

House Bill 947 (COMMITTEE SUBSTITUTE)

By: Representatives Leverett of the 123<sup>rd</sup>, Efstoration of the 104<sup>th</sup>, Hong of the 103<sup>rd</sup>, Gunter of the 8<sup>th</sup>, and Oliver of the 82<sup>nd</sup>

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 Justices of the Supreme Court, Judges of the Court of  
15 Appeals, the judge of the Georgia State-wide Business Court, and superior court judges; to  
16 provide a definition; to amend Chapter 3 of Title 1 of the Official Code of Georgia  
17 Annotated, relating to laws and statutes, so as to suspend the operation of local laws or local  
18 ordinances or resolutions that use a superior court judge's salary for the calculation of the

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19 salary or compensation of other officers, officials, or employees; to preserve the authority  
20 of the General Assembly to amend or repeal such suspended local laws; to preserve the  
21 authority of local governments to use other mechanisms to change salary calculation during  
22 such suspension; to provide for legislative construction; to provide for an effective date; to  
23 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 Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to  
27 general provisions concerning superior courts, is amended by revising Code Section 15-6-29,  
28 relating to salary of judges, as follows:

29 "15-6-29.

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

35 (b)(1) Each superior court judge in office on July 1, 2024, shall have the option to  
36 receive the annual salary provided by Code Section 45-7-4 and any locality pay provided  
37 for by Code Section 15-6-29.2. The option provided by this paragraph shall be exercised  
38 by such judge filing a written notification thereof with The Council of Superior Court  
39 Judges of Georgia and the governing authority of each county comprising the judge's  
40 judicial circuit. The failure to exercise the option by October 1, 2024, shall be an election  
41 to continue to receive compensation as previously calculated and as outlined in  
42 paragraph (2) of this subsection.

43 (2) To ensure that no superior court judges in office on July 1, 2024, have their salaries,  
44 allowance, or county salary supplements decreased during their terms of office, any  
45 superior court judge in office on July 1, 2024, who does not exercise the option provided  
46 by paragraph (1) of this subsection shall continue to be compensated in precisely the same  
47 manner as they were being compensated as of June 30, 2024, including, but not limited  
48 to, county supplements.

49 (3) On or after July 1, 2025, in the event that the annual salary provided by Code  
50 Section 45-7-4 and locality pay provided for by Code Section 15-6-29.2 exceeds the  
51 annual salary and county salary supplements received by a judge who did not exercise the  
52 option provided by paragraph (1) of this subsection, such judge may still exercise such  
53 option by filing a written notification thereof with The Council of Superior Court Judges  
54 of Georgia and the governing authority of each county comprising the judicial circuit.  
55 The option exercised pursuant to this paragraph shall go into effect on the first day of the  
56 state fiscal year following the exercising of such option.

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

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

70 ~~legislation granting, changing the amount of, or removing a salary supplement; but no~~  
71 ~~publication of notice of intention shall be required for a bill creating one or more new~~  
72 ~~superior court judgeships."~~

73 **SECTION 2.**

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

76 **SECTION 3.**

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

78 "15-6-29.2.

79 (a) On or after July 1, 2024, the county or counties comprising a judicial circuit may  
80 provide each judge of such circuit with locality pay as authorized under this Code section.

81 All such locality pay shall be in lieu of and not in addition to any county salary  
82 supplements previously provided by the county or counties. All judges within a judicial  
83 circuit who elect to exercise the option provided by paragraph (1) of subsection (b) of Code  
84 Section 15-6-29 shall receive equal locality pay from any given county within such circuit  
85 that has opted to provide such pay.

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

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

95 (d) Except as provided for in subsection (b) of Code Section 15-6-29 and subsection (e)  
96 of this Code section and notwithstanding any other provision of law to the contrary, on and  
97 after July 1, 2024, no county or counties comprising a judicial circuit shall provide county  
98 salary supplements to a superior court judge.

99 (e)(1) Nothing in subsection (d) of this Code section shall operate to prevent a county or  
100 counties comprising a judicial circuit from continuing to provide a local salary  
101 supplement to the chief judge of the circuit that was otherwise authorized by law on  
102 June 30, 2024. On or after July 1, 2024, no local supplement for a chief judge shall be  
103 enacted or increased.

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

120 (f) Nothing in subsection (d) of this Code section shall operate to prevent a county or  
121 counties comprising a judicial circuit from continuing to provide fringe benefits to any

122 judge of a judicial circuit in the same manner that such benefits were provided on  
123 June 30, 2024.

124 (g) Nothing in this Code section or subsection (b) of Code Section 15-6-29 shall operate  
125 to alter, amend, contract, expand, extend, limit, modify, or terminate retirement benefits or  
126 rights thereto in existence prior to July 1, 2024. All judges who exercise the option  
127 provided by paragraph (1) of subsection (b) of Code Section 15-6-29 shall have no right  
128 to any benefit existing at the time such option is exercised reduced. To the extent otherwise  
129 permitted by law, each county within a judicial circuit is authorized, but not required, to  
130 provide retirement benefits based upon the locality pay it provides pursuant to  
131 subsection (a) of this Code section."

132 **SECTION 4.**

133 Code Section 45-7-4 of the Official Code of Georgia Annotated, related to annual salaries  
134 of certain state officials and cost-of-living adjustments, is amended as follows:

135 "45-7-4.

136 (a) The annual salary of each of the state officials listed below shall be as follows:

137 (1) Governor ..... \$ 175,000.00

138 An allowance in an amount specified in the appropriations Act shall also  
139 be provided for the operation of the Governor's mansion.

140 (2) Lieutenant Governor ..... 54,920.00

141 Notwithstanding any provision of law to the contrary, the annual salary for  
142 the Lieutenant Governor for the 2021 fiscal year shall be reduced by an  
143 amount equal to 14 percent of the amount received for such office during  
144 the 2020 fiscal year.

145 (3) Adjutant general

146 The adjutant general shall continue to receive the pay and allowances under  
147 the same procedure as provided by law.

148	(4) Commissioner of Agriculture . . . . .	100,429.00
149	(5) Attorney General . . . . .	114,633.00
150	(6) Reserved.	
151	(7) Commissioner of Insurance . . . . .	100,396.00
152	(8) Reserved.	
153	(9) Commissioner of Labor . . . . .	100,418.00
154	The above amount of salary for the Commissioner of Labor shall include	
155	any compensation received from the United States government and the	
156	amount of state funds paid shall be reduced by the amount of compensation	
157	received from the United States government.	
158	(10) Reserved.	
159	(11) Each member of the Public Service Commission . . . . .	96,655.00
160	(12) Reserved.	
161	(13) State School Superintendent . . . . .	102,708.00
162	(14) Secretary of State . . . . .	102,708.00
163	(15) Reserved.	
164	(16) Reserved.	
165	(17) Reserved.	
166	(18) <del>Reserved.</del> Each Justice of the Supreme Court . . . . .	175,600.00
167	(19) <del>Reserved.</del> Each Judge of the Court of Appeals . . . . .	174,500.00
168	(19.1) <del>Reserved.</del> Judge of the Georgia State-wide Business Court . . . . .	174,500.00
169	(20) <del>Reserved.</del> Each superior court judge . . . . .	126,265.00
170	(21) Each district attorney . . . . .	120,072.00
171	(22) Each member of the General Assembly . . . . .	16,200.00

172 (A) Notwithstanding any provision of law to the contrary, the annual  
173 salary for each member of the General Assembly for the 2021 fiscal year  
174 shall be reduced by an amount equal to 10 percent of the amount received  
175 for such office during the 2020 fiscal year.

176 (B) Each member of the General Assembly shall also receive the  
177 allowances provided by law. The amount of the daily expense allowance  
178 which each member is entitled to receive under the provisions of Code  
179 Section 28-1-8 shall be as provided in that Code section. The mileage  
180 allowance for the use of a personal car on official business shall be the  
181 same as that received by other state officials and employees.

182 (C) In addition to any other compensation and allowances authorized for  
183 members of the General Assembly, each member may be reimbursed for  
184 per diem differential and for actual expenses incurred in the performance  
185 of duties as a member of the General Assembly in an amount not to  
186 exceed \$7,000.00 per year. Expenses reimbursable up to such amount  
187 shall be limited to one or more of the following purposes: lodging, meals,  
188 per diem differential, postage, personal services, printing and  
189 publications, rents, supplies (including software), telecommunications,  
190 transportation, utilities, purchasing or leasing of equipment, and other  
191 reasonable expenditures directly related to the performance of a  
192 member's duties. If equipment purchased by a member has a depreciated  
193 value of \$100.00 or less when such member leaves office, the equipment  
194 does not need to be returned to the state. No reimbursement shall be  
195 made for any postage which is used for a political newsletter. No  
196 reimbursement shall be paid for lodging or meals for any day for which  
197 a member receives the daily expense allowance as provided in this  
198 paragraph. Eligible expenses shall be reimbursed following the



199 submission of vouchers to the legislative fiscal office in compliance with  
200 the requirements of this subparagraph and subject to the provisions of  
201 subparagraph (E) of this paragraph. Such vouchers shall be submitted in  
202 such form and manner as prescribed by the Legislative Services  
203 Committee pursuant to subparagraph (E) of this paragraph, provided that  
204 each such voucher shall be accompanied by a supporting document or  
205 documents, or legible copies thereof, showing payment for each expense  
206 claimed or an explanation of the absence of such documentation; in  
207 addition, each such voucher shall include a certification by the member  
208 that the information contained in such voucher and supporting document  
209 or documents, or legible copies thereof, is true and correct and that such  
210 expenses were incurred by the member. The provisions of Code  
211 Section 16-10-20 shall be applicable to any person submitting such  
212 certified vouchers and supporting documents or copies the same as if the  
213 General Assembly were a department or agency of state government. No  
214 such voucher or supporting document shall be required for per diem  
215 differential.

216 (D) The amount of per diem differential which may be claimed for each  
217 day under subparagraph (C) of this paragraph shall be the difference  
218 between the daily expense allowance authorized for members of the  
219 General Assembly and \$119.00; provided, however, that the General  
220 Appropriations Act for any fiscal year may increase such amount  
221 of \$119.00 per day to an amount not in excess of the federal per diem rate  
222 then in effect for the state capital as specified by the General Services  
223 Administration. Per diem differential shall be paid by the legislative  
224 fiscal office to the member upon the member's notification to the  
225 legislative fiscal office of the days for which the daily expense allowance

226 was received for which the member wishes to claim the per diem  
227 differential, and the legislative fiscal office shall keep a record of the  
228 days for which per diem differential is so claimed and paid.

229 (E) For the purposes of this paragraph, a year shall begin on the  
230 convening date of the General Assembly in regular session each year and  
231 end on the day prior to the convening of the General Assembly in the  
232 next calendar year. Any voucher or claim for any reimbursement for any  
233 year as defined in this paragraph shall be submitted no later than the  
234 fifteenth of April immediately following the end of such year. No  
235 reimbursement shall be made on any voucher or claim submitted after  
236 that date. Any amounts remaining in such expense account at the end of  
237 the first year of the two-year biennium may be claimed for expenses  
238 incurred during the second year of the two-year biennium. Any amounts  
239 remaining in any expense account which are not so claimed by April 15  
240 of the year following the second year of the biennium and any amounts  
241 claimed which are returned as hereafter provided for in this paragraph  
242 shall lapse and shall be remitted by the legislative fiscal office to the  
243 general fund of the state treasury. Any former member of the General  
244 Assembly may be reimbursed for expenses incurred while a member of  
245 the General Assembly upon compliance with the provisions of this  
246 paragraph. The Legislative Services Committee is empowered to provide  
247 such procedures as it deems advisable to administer the provisions of this  
248 paragraph, including, but not limited to, definitions of the above list of  
249 items for which reimbursement may be made; provided, however, that  
250 the term 'other reasonable expenditures directly related to the  
251 performance of a member's duties' shall be as defined by policies adopted  
252 by the Speaker of the House of Representatives and by the Senate

253 Administrative Affairs Committee as to reimbursement of such  
254 expenditures incurred by members of the House and Senate, respectively;  
255 and provided, further, that the amount of expenses which may be  
256 reimbursed within the limits of subparagraph (C) of this paragraph for  
257 travel outside the state may be as provided by policies adopted by the  
258 Speaker of the House of Representatives and by the Senate  
259 Administrative Affairs Committee as to such expenditures of members  
260 of the House and Senate, respectively. The Legislative Services  
261 Committee is further empowered to prescribe the form of the voucher or  
262 claim which must be submitted to the legislative fiscal office. In the  
263 event of any disagreement as to whether any reimbursement shall be  
264 made or any allowance shall be paid, the Legislative Services Committee  
265 shall make the final determination; except that in the event of any  
266 disagreement as to whether any reimbursement under subparagraph (C)  
267 of this paragraph shall be made for other reasonable expenses directly  
268 related to the performance of a member's duties or for travel outside the  
269 state, the Speaker of the House of Representatives shall make the final  
270 determination as to such expenses incurred by a member of the House,  
271 and the Senate Administrative Affairs Committee shall make the final  
272 determination as to such expenses incurred by a member of the Senate.  
273 In the event any reimbursement is made or any allowance is paid and it  
274 is later determined that such reimbursement or payment was made in  
275 error, the person to whom such reimbursement or payment was made  
276 shall remit to the legislative fiscal office the amount of money involved.  
277 In the event any such person refuses to make such remittance, the  
278 legislative fiscal office is authorized to withhold the payment of any other  
279 moneys to which such person is entitled until the amount of such

280 reimbursement or payment which was made in error shall be realized.

281 (23) Speaker of the House of Representatives . . . . . 17,800.00

282 The Speaker of the House of Representatives shall also receive the salary  
283 and allowances authorized as a member of the General Assembly. Upon  
284 the taking of office by the members of the General Assembly on the  
285 convening day of the regular session of the General Assembly in 1983, the  
286 annual salary of the Speaker of the House of Representatives shall  
287 become \$22,800.00. After such date, the Speaker shall also receive as  
288 additional salary a sum equal to the amount of salary over \$30,000.00 per  
289 annum which is received by the Lieutenant Governor as of that date or  
290 thereafter; and the salary of the Speaker shall be adjusted at the beginning  
291 of each term so as to include such additional sum.

292 (24) President Pro Tempore of the Senate . . . . . 4,800.00

293 The President Pro Tempore of the Senate shall also receive the salary and  
294 allowances authorized as a member of the General Assembly.

295 (25) Speaker Pro Tempore of the House of Representatives . . . . . 4,800.00

296 The Speaker Pro Tempore of the House of Representatives shall also  
297 receive the salary and allowances authorized as a member of the General  
298 Assembly.

299 (b) As an adjustment except as qualified below as to members and member-officers of the  
300 General Assembly, the annual salary of each state official whose salary is established by  
301 Code Section 45-7-3, this Code section, and Code Sections 45-7-20 and 45-7-21, including  
302 members of the General Assembly, the Speaker of the House of Representatives, the  
303 President Pro Tempore of the Senate, and the Speaker Pro Tempore of the House of  
304 Representatives, may be increased by the General Assembly in the General Appropriations  
305 Act by a percentage not to exceed the average percentage of the increase in salary as may

306 from time to time be granted to employees of the executive, judicial, and legislative  
307 branches of government. However, any increase for such officials shall not include  
308 within-grade step increases for which employees subject to compensation plans authorized  
309 and approved in accordance with Code Section 45-20-4 are eligible. Any increase granted  
310 pursuant to this subsection shall become effective at the same time that funds are made  
311 available for the increase for such employees, except increases for members and  
312 member-officers of the General Assembly. That portion of the increase determined by the  
313 Legislative Services Committee to reflect a cost-of-living increase based upon objective  
314 economic criteria shall become effective for members and member-officers at the same  
315 time that funds are made available for the increase for such employees. The balance of the  
316 increase for members and member-officers of the General Assembly shall become effective  
317 on the convening of the next General Assembly in January of the next odd-numbered year.  
318 The Office of Planning and Budget shall calculate the average percentage increase.

319 (c) The annual salary being received on June 30, 1980, shall be increased by 8 percent for  
320 each state official listed in subsection (a) of this Code section who:

- 321 (1) Is not a member of the General Assembly; and  
322 (2) Is not a contributing member of a state retirement system and, therefore, does not  
323 benefit by or participate in any program whereunder a portion of the employee  
324 contributions to the state retirement system are made on behalf of the employee by the  
325 employer.

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

329 (2) Except as provided for in subsection (b) of Code Section 15-6-29, the annual salary  
330 of each of the state officials listed below shall be set by the General Assembly in the  
331 General Appropriations Act, provided that such salary shall not exceed the ratio of the  
332 base salary listed below for such officials:

333	<u>(A) Each Justice of the Supreme Court.....</u>	<u>100%</u>
334	<u>(B) Each Judge of the Court of Appeals.....</u>	<u>95%</u>
335	<u>(C) Judge of the Georgia State-wide Business Court.....</u>	<u>92%</u>
336	<u>(D) Each superior court judge.....</u>	<u>90%."</u>

**SECTION 5.**

337  
338 Chapter 3 of Title 1 of the Official Code of Georgia Annotated, related laws and statutes is  
339 amended by adding a new Code section to read as follows:

340 "1-3-12.

341 (a)(1) Notwithstanding any provision of law to the contrary, as of July 1, 2024, all local  
342 laws and local ordinances or resolutions in effect as of such date that provide for a salary,  
343 supplement, or other compensation to be paid to a state, county, or local officer, official,  
344 or employee based on a percentage of, total compensation for, or similar mathematical  
345 relationship to a superior court judge's salary or supplement shall be suspended with  
346 respect to any salary, supplement, or other compensation increase during the term of such  
347 suspension as a matter of law.

348 (2) No change in the salary of a superior court judge shall result in a change in the  
349 calculation of any compensation to be paid by any county, municipality, consolidated, or  
350 other local government that may otherwise be required pursuant to a local law or local  
351 ordinance or resolution during the period of suspension provided for in paragraph (1) of  
352 this subsection. The provisions of this subsection do not repeal or amend any such local  
353 law or local ordinance or resolution, and the provisions of such local laws or local  
354 ordinances or resolutions related to calculating compensation shall be merely suspended  
355 until otherwise provided by this Code section.

356 (b) As of July 1, 2025, the suspension provided for in subsection (a) of this Code section  
357 shall be terminated as to judges, but shall otherwise remain in place. Any salary or  
358 compensation change that otherwise would have gone into effect between July 1, 2024, and

359 June 30, 2025, by operation of a local law or local ordinance or resolution if such  
360 suspension did not occur shall go into effect for calculations of prospective salary or other  
361 compensation accrued on or after July 1, 2025. The termination of the suspension provided  
362 for in this subsection shall not entitle any officer, official, or employee to retroactive  
363 compensation that he or she otherwise may have been earned except for such suspension,  
364 and no such retroactive payments shall be made by any county, municipality, consolidated,  
365 or other local government.

366 (c)(1) Nothing in this Code section shall operate to prevent the General Assembly from  
367 repealing or amending, in whole or in part, any local law that is suspended pursuant to  
368 subsection (a) of this Code section during the period of such suspension through the  
369 enactment of local legislation.

370 (2) Nothing in this Code section shall operate to prevent a county, municipality,  
371 consolidated, or other local government from enacting, during the period of the  
372 suspension provided for in subsection (a) of this Code section, any salary or  
373 compensation changes for any state, county, or local officer, official, or employee that  
374 may otherwise be authorized by general or local law."

375 **SECTION 6.**

376 This Act shall become effective on July 1, 2024.

377 **SECTION 7.**

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