20 IC 36-2-5-14 or IC 36-3-6-3(c). The state shall pay all of the total  
 21 salary except for the additional salary, if any, under IC 36-2-5-14 or  
 22 IC 36-3-6-3(c). The state shall deposit quarterly the money received  
 23 from the counties under subsection (c) in the state general fund.

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

28 (c) When making each payment under subsection (a), the county  
 29 shall determine for each judge whether the total of:

30 (1) the payment made on behalf of that judge;

31 (2) previous payments made on behalf of that judge in the same  
 32 calendar year; and

33 (3) the state share of the judge's salary under subsection (a);  
 34 exceeds the Social Security wage base established by the federal  
 35 government for that year. If the total does not exceed the Social  
 36 Security wage base, the payment on behalf of that judge must also be  
 37 accompanied by an amount equal to the employer's share of Social  
 38 Security taxes and Medicare taxes. If the total does exceed the Social  
 39 Security wage base, the part of the payment on behalf of the judge that  
 40 is below the Social Security wage base must be accompanied by an  
 41 amount equal to the employer's share of Social Security taxes and  
 42 Medicare taxes, and the part of the payment on behalf of the judge that



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1 exceeds the Social Security wage base must be accompanied by an  
 2 amount equal to the employer's share of Medicare taxes. Payments  
 3 made under this subsection shall be deposited in the state general fund  
 4 under subsection (a).

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

8 (1) is established by the state;

9 (2) applies to a judge who is covered by this section; and

10 (3) bases the amount of premiums to be paid by the judge on the  
 11 amount of the judge's salary;

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

14 SECTION 5. IC 33-13-12-9 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9. (a) The total  
 16 annual salary for each justice of the supreme court of Indiana is **as**  
 17 **follows:**

18 (1) **For the chief justice of the supreme court, one hundred**  
 19 **fifteen ~~thirty~~ thousand dollars (~~\$115,000~~): (\$130,000).**

20 (2) **For each justice of the supreme court who is not the chief**  
 21 **justice, one hundred twenty-eight thousand dollars (\$128,000).**

22 (b) The total annual salary for each judge of the court of appeals of  
 23 Indiana is **as follows:**

24 (1) **For the chief judge of the court of appeals, one hundred ten**  
 25 **twenty-five thousand dollars (~~\$110,000~~): (\$125,000).**

26 (2) **For each judge of the court of appeals who is not the chief**  
 27 **judge, one hundred twenty-two thousand dollars (\$122,000).**

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

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

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

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

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

42 (4) ~~Three thousand dollars (\$3,000) to each judge of the court of~~



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1           appeals who is not the chief judge.  
 2           ~~(c)~~ (d) The state shall not furnish automobiles for the use of justices  
 3 or judges compensated under this section.  
 4           SECTION 6. [EFFECTIVE JANUARY 1, 2001] (a)  
 5 **Notwithstanding P.L.273-1999, SECTION 3, after December 31,**  
 6 **2000, each member of the general assembly is entitled to a**  
 7 **subsistence allowance of thirty-four dollars (\$34) per day for:**  
 8           (1) each day that the general assembly is not convened in  
 9 regular or special session; and  
 10           (2) each day after the first session day and before the second  
 11 session day of each regular session and any day during that  
 12 time period that the general assembly is convened in special  
 13 session.  
 14 **The subsistence allowance is payable from the appropriations for**  
 15 **legislators' subsistence.**  
 16           (b) This SECTION expires July 1, 2001.

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