

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1401**

Citations Affected: IC 2-5-1.5; IC 5-10.2-4-3; IC 33-34-8-1; IC 33-37; IC 33-38-5-8.2.

Synopsis: Public officer compensation. Establishes the public officers compensation advisory commission to make recommendations to the general assembly regarding the salaries to be paid to public officers. Provides that recommended increases in salaries may not exceed changes in the Indiana nonfarm income. Provides that for purposes of computing a retirement benefit for a person who is a member of the Indiana state teachers' retirement fund and who takes an unpaid leave of absence to serve in an elected position: (1) "annual compensation" includes the total amount that was not paid to the member but would have been paid to the member during the year under the member's employment contracts if the member had not taken any unpaid leave of absence to serve in an elected position; and (2) the "average of the annual compensation" means the annual compensation for the one year of service in which the member's annual compensation was highest. Extends the health care adjustments made to executive branch employees to members of the judicial branch. Establishes a judicial insurance adjustment fee of \$1 to be collected in certain civil actions and in certain criminal, infraction, and ordinance violation actions. Provides that the costs of the health care adjustments for judicial branch members be paid from the judicial health adjustment fee. **(This conference committee report adds the provisions relating to health care adjustments for members of the judicial branch, establishes the judicial insurance adjustment fee, and corrects conflicts with SEA 263.)**

Effective: Upon passage; April 1, 2004; June 1, 2004; July 1, 2004.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1401 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate 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 2-5-1.5 IS ADDED TO THE INDIANA CODE AS
- 3 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
- 4 PASSAGE]:
- 5 **Chapter 1.5. Public Officers Compensation Advisory**
- 6 **Commission**
- 7 **Sec. 1. As used in this chapter, "commission" refers to the**
- 8 **public officers compensation advisory commission established by**
- 9 **section 6 of this chapter.**
- 10 **Sec. 2. As used in this chapter, "growth rate" refers to the rate**
- 11 **of change in Indiana nonfarm income determined by the Bureau**
- 12 **of Economic Analysis of the United States Department of**
- 13 **Commerce.**
- 14 **Sec. 3. As used in this chapter, "political subdivision" has the**
- 15 **meaning set forth in IC 36-1-2-13.**
- 16 **Sec. 4. As used in this chapter, "public employee" refers to any**
- 17 **of the following:**
- 18 (1) An employee of the state.
- 19 (2) An employee of a political subdivision.
- 20 (3) An employee of any other entity whose salary is paid in

1 any part from funds derived from taxes imposed by the state
2 or a political subdivision.

3 **Sec. 5. As used in this chapter, "public officer" refers to any of**
4 **the following:**

- 5 (1) The governor.
- 6 (2) The lieutenant governor.
- 7 (3) The secretary of state.
- 8 (4) The auditor of state.
- 9 (5) The treasurer of state.
- 10 (6) The attorney general.
- 11 (7) The clerk of the supreme court.
- 12 (8) The state superintendent of public instruction.
- 13 (9) A justice of the supreme court of Indiana.
- 14 (10) A judge of the court of appeals of Indiana.
- 15 (11) A judge of the Indiana tax court.
- 16 (12) A judge of a circuit, superior, probate, or county court.
- 17 (13) A member of the general assembly.

18 **Sec. 6. There is established the public officers compensation**
19 **advisory commission.**

20 **Sec. 7. (a) The commission consists of the following members:**

- 21 (1) Two (2) members appointed by the speaker of the house of
22 representatives. The members appointed under this
23 subdivision may not be members of the same political party.
- 24 (2) Two (2) members appointed by the president pro tempore
25 of the senate. The members appointed under this subdivision
26 may not be members of the same political party.
- 27 (3) Two (2) members appointed by the governor. The members
28 appointed under this subdivision may not be members of the
29 same political party.
- 30 (4) Two (2) members appointed by the chief justice of the
31 supreme court of Indiana. The members appointed under this
32 subdivision may not be members of the same political party.
- 33 (5) One (1) member appointed by the chief judge of the court
34 of appeals of Indiana.

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

- 36 (1) A public officer.
- 37 (2) A public employee.
- 38 (3) An individual who has a pecuniary interest in the salary of
39 a public officer. For purposes of this subdivision, an individual
40 has a pecuniary interest in the salary of a public officer if an
41 increase in the salary of a public officer will result in an
42 ascertainable increase in the income or net worth of the
43 individual.

44 **Sec. 8. (a) The term of a commission member begins on the**
45 **later of the following:**

- 46 (1) July 1 after the member is appointed.
- 47 (2) The day the member accepts the member's appointment.

1 (b) The term of a commission member expires on July 1 of the
2 fourth year after the year the member's term begins.

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

4 Sec. 9. (a) If there is a vacancy on the commission, the public
5 officer who appointed the member whose position is vacant shall
6 appoint an individual to fill the vacancy.

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

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

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

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

16 Sec. 11. Five (5) commission members constitute a quorum. The
17 affirmative votes of at least five (5) commission members are
18 necessary for the commission to take official action other than to
19 adjourn or to meet to hear reports or testimony.

20 Sec. 12. The commission shall meet at the call of the chair and
21 at other times as the commission considers necessary.

22 Sec. 13. Each member of the commission is entitled to the
23 following:

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

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

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

31 Sec. 14. The legislative services agency shall provide
32 administrative support for the commission. At the request of the
33 legislative services agency, the state personnel department or the
34 Indiana judicial center established by IC 33-38-9-4 shall assign
35 staff to provide research and other support to assist the legislative
36 services agency in providing administrative support to the
37 commission.

38 Sec. 15. The legislative services agency may contract with
39 consultants on behalf of the commission as the commission
40 considers necessary to implement this chapter.

41 Sec. 16. Except as otherwise provided by this chapter, the
42 commission is subject to the rules of the legislative council.

43 Sec. 17. The commission shall make reports to the general
44 assembly as required by this chapter or by the legislative council.
45 The reports to the legislative council must be in an electronic
46 format under IC 5-14-6.

47 Sec. 18. The commission shall meet at least one (1) time not

1 later than July 1 of each even-numbered year to do the following:

2 (1) For each public officer listed in section 5 of this chapter,
3 determine the most recent year that the public officer
4 received a salary increase.

5 (2) Receive information relating to the salaries of public
6 officers.

7 (3) Consider recommendations for suitable salaries for public
8 officers.

9 (4) Take testimony relating to the salaries of public officers.

10 Sec. 19. (a) Not later than September 1 of each even-numbered
11 year, the commission shall make written recommendations to the:

12 (1) legislative council; and

13 (2) budget committee;

14 concerning suitable salaries for public officers. The
15 recommendations to the legislative council must be in an
16 electronic format under IC 5-14-6.

17 (b) When making recommendations, the commission shall make
18 a separate recommendation, including a recommendation for no
19 adjustment of salary, for each separate public officer listed in
20 section 5 of this chapter.

21 (c) The commission may not recommend an increase in the
22 salary of a public officer to an amount that exceeds the salary the
23 public officer would receive if the salary of the public officer
24 increased each year since the most recent year the public officer
25 received a salary increase by the growth rate for each respective
26 year.

27 Sec. 20. For purposes of this chapter, a health care adjustment
28 under IC 33-38-5-8.2 is not considered part of the salary of a
29 public officer.

30 Sec. 21. A commission recommendation does not take effect
31 unless enacted by the general assembly.

32 Sec. 22. There is annually appropriated to the legislative services
33 agency from the state general fund money necessary for the
34 operation of the commission.

35 Sec. 23. Notwithstanding IC 1-1-1-8, the provisions of this
36 chapter are not severable.

37 SECTION 2. IC 5-10.2-4-3 IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JUNE 1, 2004]: Sec. 3. (a) Except as provided in
39 subsection ~~(e)~~; (f), in computing the retirement benefit for a nonteacher
40 member, "average of the annual compensation" means the average
41 annual compensation calculated using the twenty (20) calendar quarters
42 of service in a position covered by the retirement fund before retirement
43 in which the member's annual compensation was the highest. However,
44 in order for a quarter to be included in the twenty (20) calendar
45 quarters, the nonteacher member must have performed service
46 throughout the calendar quarter. All twenty (20) calendar quarters do
47 not have to be continuous but they must be in groups of four (4)
48 consecutive calendar quarters. The same calendar quarter may not be

1 included in two (2) different groups.

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

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

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

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

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

29 ~~(2)~~ **(B) the member's salary reduction agreement established**
 30 **under Section 125, 403(b), or 457 of the Internal Revenue Code;**
 31 **and**

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

38 The portion of a back pay award or a similar award that the board
 39 determines is compensation under an agreement or under a judicial or
 40 an administrative proceeding shall be allocated by the board among the
 41 years the member earned or should have earned the compensation. Only
 42 that portion of the award allocated to the year the award is made is
 43 considered to have been earned during the year the award was made.
 44 Interest on an award is not considered annual compensation for any
 45 year.

46 ~~(3)~~ **(e) Compensation of no more than two thousand dollars (\$2,000)**
 47 **received from the employer in contemplation of the member's**
 48 **retirement, including severance pay, termination pay, retirement bonus,**

1 or commutation of unused sick leave or personal leave, may be included
 2 in the total annual compensation from which the average of the annual
 3 compensation is determined, if it is received:

- 4 (1) before the member ceases service; or
- 5 (2) within twelve (12) months after the member ceases service.

6 ~~(e)~~ (f) This section applies to a member of the general assembly:

- 7 (1) who is a participant in the legislators' retirement system
 8 established under IC 2-3.5;
- 9 (2) who is also a member of the public employees' retirement fund
 10 or the state teachers' retirement fund; and
- 11 (3) whose years of service in the general assembly may not be
 12 considered in determining the average of the annual compensation
 13 under this section, as provided in IC 2-3.5-1-2(b)(2) or
 14 IC 2-3.5-3-1(c).

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

18 SECTION 3. IC 33-34-8-1, AS ADDED BY SEA 263-2004,
 19 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2004]: Sec. 1. (a) The following fees and costs apply to cases
 21 in the small claims court:

- 22 (1) A township docket fee of five dollars (\$5) plus forty-five
 23 percent (45%) of the infraction or ordinance violation costs fee
 24 under IC 33-37-4-2.
- 25 (2) The bailiff's service of process by registered or certified mail
 26 fee of thirteen dollars (\$13) for each service.
- 27 (3) The cost for the personal service of process by the bailiff or
 28 other process server of thirteen dollars (\$13) for each service.
- 29 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
 30 to be taxed and charged in the circuit court.
- 31 (5) A redocketing fee, if any, of five dollars (\$5).
- 32 (6) A document storage fee under IC 33-37-5-20.
- 33 (7) An automated record keeping fee under IC 33-37-5-21.
- 34 (8) A late fee, if any, under IC 33-37-5-22.

35 **(9) A judicial insurance adjustment fee under IC 33-37-5-25.**

36 The docket fee and the cost for the initial service of process shall be
 37 paid at the institution of a case. The cost of service after the initial
 38 service shall be assessed and paid after service has been made. The cost
 39 of witness fees shall be paid before the witnesses are called.

40 (b) If the amount of the township docket fee computed under
 41 subsection (a)(1) is not equal to a whole number, the amount shall be
 42 rounded to the next highest whole number.

43 SECTION 4. IC 33-37-4-1, AS ADDED BY SEA 263-2004,
 44 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 JULY 1, 2004]: Sec. 1. (a) For each action that results in a felony
 46 conviction under IC 35-50-2 or a misdemeanor conviction under
 47 IC 35-50-3, the clerk shall collect from the defendant a criminal costs
 48 fee of one hundred twenty dollars (\$120).

49 (b) In addition to the criminal costs fee collected under this section,
 50 the clerk shall collect from the defendant the following fees if they are

1 required under IC 33-37-5:

- 2 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
3 IC 33-37-5-4).
4 (2) A marijuana eradication program fee (IC 33-37-5-7).
5 (3) An alcohol and drug services program user fee
6 (IC 33-37-5-8(b)).
7 (4) A law enforcement continuing education program fee
8 (IC 33-37-5-8(c)).
9 (5) A drug abuse, prosecution, interdiction, and correction fee
10 (IC 33-37-5-9).
11 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
12 (7) A child abuse prevention fee (IC 33-37-5-12).
13 (8) A domestic violence prevention and treatment fee
14 (IC 33-37-5-13).
15 (9) A highway work zone fee (IC 33-37-5-14).
16 (10) A deferred prosecution fee (IC 33-37-5-17).
17 (11) A document storage fee (IC 33-37-5-20).
18 (12) An automated record keeping fee (IC 33-37-5-21).
19 (13) A late payment fee (IC 33-37-5-22).
20 (14) A sexual assault victims assistance fee (IC 33-37-5-23).

21 **(15) A judicial insurance adjustment fee under IC 33-37-5-25.**

22 (c) Instead of the criminal costs fee prescribed by this section, the
23 clerk shall collect a pretrial diversion program fee if an agreement
24 between the prosecuting attorney and the accused person entered into
25 under IC 33-39-1-8 requires payment of those fees by the accused
26 person. The pretrial diversion program fee is:

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

30 (d) The clerk shall transfer to the county auditor or city or town
31 fiscal officer the following fees, not later than thirty (30) days after the
32 fees are collected:

- 33 (1) The pretrial diversion fee.
34 (2) The marijuana eradication program fee.
35 (3) The alcohol and drug services program user fee.
36 (4) The law enforcement continuing education program fee.

37 The auditor or fiscal officer shall deposit fees transferred under this
38 subsection in the appropriate user fee fund established under
39 IC 33-37-8.

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

- 43 (1) The clerk shall apply the partial payment to general court costs.
44 (2) If there is money remaining after the partial payment is applied
45 to general court costs under subdivision (1), the clerk shall
46 distribute the remainder of the partial payment for deposit in the
47 appropriate county user fee fund.
48 (3) If there is money remaining after distribution under subdivision
49 (2), the clerk shall distribute the remainder of the partial payment
50 for deposit in the state user fee fund.

1 (4) If there is money remaining after distribution under subdivision
 2 (3), the clerk shall distribute the remainder of the partial payment
 3 to any other applicable user fee fund.

4 (5) If there is money remaining after distribution under subdivision
 5 (4), the clerk shall apply the remainder of the partial payment to any
 6 outstanding fines owed by the defendant.

7 SECTION 5. IC 33-37-4-2, AS ADDED BY SEA 263-2004,
 8 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2004]: Sec. 2. (a) Except as provided in subsections (d) and
 10 (e), for each action that results in a judgment:

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

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

16 (b) In addition to the infraction or ordinance violation costs fee
 17 collected under this section, the clerk shall collect from the defendant
 18 the following fees, if they are required under IC 33-37-5:

- 19 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 20 IC 33-37-5-4).
 21 (2) An alcohol and drug services program user fee
 22 (IC 33-37-5-8(b)).
 23 (3) A law enforcement continuing education program fee
 24 IC 33-37-5-8(c)).
 25 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
 26 (5) A highway work zone fee (IC 33-37-5-14).
 27 (6) A deferred prosecution fee (IC 33-37-5-17).
 28 (7) A jury fee (IC 33-19-6-17). (IC 33-37-5-19).
 29 (8) A document storage fee (IC 33-37-5-20).
 30 (9) An automated record keeping fee (IC 33-37-5-21).
 31 (10) A late payment fee (IC 33-37-5-22).

32 **(11) A judicial insurance adjustment fee under IC 33-37-5-25.**
 33 (c) The clerk shall transfer to the county auditor or fiscal officer of
 34 the municipal corporation the following fees, not later than thirty (30)
 35 days after the fees are collected:

- 36 (1) The alcohol and drug services program user fee
 37 (IC 33-37-5-8(b)).
 38 (2) The law enforcement continuing education program fee
 39 (IC 33-37-5-8(c)).
 40 (3) The deferral program fee (subsection e).

41 The auditor or fiscal officer shall deposit the fees in the user fee fund
 42 established under IC 33-37-8.

43 (d) The defendant is not liable for any ordinance violation costs fee
 44 in an action if all the following apply:

- 45 (1) The defendant was charged with an ordinance violation subject
 46 to IC 33-36.
 47 (2) The defendant denied the violation under IC 33-36-3.
 48 (3) Proceedings in court against the defendant were initiated under
 49 IC 34-28-5 (or IC 34-4-32 before its repeal).
 50 (4) The defendant was tried and the court entered judgment for the

1 defendant for the violation.

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

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

12 (f) The fees prescribed by this section are costs for purposes of
13 IC 34-28-5-4 and may be collected from a defendant against whom
14 judgment is entered. Any penalty assessed is in addition to costs.

15 SECTION 6. IC 33-37-4-3, AS ADDED BY SEA 263-2004,
16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2004]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of
18 one hundred twenty dollars (\$120) for each action filed under any of
19 the following:

- 20 (1) IC 31-34 (children in need of services).
- 21 (2) IC 31-37 (delinquent children).
- 22 (3) IC 31-14 (paternity).

23 (b) In addition to the juvenile costs fee collected under this section,
24 the clerk shall collect the following fees, if they are required under
25 IC 33-37-5:

- 26 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
27 IC 33-37-5-4).
- 28 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 29 (3) An alcohol and drug services program user fee
30 (IC 33-37-5-8(b)).
- 31 (4) A law enforcement continuing education program fee
32 (IC 33-37-5-8(c)).
- 33 (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 34 (6) A document storage fee (IC 33-37-5-20).
- 35 (7) An automated record keeping fee (IC 33-37-5-21).
- 36 (8) A late payment fee (IC 33-37-5-22).

37 **(9) A judicial insurance adjustment fee under IC 33-37-5-25.**

38 (c) The clerk shall transfer to the county auditor or city or town
39 fiscal officer the following fees not later than thirty (30) days after they
40 are collected:

- 41 (1) The marijuana eradication program fee (IC 33-37-5-7).
- 42 (2) The alcohol and drug services program user fee
43 (IC 33-37-5-8(b)).
- 44 (3) The law enforcement continuing education program fee
45 (IC 33-37-5-8(c)).

46 The auditor or fiscal officer shall deposit the fees in the appropriate user
47 fee fund established under IC 33-37-8.

48 SECTION 7. IC 33-37-4-4, AS ADDED BY SEA 263-2004,
49 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
50 JULY 1, 2004]: Sec. 4. (a) The clerk shall collect a civil costs fee of

1 one hundred dollars (\$100) from a party filing a civil action. This
 2 subsection does not apply to the following civil actions:

- 3 (1) Proceedings to enforce a statute defining an infraction under
- 4 IC 34-28-5 (or IC 34-4-32 before its repeal).
- 5 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
- 6 IC 34-4-32 before its repeal).
- 7 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- 8 (4) Proceedings in paternity under IC 31-14.
- 9 (5) Proceedings in small claims court under IC 33-34.
- 10 (6) Proceedings in actions described in section 7 of this chapter.

11 (b) In addition to the civil costs fee collected under this section, the
 12 clerk shall collect the following fees, if they are required under
 13 IC 33-37-5:

- 14 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 15 IC 33-37-5-4).
- 16 (2) A support and maintenance fee (IC 33-37-5-6).
- 17 (3) A document storage fee (IC 33-37-5-20).
- 18 (4) An automated record keeping fee (IC 33-37-5-21).

19 **(5) A judicial insurance adjustment fee under IC 33-37-5-25.**

20 SECTION 8. IC 33-37-4-5, AS ADDED BY SEA 263-2004,
 21 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2004]: Sec. 5. (a) For each small claims action the clerk shall
 23 collect from the party filing the action a small claims costs fee of
 24 thirty-five dollars (\$35). However, a clerk may not collect a small
 25 claims costs fee for a small claims action filed by or on behalf of the
 26 attorney general.

27 (b) In addition to a small claims costs fee collected under this section,
 28 the clerk shall collect the following fees, if they are required under
 29 IC 33-37-5:

- 30 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 31 IC 33-37-5-4).
- 32 (2) A document storage fee (IC 33-37-5-20).
- 33 (3) An automated record keeping fee (IC 33-37-5-21).

34 **(4) A judicial insurance adjustment fee under IC 33-37-5-25.**

35 (c) This section expires July 1, 2005.

36 SECTION 9. IC 33-37-4-6, AS ADDED BY SEA 263-2004,
 37 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2004]: Sec. 6. (a) For each small claims action, the clerk shall
 39 collect from the party filing the action both of the following fees:

- 40 (1) A small claims costs fee of thirty-five dollars (\$35).
- 41 (2) A small claims service fee of five dollars (\$5) for each
- 42 defendant named or added in the small claims action.

43 However, a clerk may not collect a small claims costs fee or small
 44 claims service fee for a small claims action filed by or on behalf of the
 45 attorney general.

46 (b) In addition to a small claims costs fee and small claims service fee
 47 collected under this section, the clerk shall collect the following fees,
 48 if they are required under IC 33-37-5:

- 49 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 50 IC 33-37-5-4).

- 1 (2) A document storage fee (IC 33-37-5-20).
 2 (3) An automated record keeping fee (IC 33-37-5-21).
 3 **(4) A judicial insurance adjustment fee under IC 33-37-5-25.**
 4 (c) This section applies after June 30, 2005.
 5 SECTION 10. IC 33-37-4-7, AS ADDED BY SEA 263-2004,
 6 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2004]: Sec. 7. (a) Except as provided under subsection (c), the
 8 clerk shall collect from the party filing the action a probate costs fee of
 9 one hundred twenty dollars (\$120) for each action filed under any of
 10 the following:
 11 (1) IC 6-4.1-5 (determination of inheritance tax).
 12 (2) IC 29 (probate).
 13 (3) IC 30 (trusts and fiduciaries).
 14 (b) In addition to the probate costs fee collected under subsection (a),
 15 the clerk shall collect from the party filing the action the following fees,
 16 if they are required under IC 33-37-5:
 17 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 18 IC 33-37-5-4).
 19 (2) A document storage fee (IC 33-37-5-20).
 20 (3) An automated record keeping fee (IC 33-37-5-21).
 21 **(4) A judicial insurance adjustment fee under IC 33-37-5-25.**
 22 (c) A clerk may not collect a court costs fee for the filing of the
 23 following exempted actions:
 24 (1) Petition to open a safety deposit box.
 25 (2) Filing an inheritance tax return, unless proceedings other than
 26 the court's approval of the return become necessary.
 27 (3) Offering a will for probate under IC 29-1-7, unless proceedings
 28 other than admitting the will to probate become necessary.
 29 SECTION 11. IC 33-37-5-25 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2004]: **Sec. 25. (a) This subsection does not apply to the**
 32 **following:**
 33 **(1) A criminal proceeding.**
 34 **(2) A proceeding for an infraction violation.**
 35 **(3) A proceeding for an ordinance violation.**
 36 **In each action filed in a court described in IC 33-19-1-1, the clerk**
 37 **shall collect a judicial insurance adjustment fee of one dollar (\$1).**
 38 **(b) In each action in which a person is:**
 39 **(1) convicted of an offense;**
 40 **(2) required to pay a pretrial diversion fee;**
 41 **(3) found to have violated an infraction; or**
 42 **(4) found to have violated an ordinance;**
 43 **the clerk shall collect a judicial insurance adjustment fee of one**
 44 **dollar (\$1).**
 45 SECTION 12. IC 33-37-7-1, AS ADDED BY SEA 263-2004,
 46 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 47 JULY 1, 2004]: Sec. 1. (a) The clerk of a circuit court shall
 48 semiannually distribute to the auditor of state as the state share for
 49 deposit in the state general fund seventy percent (70%) of the amount

1 of fees collected under the following:

- 2 (1) IC 33-37-4-1(a) (criminal costs fees).
 3 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 4 (3) IC 33-37-4-3(a) (juvenile costs fees).
 5 (4) IC 33-37-4-4(a) (civil costs fees).
 6 (5) IC 33-37-4-5(a) (small claims costs fees).
 7 (6) IC 33-37-4-7(a) (probate costs fees).
 8 (7) IC 33-37-5-17 (deferred prosecution fees).

9 (b) The clerk of a circuit court shall semiannually distribute to the
 10 auditor of state for deposit in the state user fee fund established by
 11 IC 33-37-9-2 the following:

- 12 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 13 interdiction, and correction fees collected under
 14 IC 33-37-4-1(b)(5).
 15 (2) Twenty-five percent (25%) of the alcohol and drug
 16 countermeasures fees collected under IC 33-37-4-1(b)(6),
 17 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 18 (3) Fifty percent (50%) of the child abuse prevention fees collected
 19 under IC 33-37-4-1(b)(7).
 20 (4) One hundred percent (100%) of the domestic violence
 21 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
 22 (5) One hundred percent (100%) of the highway work zone fees
 23 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
 24 (6) One hundred percent (100%) of the safe schools fee collected
 25 under IC 33-37-5-18.
 26 (7) One hundred percent (100%) of the automated record keeping
 27 fee (IC 33-37-5-21).

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

- 30 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 31 interdiction, and correction fees collected under
 32 IC 33-37-4-1(b)(5).
 33 (2) Seventy-five percent (75%) of the alcohol and drug
 34 countermeasures fees collected under, IC 33-37-4-1(b)(6),
 35 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

39 (d) The clerk of a circuit court shall distribute monthly to the county
 40 auditor fifty percent (50%) of the child abuse prevention fees collected
 41 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
 42 distributed by a clerk under this subsection into the county child
 43 advocacy fund established under IC 12-17-17.

44 (e) The clerk of a circuit court shall distribute monthly to the county
 45 auditor one hundred percent (100%) of the late payment fees collected
 46 under IC 33-37-5-22. The county auditor shall deposit fees distributed
 47 by a clerk under this subsection as follows:

- 48 (1) If directed to do so by an ordinance adopted by the county
 49 fiscal body, the county auditor shall deposit forty percent (40%) of
 50 the fees in the clerk's record perpetuation fund established under

1 IC 33-37-5-2 and sixty percent (60%) of the fees in the county
2 general fund.

3 (2) If the county fiscal body has not adopted an ordinance
4 described in subdivision (1), the county auditor shall deposit all the
5 fees in the county general fund.

6 (f) The clerk of the circuit court shall distribute semiannually to the
7 auditor of state for deposit in the sexual assault victims assistance fund
8 established by IC 16-19-13-6 one hundred percent (100%) of the sexual
9 assault victims assistance fees collected under IC 33-37-5-23.

10 (g) The clerk of a circuit court shall distribute monthly to the county
11 auditor the following:

12 (1) One hundred percent (100%) of the support and maintenance
13 fees for cases designated as non-Title IV-D child support cases in
14 the Indiana support enforcement tracking system (ISETS) collected
15 under IC 33-37-5-6.

16 (2) The percentage share of the support and maintenance fees for
17 cases designated as IV-D child support cases in ISETS collected
18 under IC 33-37-5-6 that is reimbursable to the county at the federal
19 financial participation rate.

20 The ~~county~~ clerk of a circuit court shall distribute monthly to the
21 office of the secretary of family and social services the percentage
22 share of the support and maintenance fees for cases designated as Title
23 IV-D child support cases in ISETS collected under IC 33-37-5-6 that
24 is not reimbursable to the county at the applicable federal financial
25 participation rate.

26 **(h) The clerk of a circuit court shall semiannually distribute to**
27 **the auditor of state for deposit in the judicial branch insurance**
28 **adjustment account established by IC 33-38-5-8.2 one hundred**
29 **percent (100%) of the judicial insurance adjustment fee collected**
30 **under IC 33-37-5-25.**

31 ~~(i)~~ (i) This section expires July 1, 2005.

32 SECTION 13. IC 33-37-7-2, AS ADDED BY SEA 263-2004,
33 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2004]: Sec. 2. (a) The clerk of a circuit court shall distribute
35 semiannually to the auditor of state as the state share for deposit in the
36 state general fund seventy percent (70%) of the amount of fees
37 collected under the following:

38 (1) IC 33-37-4-1(a) (criminal costs fees).

39 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

40 (3) IC 33-37-4-3(a) (juvenile costs fees).

41 (4) IC 33-37-4-4(a) (civil costs fees).

42 (5) IC 33-37-4-6(a)(1) (small claims costs fees).

43 (6) IC 33-37-4-7(a) (probate costs fees).

44 (7) IC 33-37-5-17 (deferred prosecution fees).

45 (b) The clerk of a circuit court shall distribute semiannually to the
46 auditor of state for deposit in the state user fee fund established in
47 IC 33-37-9-2 the following:

48 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
49 interdiction, and correction fees collected under

- 1 IC 33-37-4-1(b)(5).
- 2 (2) Twenty-five percent (25%) of the alcohol and drug
3 countermeasures fees collected under IC 33-37-4-1(b)(6),
4 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 5 (3) Fifty percent (50%) of the child abuse prevention fees collected
6 under IC 33-37-4-1(b)(7).
- 7 (4) One hundred percent (100%) of the domestic violence
8 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 9 (5) One hundred percent (100%) of the highway work zone fees
10 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 11 (6) One hundred percent (100%) of the safe schools fee collected
12 under IC 33-37-5-18.
- 13 (7) One hundred percent (100%) of the automated record keeping
14 fee (IC 33-37-5-21).
- 15 (c) The clerk of a circuit court shall distribute monthly to the county
16 auditor the following:
- 17 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
18 interdiction, and correction fees collected under
19 IC 33-37-4-1(b)(5).
- 20 (2) Seventy-five percent (75%) of the alcohol and drug
21 countermeasures fees collected under IC 33-37-4-1(b)(6),
22 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 23 The county auditor shall deposit fees distributed by a clerk under this
24 subsection into the county drug free community fund established under
25 IC 5-2-11.
- 26 (d) The clerk of a circuit court shall distribute monthly to the county
27 auditor fifty percent (50%) of the child abuse prevention fees collected
28 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
29 distributed by a clerk under this subsection into the county child
30 advocacy fund established under IC 12-17-17.
- 31 (e) The clerk of a circuit court shall distribute monthly to the county
32 auditor one hundred percent (100%) of the late payment fees collected
33 under IC 33-37-5-22. The county auditor shall deposit fees distributed
34 by a clerk under this subsection as follows:
- 35 (1) If directed to do so by an ordinance adopted by the county
36 fiscal body, the county auditor shall deposit forty percent (40%) of
37 the fees in the clerk's record perpetuation fund established under
38 IC 33-37-5-2 and sixty percent (60%) of the fees in the county
39 general fund.
- 40 (2) If the county fiscal body has not adopted an ordinance
41 described in subdivision (1), the county auditor shall deposit all the
42 fees in the county general fund.
- 43 (f) The clerk of the circuit court shall distribute semiannually to the
44 auditor of state for deposit in the sexual assault victims assistance fund
45 established by IC 16-19-13-6 one hundred percent (100%) of the sexual
46 assault victims assistance fees collected under IC 33-37-5-23.
- 47 (g) The clerk of a circuit court shall distribute monthly to the county
48 auditor the following:
- 49 (1) One hundred percent (100%) of the support and maintenance
50 fees for cases designated as non-Title IV-D child support cases in

1 the Indiana support enforcement tracking system (ISETS) collected
2 under IC 33-37-5-6.

3 (2) The percentage share of the support and maintenance fees for
4 cases designated as IV-D child support cases in ISETS collected
5 under IC 33-37-5-6 that is reimbursable to the county at the federal
6 financial participation rate.

7 The ~~county~~ clerk of a circuit court shall distribute monthly to the
8 office of the secretary of family and social services the percentage
9 share of the support and maintenance fees for cases designated as Title
10 IV-D child support cases in ISETS collected under IC 33-37-5-6 that
11 is not reimbursable to the county at the applicable federal financial
12 participation rate.

13 (h) The clerk of a circuit court shall distribute monthly to the county
14 auditor one hundred percent (100%) of the small claims service fee
15 under IC 33-37-4-6(a)(2) for deposit in the county general fund.

16 **(i) The clerk of a circuit court shall semiannually distribute to**
17 **the auditor of state for deposit in the judicial branch insurance**
18 **adjustment account established by IC 33-38-5-8.2 one hundred**
19 **percent (100%) of the judicial insurance adjustment fee collected**
20 **under IC 33-37-5-25.**

21 ~~(j)~~ (j) This section applies after June 30, 2005.

22 SECTION 14. IC 33-37-7-7, AS ADDED BY SEA 263-2004,
23 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2004]: Sec. 7. (a) The clerk of a city or town court shall
25 distribute semiannually to the auditor of state as the state share for
26 deposit in the state general fund fifty-five percent (55%) of the amount
27 of fees collected under the following:

- 28 (1) IC 33-37-4-1(a) (criminal costs fees).
- 29 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 30 (3) IC 33-37-4-4(a) (civil costs fees).
- 31 (4) IC 33-37-4-5 (small claims costs fees).
- 32 (5) IC 33-37-5-17 (deferred prosecution fees).

33 (b) The city or town fiscal officer shall distribute monthly to the
34 county auditor as the county share twenty percent (20%) of the amount
35 of fees collected under the following:

- 36 (1) IC 33-37-4-1(a) (criminal costs fees).
- 37 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 38 (3) IC 33-37-4-4(a) (civil costs fees).
- 39 (4) IC 33-37-4-5 (small claims costs fees).
- 40 (5) IC 33-37-5-17 (deferred prosecution fees).

41 (c) The city or town fiscal officer shall retain twenty-five percent
42 (25%) as the city or town share of the fees collected under the
43 following:

- 44 (1) IC 33-37-4-1(a) (criminal costs fees).
- 45 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 46 (3) IC 33-37-4-4(a) (civil costs fees).
- 47 (4) IC 33-37-4-5 (small claims costs fees).
- 48 (5) IC 33-37-5-17 (deferred prosecution fees).

49 (d) The clerk of a city or town court shall distribute semiannually to

1 the auditor of state for deposit in the state user fee fund established by
2 IC 33-37-9 the following:

3 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
4 interdiction, and corrections fees collected under
5 IC 33-37-4-1(b)(5).

6 (2) Twenty-five percent (25%) of the alcohol and drug
7 countermeasures fees collected under IC 33-37-4-1(b)(6),
8 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

9 (3) One hundred percent (100%) of the highway work zone fees
10 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

11 (4) One hundred percent (100%) of the safe schools fee collected
12 under IC 33-37-5-18.

13 (5) One hundred percent (100%) of the automated record keeping
14 fee (IC 33-37-5-21).

15 (e) The clerk of a city or town court shall distribute monthly to the
16 county auditor the following:

17 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
18 interdiction, and corrections fees collected under
19 IC 33-37-4-1(b)(5).

20 (2) Seventy-five percent (75%) of the alcohol and drug
21 countermeasures fees collected under IC 33-37-4-1(b)(6),
22 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

26 (f) The clerk of a city or town court shall monthly distribute to the
27 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
28 percent (100%) of the late payment fees collected under IC 33-37-5-22.
29 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
30 fees distributed by a clerk under this subsection in the city or town
31 general fund.

32 **(g) The clerk of a city or town court shall semiannually**
33 **distribute to the auditor of state for deposit in the judicial branch**
34 **insurance adjustment account established by IC 33-38-5-8.2 one**
35 **hundred percent (100%) of the judicial insurance adjustment fee**
36 **collected under IC 33-37-5-25.**

37 ~~(g)~~ **(h)** This section expires July 1, 2005.

38 SECTION 15. IC 33-37-7-8, AS ADDED BY SEA 263-2004,
39 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2004]: Sec. 8. (a) The clerk of a city or town court shall
41 distribute semiannually to the auditor of state as the state share for
42 deposit in the state general fund fifty-five percent (55%) of the amount
43 of fees collected under the following:

44 (1) IC 33-37-4-1(a) (criminal costs fees).

45 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

46 (3) IC 33-37-4-4(a) (civil costs fees).

47 (4) IC 33-37-4-6(a)(1) (small claims costs fees).

48 (5) IC 33-37-5-17 (deferred prosecution fees).

49 (b) The city or town fiscal officer shall distribute monthly to the

1 county auditor as the county share twenty percent (20%) of the amount
2 of fees collected under the following:

- 3 (1) IC 33-37-4-1(a) (criminal costs fees).
- 4 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 5 (3) IC 33-37-4-4(a) (civil costs fees).
- 6 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- 7 (5) IC 33-37-5-17 (deferred prosecution fees).

8 (c) The city or town fiscal officer shall retain twenty-five percent
9 (25%) as the city or town share of the fees collected under the
10 following:

- 11 (1) IC 33-37-4-1(a) (criminal costs fees).
- 12 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 13 (3) IC 33-37-4-4(a) (civil costs fees).
- 14 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- 15 (5) IC 33-37-5-17 (deferred prosecution fees).

16 (d) The clerk of a city or town court shall distribute semiannually to
17 the auditor of state for deposit in the state user fee fund established in
18 IC 33-37-9 the following:

- 19 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
20 interdiction, and corrections fees collected under
21 IC 33-37-4-1(b)(5).
- 22 (2) Twenty-five percent (25%) of the alcohol and drug
23 countermeasures fees collected under IC 33-37-4-1(b)(6),
24 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 25 (3) One hundred percent (100%) of the highway work zone fees
26 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 27 (4) One hundred percent (100%) of the safe schools fee collected
28 under IC 33-37-5-18.
- 29 (5) One hundred percent (100%) of the automated record keeping
30 fee (IC 33-37-5-21).

31 (e) The clerk of a city or town court shall distribute monthly to the
32 county auditor the following:

- 33 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
34 interdiction, and corrections fees collected under
35 IC 33-37-4-1(b)(5).
- 36 (2) Seventy-five percent (75%) of the alcohol and drug
37 countermeasures fees collected under IC 33-37-4-1(b)(6),
38 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

42 (f) The clerk of a city or town court shall distribute monthly to the
43 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
44 percent (100%) of the late payment fees collected under IC 33-37-5-22.
45 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
46 fees distributed by a clerk under this subsection in the city or town
47 general fund.

48 **(g) The clerk of a city or town court shall semiannually**
49 **distribute to the auditor of state for deposit in the judicial branch**
50 **insurance adjustment account established by IC 33-38-5-8.2 one**

1 **hundred percent (100%) of the judicial insurance adjustment fee**
 2 **collected under IC 33-37-5-25.**

3 ~~(g)~~ **(i) This section applies after June 30, 2005.**

4 **SECTION 16. IC 33-38-5-8.2 IS ADDED TO THE INDIANA CODE**
 5 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL**
 6 **1, 2004]: Sec. 8.2. (a) As used in this section, "account" refers to**
 7 **the judicial branch health care adjustment account established by**
 8 **subsection (d).**

9 **(b) As used in this section, "employees of the judicial branch"**
 10 **includes the following:**

11 **(1) Each judge described in section 6 of this chapter.**

12 **(2) Each magistrate:**

13 **(A) described in section 7 of this chapter; and**

14 **(B) receiving a salary under IC 33-23-5-10.**

15 **(3) Each justice and judge described in section 8 of this**
 16 **chapter.**

17 **(4) The judge described in IC 33-26.**

18 **(5) A prosecuting attorney whose entire salary is paid by the**
 19 **state.**

20 **(c) Employees of the judicial branch are entitled to a health care**
 21 **adjustment in any year that the governor provides a health care**
 22 **adjustment to employees of the executive branch.**

23 **(d) The judicial branch insurance adjustment account within the**
 24 **state general fund is established for the purpose of providing**
 25 **health care adjustments under subsection (c). The account shall**
 26 **be administered by the supreme court.**

27 **(e) The expenses of administering the account shall be paid from**
 28 **money in the account.**

29 **(f) The treasurer of state shall invest the money in the account**
 30 **not currently needed to meet the obligations of the account in the**
 31 **same manner as other public money may be invested. Interest**
 32 **that accrues from these investments shall be deposited in the**
 33 **account.**

34 **(g) Money in the account at the end of a state fiscal year does**
 35 **not revert to the state general fund.**

36 **(h) Money in the account is annually appropriated to the**
 37 **supreme court for the purpose of this section.**

38 **(i) If the funds appropriated for compliance with this section are**
 39 **insufficient, there is annually appropriated from the state general**
 40 **fund sufficient funds to carry out the purpose of this section.**

41 **SECTION 17. [EFFECTIVE UPON PASSAGE] (a) The definitions**
 42 **in IC 2-5-1.5, as added by this act, apply throughout this**
 43 **SECTION.**

44 **(b) The appointing authorities of the commission members shall**
 45 **appoint the commission members, subject to IC 2-5-1.5, as added**
 46 **by this act, before July 1, 2004.**

47 **(c) The chairman of the legislative council shall appoint the**

1 commission chair, subject to IC 2-5-1.5, as added by this act,
2 before July 1, 2004.

3 (d) Notwithstanding IC 2-5-1.5-18, as added by this act, the
4 commission shall meet at least one (1) time not later than August
5 1, 2004, to carry out the functions listed in IC 2-5-1.5-18, as added
6 by this act.

7 (e) Not later than September 1, 2004, the commission shall
8 make written recommendations to the:

9 (1) legislative council; and

10 (2) budget committee;

11 concerning suitable salaries for public officers. The
12 recommendations to the legislative council must be in an
13 electronic format under IC 5-14-6.

14 (f) For purposes of this SECTION, the health care adjustment
15 provided by SECTION 19 of this act is not considered part of the
16 salary of a public officer.

17 (g) Except as provided in this SECTION, IC 2-5-1.5, as added by
18 this act applies to the commission's proceedings under this
19 SECTION.

20 (h) The SECTION expires July 1, 2005.

21 SECTION 18. [EFFECTIVE JUNE 1, 2004] IC 5-10.2-4-3, as
22 amended by this act, applies only to members of the Indiana state
23 teachers' retirement fund who retire after May 31, 2004.

24 SECTION 19. [EFFECTIVE APRIL 1, 2004] (a) Employees of the
25 judicial branch (as defined in IC 33-38-5-8.2, as added by this act)
26 are entitled to a health care adjustment equal to the adjustment
27 provided by the governor for state employees with respect to
28 calendar years 2003 and 2004.

29 (b) Payment of the:

30 (1) one thousand ninety-two dollar (\$1,092) health care
31 adjustment with respect to 2003 shall be included as a lump
32 sum in the first pay period beginning after April 1, 2004; and

33 (2) eight hundred eighty-four (\$884) health care adjustment
34 with respect to 2004 shall be prorated over the pay periods
35 remaining in 2004 after April 1, 2004.

36 (c) Funds for compliance with this SECTION are appropriated to
37 the supreme court from the judicial branch insurance adjustment
38 account established by IC 33-38-5-8.2, as added by this act, for the
39 biennium ending June 30, 2005.

40 (d) If the funds appropriated for compliance with this SECTION
41 are insufficient, there is appropriated to the supreme court from
42 the personal services/fringe benefits contingency fund for the
43 biennium ending June 30, 2005, sufficient funds to carry out the
44 purpose of this SECTION notwithstanding the appropriation made
45 to the state budget agency for the personal services/fringe
46 benefits contingency fund in P.L.224-2003, SECTION 3.

47 (e) This SECTION expires July 1, 2005.

- 1 SECTION 20. [EFFECTIVE UPON PASSAGE] **Notwithstanding**
- 2 **IC 1-1-1-8, the provisions of this act are not severable.**
- 3 SECTION 21. **An emergency is declared for this act.**
(Reference is to EHB 1401 as reprinted February 25, 2004.)

Conference Committee Report
on
Engrossed House Bill 1401

Signed by:

Representative Kuzman
Chairperson

Senator Harrison

Representative Bosma

Senator Rogers

House Conferees

Senate Conferees