

House Bill 85 (COMMITTEE SUBSTITUTE)

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, in lieu of his or her compensation which is otherwise
 41 provided by laws in effect on June 30, 2025. The option provided by this paragraph shall
 42 be exercised by such judge's filing a written notification thereof with The Council of

43 Superior Court Judges of Georgia and the governing authority of each county comprising
44 such judge's judicial circuit. A superior court judge in office on July 1, 2025, shall not
45 be required or obligated to exercise the option provided by this paragraph, but if and
46 when any such judge voluntarily and expressly exercises such option, such judge's
47 exercise of such option shall be final and irrevocable. The failure to exercise the option
48 shall be an election to continue to receive compensation as previously calculated by law
49 in effect on June 30, 2025, and as outlined in paragraph (2) of this subsection, and until
50 such option is exercised. The option exercised pursuant to this paragraph shall go into
51 effect the next pay period beginning five business days following the exercise of such
52 option.

53 (2) To ensure that no superior court judge in office on July 1, 2025, has his or her salary,
54 allowance, or county salary supplements decreased during his or her term of office, any
55 superior court judge in office on July 1, 2025, who does not exercise the irrevocable
56 option provided by paragraph (1) of this subsection shall continue to be compensated in
57 precisely the same manner as he or she was compensated as of June 30, 2025, including,
58 but not limited to, county supplements, in accordance with Article VI, Section VII,
59 Paragraph V of the Constitution.

60 (c) The annual salary shall be the total compensation to be paid by the state to the superior
61 court judges and shall be in lieu of any and all other amounts to be paid from The Council
62 of Superior Court Judges of Georgia, except as provided in Code Sections 15-6-29.1,
63 15-6-29.2, 15-6-30, and 15-6-32.

64 ~~(c) When a new superior court judgeship is created by law for any judicial circuit, the new~~
65 ~~superior court judge shall upon taking office become entitled to and shall receive from the~~
66 ~~county or counties comprising the circuit the same county salary supplement, if any, then~~
67 ~~in effect for the other judge or judges of the judicial circuit. Such salary supplement for~~
68 ~~such new judge shall be authorized by this subsection and no other legislation or local~~
69 ~~legislation shall be required in order to authorize such salary supplement, but nothing in~~

70 ~~this Code section shall be construed to prohibit the enactment of local legislation relating~~
71 ~~to such salary supplements. A publication of notice of intention to introduce local~~
72 ~~legislation as provided for in Code Section 28-1-14 shall be required for any local~~
73 ~~legislation granting, changing the amount of, or removing a salary supplement; but no~~
74 ~~publication of notice of intention shall be required for a bill creating one or more new~~
75 ~~superior court judgeships."~~

76 **SECTION 3.**

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

79 **SECTION 4.**

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

81 "15-6-29.2.

82 (a) Except as provided for in subsection (b) of this Code section, on or after July 1, 2025,
83 the county or counties comprising a judicial circuit may provide each judge of such circuit
84 who either was not in office as a superior court judge as of July 1, 2025, or made an
85 irrevocable election authorized by paragraph (1) of subsection (b) of Code Section 15-6-29,
86 with locality pay as authorized by this Code section, and such judges shall not be eligible
87 for county salary supplements provided by local Act. In no event shall locality pay exceed
88 10 percent of the state annual salary provided by Code Section 45-7-4 to such judge. All
89 such locality pay shall be in lieu of and not in addition to any county salary supplements
90 previously provided by the county or counties. All judges within a judicial circuit who are
91 in office as of July 1, 2025, and exercise the option provided by paragraph (1) of
92 subsection (b) of Code Section 15-6-29, or who take office after July 1, 2025, shall receive
93 equal locality pay from any given county within such circuit that has opted to provide such
94 pay.

95 (b) In no event shall the annual locality pay provided to a judge by the county or counties
96 comprising a judicial circuit in aggregate exceed the lesser of:
97 (1) 10 percent of the state annual salary paid to a superior court judge pursuant to Code
98 Section 45-7-4; or
99 (2) \$20,106.00;
100 provided, however, that if the state annual salary paid to superior court judges exceeds
101 \$201,060.00, then the maximum allowable amount of annual locality pay provided to a
102 judge by the county or counties comprising a judicial circuit shall instead be equal to the
103 difference between \$20,106.00 and half of the amount by which such state annual salary
104 exceeds \$201,060.00. The intent of this paragraph is to provide for a gradual decrease in
105 the maximum amount of allowable locality pay as the state annual salary provided by Code
106 Section 45-7-4 to superior court judges exceeds \$201,060.00 and continues to increase.
107 (c) When a new superior court judgeship is created by law for any judicial circuit, the new
108 superior court judge shall upon taking office become entitled to and shall receive from the
109 county or counties comprising such circuit the same locality pay, if any, then in effect for
110 the other judge or judges of such circuit. Such locality pay for such new judge shall be
111 authorized by this subsection and no other legislation or local legislation shall be required
112 to authorize such locality pay.
113 (d) Except as provided for in subsection (b) of Code Section 15-6-29 and subsection (e)
114 of this Code section and notwithstanding any other provision of law to the contrary, on and
115 after July 1, 2025, no county or counties comprising a judicial circuit shall provide county
116 salary supplements to a superior court judge.
117 (e)(1) Nothing in subsection (d) of this Code section shall operate to prevent a county or
118 counties comprising a judicial circuit from continuing to provide a local salary
119 supplement to the chief judge of such circuit that was otherwise authorized by law on
120 June 30, 2025. On or after July 1, 2025, no local supplement for a chief judge shall be
121 enacted or increased.

122 (2) For all judges who elect to exercise the option provided by paragraph (1) of
123 subsection (b) of Code Section 15-6-29, to the extent the aggregate salary provided for
124 by subsection (a) of Code Section 15-6-29 and locality pay provided for by subsection (a)
125 of this Code section to a particular judge do not equal or exceed such judge's aggregate
126 salary and local supplement in effect at the time of such judge's exercise of such option,
127 then the county or counties of the circuit shall pay an additional supplement in an amount
128 equal to the difference between the aggregate salary and supplement in effect at the time
129 of such judge's exercise of such option and the aggregate salary provided for by
130 subsection (a) of Code Section 15-6-29 and locality pay provided for by subsection (a)
131 of this Code section. When an additional supplement is required by this paragraph in a
132 circuit consisting of more than one county, then each county shall pay such additional
133 supplement in proportion to each county's contribution to the local supplement in effect
134 at the time of such judge's exercise of the option to participate. In no event shall the
135 additional supplement required by this paragraph result in a judge's aggregate salary that
136 exceeds the aggregate salary and supplement existing at the time of a judge's exercise of
137 such option.

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

142 (g) Nothing in this Code section or subsection (b) of Code Section 15-6-29 shall operate
143 to alter, amend, contract, expand, extend, limit, modify, or terminate retirement benefits
144 or rights thereto in existence prior to July 1, 2025. All judges who exercise the option
145 provided by paragraph (1) of subsection (b) of Code Section 15-6-29 shall have no right
146 to any benefit existing at the time such option is exercised reduced. To the extent
147 otherwise permitted by law, each county within a judicial circuit is authorized, but not

148 required, to provide retirement benefits based upon the locality pay it provides pursuant to
 149 subsection (a) of this Code section."

150 **SECTION 5.**

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

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

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

161 **SECTION 6.**

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

164 "1-3-12.

165 (a)(1) Notwithstanding any provision of law to the contrary, as of July 1, 2025, all local
 166 laws and local ordinances or resolutions in effect as of such date that provide for a salary,
 167 supplement, or other compensation to be paid to a state, county, or local officer, official,
 168 or employee based on a percentage of, total compensation for, or similar mathematical
 169 relationship to any superior court judge's salary, supplement, or other compensation shall
 170 be suspended as a matter of law with respect to any increase in the salary, supplement,
 171 or other compensation paid to a superior court judge during the term of such suspension;

172 provided, however, that such suspension shall not be applicable to any local law or local
173 ordinance or resolution adopted after July 1, 2025.

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

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

179 (B) The compensation paid to any state, county, or local officer, official, or employee
180 whose compensation is expressly based on a percentage of, total compensation for, or
181 similar mathematical relationship to a superior court judge's salary, supplement, or
182 other compensation shall remain at the same amount as provided at the beginning of
183 such period of suspension, unless and until such suspension terminates with respect to
184 such individual pursuant to paragraph (1) of subsection (b) of this Code section or the
185 compensation paid to any such state, county, or local officer, official, or employee is
186 modified pursuant to subsection (c) of this Code section.

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

194 (b)(1) As of July 1, 2026, the suspension provided for in subsection (a) of this Code
195 section shall be terminated with respect to all judges. Any salary or compensation change
196 for a judge that otherwise would have gone into effect between July 1, 2025, and
197 June 30, 2026, by operation of a local law or local ordinance or resolution if such
198 suspension had not been in effect shall become effective for calculations of such judge's

199 prospective salary or other compensation that may be earned on or after July 1, 2026,
200 unless the local law or local ordinance or resolution that provides for a salary,
201 supplement, or other compensation to be paid to such judge is repealed prior to
202 July 1, 2026, or is amended, prior to July 1, 2026, to expressly modify the terms of such
203 judge's compensation.

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

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

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

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

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

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

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

229 (d) The General Assembly finds that increases to superior court judges' compensation that
230 become effective on or after July 1, 2025, may automatically trigger increases to other
231 public officers, officials, and employees for whom existing legislation automatically ties
232 their compensation to that of superior court judges and that these automatic increases in
233 compensation would generally result in sudden financial hardship for local governments.
234 Accordingly, it is the intent of this Code section that:

235 (1) The salary of any state, county, or local officer, official, or employee whose salary,
236 supplement, or other compensation is based on a percentage of, total compensation for,
237 or similar mathematical relationship to a superior court judge's salary or supplement shall,
238 during the period of any such suspension imposed by this Code section, remain the same
239 as such salary, supplement, or other compensation was at the beginning of such period;

240 (2) Such state, county, or local officer, official, or employee shall continue to receive
241 such salary, supplement, or other compensation during the period of such suspension at
242 the same rate or amount as at the beginning of such period; and

243 (3) The amount of such salary, supplement, or other compensation shall remain
244 unchanged until the occurrence of an event described in subsections (a) through (c) of this
245 Code section, which includes:

246 (A) Such suspension being terminated pursuant to this Code section;

247 (B) With respect to a salary, supplement, or other compensation set by local law, the
248 General Assembly takes some affirmative action to set the salary, supplement, or other
249 compensation by repealing or amending, in whole or in part, any local law that is

250 suspended pursuant to subsection (a) of this Code section and such repeal or
251 amendment becomes effective; or
252 (C) With respect to a salary, supplement, or other compensation set by local ordinance
253 or resolution, the county, municipality, consolidated, or other local government takes
254 some affirmative action to set the salary, supplement, or other compensation and such
255 action becomes effective."

256 **SECTION 7.**

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

258 **SECTION 8.**

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