

House Bill 85 (AS PASSED HOUSE AND SENATE)

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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

SECTION 2.

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

"15-6-29.

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

(b)(1) Each superior court judge in office on July 1, 2025, shall have the option to receive the annual salary provided by Code Section 45-7-4 and any locality pay provided for by Code Section 15-6-29.2, in lieu of his or her compensation which is otherwise provided by laws in effect on June 30, 2025. The option provided by this paragraph shall 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~~

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

SECTION 3.

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

SECTION 4.

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

"15-6-29.2.

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

(b) In no event shall the annual locality pay provided to a judge by the county or counties comprising a judicial circuit in aggregate exceed the lesser of:

(1) 10 percent of the state annual salary paid to a superior court judge pursuant to Code Section 45-7-4; or

(2) \$20,106.00;

provided, however, that if the state annual salary paid to superior court judges exceeds \$201,060.00, then the maximum allowable amount of annual locality pay provided to a judge by the county or counties comprising a judicial circuit shall instead be equal to the difference between \$20,106.00 and half of the amount by which such state annual salary exceeds \$201,060.00. The intent of this paragraph is to provide for a gradual decrease in the maximum amount of allowable locality pay as the state annual salary provided by Code Section 45-7-4 to superior court judges exceeds \$201,060.00 and continues to increase.

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

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

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

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

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

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

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

SECTION 5.

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

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

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

SECTION 6.

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

"1-3-12.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) With respect to a salary, supplement, or other compensation set by local law, the General Assembly takes some affirmative action to set the salary, supplement, or other 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.