

House Bill 85

By: Representatives Leverett of the 123rd, Efstration of the 104th, Burchett of the 176th, Hong of the 103rd, Gunter of the 8th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 6 of Title 15 the Official Code of Georgia Annotated, relating
2 to general provisions concerning superior courts, so as to modify provisions regarding the
3 compensation received by superior court judges; to provide procedures for superior court
4 judges to opt to receive compensation pursuant to such revised procedures; to provide for
5 grandfathering of certain judges so as to not reduce the compensation paid to such judges;
6 to authorize locality pay by counties to superior court judges in lieu of county salary
7 supplements; to abolish most county salary supplements provided to superior court judges;
8 to authorize the continuation of county salary supplements for chief judges; to authorize
9 continuation of fringe benefits provided by counties to superior court judges; to preserve
10 existing rights and obligations related to retirement benefits provided by counties to superior
11 court judges; to provide for retirement benefits relative to optional locality pay; to amend
12 Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries
13 of certain state officials and cost-of-living adjustments, so as to revise provisions relating to
14 calculating and setting the salaries of superior court judges; to provide a definition; to amend
15 Chapter 3 of Title 1 of the Official Code of Georgia Annotated, relating to laws and statutes,
16 so as to suspend the operation of local laws or local ordinances or resolutions that use a
17 superior court judge's salary for the calculation of the salary or compensation of other
18 officers, officials, or employees; to provide for an automatic lifting of such suspension

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19 relative to judges; to preserve the authority of the General Assembly to amend or repeal such
20 suspended local laws; to preserve the authority of local governments to use other
21 mechanisms to change salary calculation during such suspension; to provide for legislative
22 construction; to provide for a definition; to provide a short title; to provide for an effective
23 date; to provide for related matters; to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **SECTION 1.**

26 This Act shall be known and may be cited as the "Superior Court Judicial Compensation
27 Reform Act."

28 **SECTION 2.**

29 Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
30 general provisions concerning superior courts, is amended by revising Code Section 15-6-29,
31 relating to salary of judges, as follows:

32 "15-6-29.

33 (a) Except as provided for in subsection (b) of this Code section, the ~~The~~ annual salary of
34 the judges of the superior courts shall be as provided in Code Section 45-7-4 and may be
35 as provided in Code Section 15-6-29.1. The annual salary provided by Code
36 Section 45-7-4 shall be paid by The Council of Superior Court Judges of Georgia in 12
37 equal monthly installments.

38 (b)(1) Each superior court judge in office on July 1, 2025, shall have the option to
39 receive the annual salary provided by Code Section 45-7-4 and any locality pay provided
40 for by Code Section 15-6-29.2. The option provided by this paragraph shall be exercised
41 by such judge filing a written notification thereof with The Council of Superior Court
42 Judges of Georgia and the governing authority of each county comprising such judge's

43 judicial circuit. The failure to exercise the option shall be an election to continue to
44 receive compensation as previously calculated and as outlined in paragraph (2) of this
45 subsection, and until such option is exercised. The option exercised pursuant to this
46 paragraph shall go into effect the next pay period at least five business days following the
47 exercise of such option.

48 (2) To ensure that no superior court judge in office on July 1, 2025, has his or her salary,
49 allowance, or county salary supplements decreased during his or her term of office, any
50 superior court judge in office on July 1, 2025, who does not exercise the option provided
51 by paragraph (1) of this subsection shall continue to be compensated in precisely the
52 same manner as he or she was compensated as of June 30, 2025, including, but not
53 limited to, county supplements.

54 (c) The annual salary shall be the total compensation to be paid by the state to the superior
55 court judges and shall be in lieu of any and all other amounts to be paid from The Council
56 of Superior Court Judges of Georgia, except as provided in Code Sections 15-6-29.1,
57 15-6-29.2, 15-6-30, and 15-6-32.

58 ~~(c) When a new superior court judgeship is created by law for any judicial circuit, the new~~
59 ~~superior court judge shall upon taking office become entitled to and shall receive from the~~
60 ~~county or counties comprising the circuit the same county salary supplement, if any, then~~
61 ~~in effect for the other judge or judges of the judicial circuit. Such salary supplement for~~
62 ~~such new judge shall be authorized by this subsection and no other legislation or local~~
63 ~~legislation shall be required in order to authorize such salary supplement, but nothing in~~
64 ~~this Code section shall be construed to prohibit the enactment of local legislation relating~~
65 ~~to such salary supplements. A publication of notice of intention to introduce local~~
66 ~~legislation as provided for in Code Section 28-1-14 shall be required for any local~~
67 ~~legislation granting, changing the amount of, or removing a salary supplement; but no~~
68 ~~publication of notice of intention shall be required for a bill creating one or more new~~
69 ~~superior court judgeships."~~

70 **SECTION 3.**

71 Said article is further amended in Code Section 15-6-29.1, relating to accountability court
72 supplement and limitation, by repealing subsection (c) in its entirety.

73 **SECTION 4.**

74 Said article is further amended by adding a new Code section to read as follows:

75 "15-6-29.2.

76 (a) Except as provided for in subsection (b) of this Code section, on or after July 1, 2025,
77 the county or counties comprising a judicial circuit may provide each judge of such circuit
78 with locality pay which shall not exceed 10 percent of the state annual salary provided by
79 Code Section 45-7-4 to such judge. All such locality pay shall be in lieu of and not in
80 addition to any county salary supplements previously provided by the county or counties.
81 All judges within a judicial circuit who are in office as of July 1, 2025, and elect to exercise
82 the option provided by paragraph (1) of subsection (b) of Code Section 15-6-29, or who
83 take office after July 1, 2025, shall receive equal locality pay from any given county within
84 such circuit that has opted to provide such pay.

85 (b)(1) In no event shall the annual locality pay provided to a judge by the county or
86 counties comprising a judicial circuit in aggregate exceed 10 percent of the state annual
87 salary provided by Code Section 45-7-4 to such judge.

88 (2) In the event that the state annual salary provided by Code Section 45-7-4 to superior
89 court judges exceeds \$201,060.00, the maximum allowable amount of annual locality pay
90 provided to a judge by the county or counties comprising a judicial circuit shall be capped
91 at \$20,106.00, and such cap shall be reduced in an amount equal to half of the percentage
92 amount of such state annual salary increase above \$201,060.00. The intent of this
93 paragraph is to provide for a decrease in the maximum amount of allowable locality pay
94 so that such maximum shall be decreased by an amount equal to 50 percent of an increase

95 of the state annual salary provided by Code Section 45-7-4 to superior court judges
96 beyond \$201,060.00.

97 (c) When a new superior court judgeship is created by law for any judicial circuit, the new
98 superior court judge shall upon taking office become entitled to and shall receive from the
99 county or counties comprising such circuit the same locality pay, if any, then in effect for
100 the other judge or judges of such circuit. Such locality pay for such new judge shall be
101 authorized by this subsection and no other legislation or local legislation shall be required
102 to authorize such locality pay.

103 (d) Except as provided for in subsection (b) of Code Section 15-6-29 and subsection (e)
104 of this Code section and notwithstanding any other provision of law to the contrary, on and
105 after July 1, 2025, no county or counties comprising a judicial circuit shall provide county
106 salary supplements to a superior court judge.

107 (e)(1) Nothing in subsection (d) of this Code section shall operate to prevent a county or
108 counties comprising a judicial circuit from continuing to provide a local salary
109 supplement to the chief judge of such circuit that was otherwise authorized by law on
110 June 30, 2025. On or after July 1, 2025, no local supplement for a chief judge shall be
111 enacted or increased.

112 (2) For all judges who elect to exercise the option provided by paragraph (1) of
113 subsection (b) of Code Section 15-6-29, to the extent the aggregate salary provided for
114 by subsection (a) of Code Section 15-6-29 and locality pay provided for by subsection (a)
115 of this Code section to a particular judge do not equal or exceed such judge's aggregate
116 salary and local supplement in effect at the time of such judge's exercise of such option,
117 then the county or counties of the circuit shall pay an additional supplement in an amount
118 equal to the difference between the aggregate salary and supplement in effect at the time
119 of such judge's exercise of such option and the aggregate salary provided for by
120 subsection (a) of Code Section 15-6-29 and locality pay provided for by subsection (a)
121 of this Code section. When an additional supplement is required by this paragraph in a

122 circuit consisting of more than one county, then each county shall pay such additional
123 supplement in proportion to each county's contribution to the local supplement in effect
124 at the time of such judge's exercise of the option to participate. In no event shall the
125 additional supplement required by this paragraph result in a judge's aggregate salary that
126 exceeds the aggregate salary and supplement existing at the time of a judge's exercise of
127 such option.

128 (f) Nothing in subsection (d) of this Code section shall operate to prevent a county or
129 counties comprising a judicial circuit from continuing to provide fringe benefits to any
130 judge of such circuit in the same manner that such benefits were provided on
131 June 30, 2025.

132 (g) Nothing in this Code section or subsection (b) of Code Section 15-6-29 shall operate
133 to alter, amend, contract, expand, extend, limit, modify, or terminate retirement benefits
134 or rights thereto in existence prior to July 1, 2025. All judges who exercise the option
135 provided by paragraph (1) of subsection (b) of Code Section 15-6-29 shall have no right
136 to any benefit existing at the time such option is exercised reduced. To the extent
137 otherwise permitted by law, each county within a judicial circuit is authorized, but not
138 required, to provide retirement benefits based upon the locality pay it provides pursuant to
139 subsection (a) of this Code section."

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SECTION 5.

141 Code Section 45-7-4 of the Official Code of Georgia Annotated, related to annual salaries
142 of certain state officials and cost-of-living adjustments, is amended by repealing and
143 reserving paragraph (20) of subsection (a) and adding a new subsection to read as follows:

144 "(d)(1) For the purposes of this subsection, the term 'base salary' means the annual salary
145 fixed for the judges of the United States District Court for the Northern District of
146 Georgia on July 1 of the second preceding state fiscal year.

147 (2) Except as provided for in subsection (b) of Code Section 15-6-29, the annual salary
148 of each superior court judge shall be set by the General Assembly in the General
149 Appropriations Act, provided that such salary shall not exceed 90 percent of the base
150 salary provided for in paragraph (1) of this subsection."

151 **SECTION 6.**

152 Chapter 3 of Title 1 of the Official Code of Georgia Annotated, relating to laws and statutes,
153 is amended by adding a new Code section to read as follows:

154 "1-3-12.

155 (a)(1) Notwithstanding any provision of law to the contrary, as of July 1, 2025, all local
156 laws and local ordinances or resolutions in effect as of such date that provide for a salary,
157 supplement, or other compensation to be paid to a state, county, or local officer, official,
158 or employee based on a percentage of, total compensation for, or similar mathematical
159 relationship to any superior court judge's salary, supplement, or other compensation shall
160 be suspended as a matter of law with respect to any increase in the salary, supplement,
161 or other compensation paid to a superior court judge during the term of such suspension;
162 provided, however, that such suspension shall not be applicable to any local law or local
163 ordinance or resolution adopted after July 1, 2025.

164 (2) During the period of the suspension provided for in paragraph (1) of this subsection:

165 (A) No change in the salary of a superior court judge shall result in a change in the
166 calculation of any compensation to be paid to a state, county, or local officer, official,
167 or employee by any county, municipality, consolidated government, or other political
168 subdivision; and

169 (B) The compensation paid to any state, county, or local officer, official, or employee
170 whose compensation is expressly based on a percentage of, total compensation for, or
171 similar mathematical relationship to a superior court judge's salary, supplement, or other
172 compensation shall remain at the same amount as provided at the beginning of such

173 period of suspension, unless and until such suspension terminates with respect to such
174 individual pursuant to paragraph (1) of this subsection or the compensation paid to any
175 such state, county, or local officer, official, or employee is modified pursuant to
176 subsection (c) of this Code section.

177 (3) The provisions of this subsection shall not repeal or amend any local law or local
178 ordinance or resolution, but the provisions of local laws or local ordinances or resolutions
179 related to calculating compensation based on a superior court judge's salary, supplement,
180 or other compensation shall be merely suspended and shall remain suspended with
181 respect to any change in such compensation until such suspension is lifted or such
182 compensation is modified pursuant to subsection (b) or (c) of this Code section with
183 respect to a given public officer, official, or employee.

184 (b)(1) As of July 1, 2026, the suspension provided for in subsection (a) of this Code
185 section shall be terminated with respect to all judges. Any salary or compensation change
186 for a judge that otherwise would have gone into effect between July 1, 2025, and
187 June 30, 2026, by operation of a local law or local ordinance or resolution if such
188 suspension had not been in effect shall become effective for calculations of such judge's
189 prospective salary or other compensation that may be earned on or after July 1, 2026,
190 unless the local law or local ordinance or resolution that provides for a salary,
191 supplement, or other compensation to be paid to such judge is repealed prior to July 1,
192 2026, or is amended, prior to July 1, 2026, to expressly modify the terms of such judge's
193 compensation.

194 (2) The suspension provided for in subsection (a) of this Code section shall remain in
195 place for all officers, officials, and employees described in paragraph (1) of subsection
196 (a) of this Code section other than judges, unless and until the compensation payable to
197 any such other officer, official, or employee is modified pursuant to subsection (c) of this
198 Code section.

199 (3) The termination of a suspension provided for in subsection (a) of this Code section
200 shall not entitle any person to retroactive compensation that he or she otherwise may have
201 earned except for such suspension, and no such retroactive payments shall be made.

202 (c)(1) Nothing in this Code section shall operate to prevent the General Assembly from
203 at any time repealing or amending, in whole or in part, any local law that is suspended
204 pursuant to subsection (a) of this Code section, and any such repeal or amendment shall
205 become effective in the time and manner stated in the law implementing such repeal or
206 amendment, without regard to the suspension provided for in this Code section.

207 (2) Nothing in this Code section shall operate to prevent a county, municipality,
208 consolidated government, or other political subdivision from, at any time, enacting any
209 salary, supplement, or other compensation changes for any state, county, or local officer,
210 official, or employee if otherwise authorized by general or local law, and any such change
211 shall become effective in the time and manner stated in such lawful enactment, without
212 regard to the suspension provided for in this Code section.

213 (3) In no event shall any action described in paragraph (1) or (2) of this subsection:

214 (A) Authorize the payment of or entitle any superior court judge to any salary
215 supplement or any locality pay in excess of the limits set forth in Code Section
216 15-6-29.2; or

217 (B) Authorize the payment of or entitle any person to retroactive compensation that he
218 or she otherwise may have earned except for any period of suspension.

219 (d) The General Assembly finds that increases to superior court judges' compensation that
220 become effective on or after July 1, 2025, may automatically trigger increases to other
221 public officers, officials, and employees for whom existing legislation automatically ties
222 their compensation to that of superior court judges and that these automatic increases in
223 compensation would generally result in sudden financial hardship for local governments.

224 Accordingly, it is the intent of this Code section that:

225 (1) The salary of any state, county, or local officer, official, or employee whose salary,
226 supplement, or other compensation is based on a percentage of, total compensation for,
227 or similar mathematical relationship to a superior court judge's salary or supplement shall,
228 during the period of any such suspension imposed by this Code section, remain the same
229 as such salary, supplement, or other compensation was at the beginning of such period;
230 (2) Such state, county, or local officer, official, or employee shall continue to receive
231 such salary, supplement, or other compensation during the period of such suspension at
232 the same rate or amount as at the beginning of such period; and
233 (3) The amount of such salary, supplement, or other compensation shall remain
234 unchanged until the occurrence of an event described in subsections (a) through (c) of this
235 Code section, which includes:
236 (A) Such suspension being terminated pursuant to this Code section;
237 (B) With respect to a salary, supplement, or other compensation set by local law, the
238 General Assembly takes some affirmative action to set the salary, supplement, or other
239 compensation by repealing or amending, in whole or in part, any local law that is
240 suspended pursuant to subsection (a) of this Code section and such repeal or
241 amendment becomes effective; or
242 (C) With respect to a salary, supplement, or other compensation set by local ordinance
243 or resolution, the county, municipality, consolidated, or other local government takes
244 some affirmative action to set the salary, supplement, or other compensation and such
245 action becomes effective."

246 **SECTION 7.**

247 This Act shall become effective on July 1, 2025.

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SECTION 8.

249 All laws and parts of laws in conflict with this Act are repealed.