

The Senate Committee on Appropriations offered the following substitute to HR 1042:

### A RESOLUTION

1 Proposing an amendment to the Constitution so as to revise provisions relating to calculating  
2 and setting the salaries of Justices of the Supreme Court, Judges of the Court of Appeals,  
3 judges of the Georgia State-wide Business Court, and superior court judges; to provide a  
4 definition; to provide for grandfathering of certain superior court judges so as to not reduce  
5 the compensation paid or benefits provided to such judges; to provide that the salaries of  
6 lower court judges shall not exceed the salary of superior court judges; to abolish county and  
7 local supplements to the salaries of superior court judges; to permanently suspend the  
8 operation of local laws or local ordinances or resolutions that use a superior court judge's  
9 salary for the calculation of the salary or compensation of other officers, officials, or  
10 employees; to preserve the authority of the General Assembly to amend such suspended local  
11 laws; to raise the minimum retirement age of new superior court judges; to authorize  
12 implementing legislation; to provide for related matters; to provide for the submission of this  
13 amendment for ratification or rejection; and for other purposes.

14 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Article VI, Section VII of the Constitution is amended by revising Paragraph V as follows:

17     "Paragraph V. *Compensation and allowances of judges.* (a) All judges shall receive  
18 compensation and allowances as provided by law, subject to the provisions of this  
19 Paragraph; ~~county supplements are hereby continued and may be granted or changed by~~  
20 ~~the General Assembly. County governing authorities which had the authority on~~  
21 ~~June 30, 1983, to make county supplements shall continue to have such authority under this~~  
22 ~~Constitution.~~ An incumbent's salary, allowance, or supplement shall not be decreased  
23 during the incumbent's term of office.

24     (b)(1) For the purposes of this subparagraph, the term 'base salary' means the annual  
25 salary fixed for the judges of the United States District Court for the Northern District of  
26 Georgia on July 1 of the second preceding state fiscal year.

27     (2) Except as provided for in subparagraph (c) of this Paragraph, as of July 1, 2025, the  
28 annual salary of each of the judges listed below shall be set by the General Assembly in  
29 the General Appropriations Act, provided that each such salary shall not exceed the ratio  
30 of the base salary listed below for such judges:

31         (A) Each Justice of the Supreme Court, 100 percent;

32         (B) Each Judge of the Court of Appeals, 99 percent;

33         (C) Each Judge of the State-wide Business Court, 95 percent; and

34         (D) Each superior court judge, 90 percent.

35     (3) The salary of any judge not otherwise provided for in this Paragraph shall be as  
36 provided by law; provided, however, that the salary of any such judge elected or  
37 appointed after January 1, 2025, shall not exceed the salary of superior court judges as  
38 provided for in subparagraph (b) of this Paragraph.

39     (c)(1) Each superior court judge in office on June 30, 2025, shall have the option to  
40 continue to receive the annual salary, as well as all local supplements, he or she was  
41 receiving on such date.

42     (2) Each superior court judge shall express his or her election of an annual salary  
43 provided for by either subparagraph (b)(2) or subparagraph (c)(1) of this Paragraph by

44 filing a written notification thereof with The Council of Superior Court Judges of Georgia  
45 and the governing authority of each county comprising the judge's judicial circuit.  
46 Failure to file such written notification by January 1, 2025, shall be an election to  
47 continue to receive the annual salary, as well as all local supplements as calculated on  
48 June 30, 2025.

49 (3) Except as provided for in subparagraph (c)(4) of this Paragraph, in the event that  
50 a superior court judge elects to continue to receive the annual salary, as well as all local  
51 supplements, he or she was receiving on June 30, 2025, such judge shall be entitled to  
52 continue to receive such compensation for the entirety of his or her entire superior court  
53 judgeship.

54 (4) A superior court judge who elected to continue to receive the annual salary, as well  
55 as all local supplements, he or she was receiving on June 30, 2025, may at anytime  
56 exercise an option to receive the annual salary provided for by subparagraph (b) of this  
57 Paragraph by filing a written notification thereof with The Council of Superior Court  
58 Judges of Georgia and the governing authority of each county comprising the judge's  
59 judicial circuit. The option exercised pursuant to this subparagraph shall go into effect  
60 on the first day of the state fiscal year following the exercising of such option.

61 (d)(1) Except as provided for in subparagraphs (c)(1) and (d)(2) of this Paragraph, all  
62 county or local supplements to the compensation of superior court judges provided for  
63 by local law or by action of a county or municipal governing authority shall be abolished.  
64 Neither the General Assembly through local law nor any county or municipal governing  
65 authority shall be authorized to enact new county or local supplements to the  
66 compensation of any superior court judge.

67 (2) In the event that a superior court judge exercises the option pursuant to  
68 subparagraph (c)(1) of this Paragraph to continue to receive the annual salary, as well as  
69 all local supplements he or she was receiving on January 1, 2025, the county and  
70 municipal governing authorities providing such local supplements to such judge on

71 January 1, 2025, shall be authorized, and required, to continue to provide such  
72 supplements until such judge exercises the option to receive the annual salary provided  
73 for by subparagraph (b) of this Paragraph or such superior court judge retires or otherwise  
74 leaves office. In no event shall a local supplement provided by subparagraph (d)(2) of  
75 this Paragraph be increased beyond the amount provided on January 1, 2025.

76 (e) As of June 30, 2025, all local laws and local ordinances or resolutions in effect as of  
77 such date that provide for a salary, supplement, or other compensation to be paid to a state,  
78 county, or local officer, official, or employee based on a percentage of, total compensation  
79 for, or similar mathematical relationship to a superior court judge's salary or supplement  
80 shall be permanently suspended with respect to any salary, supplement, or other  
81 compensation increase occurring on or after July 1, 2025, and no change in the salary of  
82 a superior court judge after such date shall result in a change in the calculation of any  
83 compensation to be paid by any county, municipality, consolidated, or other local  
84 government that may otherwise be required pursuant to a local law or local ordinance or  
85 resolution. A state, county, or local officer, official, or employee receiving compensation  
86 on June 30, 2025, based on a percentage of, total compensation for, or similar mathematical  
87 relationship to a superior court judge's salary or supplement shall continue to be  
88 compensated at the same amount as provided on June 30, 2025, until such time as such  
89 compensation is amended as provided for by law.

90 (f) Nothing in this Paragraph shall operate to alter, amend, contract, expand, extend,  
91 limit, modify, reduce, or terminate retirement benefits or rights thereto in existence prior  
92 to July 1, 2025. To the extent otherwise permitted by law, each county within a judicial  
93 circuit is authorized, but not required, to provide fringe benefits to superior court judges.

94 (g) The General Assembly by general law may provide any additional procedures  
95 necessary to implement this Paragraph."

96

**SECTION 2.**

97 Article VI, Section VII of the Constitution is amended by adding a new paragraph to read as  
98 follows:

99 "Paragraph V-A. *Minimum retirement age of superior court judges.* Except as provided  
100 for in Paragraph VII of this Section, any superior court judge first taking office on or after  
101 July 1, 2025, shall not be eligible for retirement until reaching 65 years of age. The  
102 General Assembly shall by general law provide procedures necessary to implement this  
103 paragraph."

104

**SECTION 3.**

105 The above proposed amendment to the Constitution shall be published and submitted as  
106 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the  
107 above proposed amendment shall have written or printed thereon the following:

108 "( ) YES Shall the Constitution of Georgia be amended so as to revise procedures for  
109 ( ) NO calculating the salary and compensation of Justices of the Supreme Court,  
110 Judges of the Court of Appeals, judges of the Georgia State-wide Business  
111 Court, superior court judges, and other state and local officials with salaries  
112 tied to the compensation of superior court judges and raise the retirement age  
113 of new superior court judges as of July 1, 2025?"

114 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."  
115 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
116 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
117 become a part of the Constitution of this state.