

The House Committee on Rules offers the following substitute to SB 479:

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

19 salary or compensation of other officers, officials, or employees; to provide for an automatic  
20 lifting of such suspension relative to judges; to preserve the authority of the General  
21 Assembly to amend or repeal such suspended local laws; to preserve the authority of local  
22 governments to use other mechanisms to change salary calculation during such suspension;  
23 to provide for legislative construction; to provide for an effective date; to provide for related  
24 matters; to repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

26 SECTION 1.

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

30 "15-6-29.

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

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

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

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

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

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

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

74 **SECTION 2.**

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

77 **SECTION 3.**

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

79 "15-6-29.2.

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

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

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

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

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

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

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

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

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

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

133 **SECTION 4.**

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

136 "45-7-4.

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

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

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

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

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

146 (3) Adjutant general

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

|     |   |                       |
|-----|---|-----------------------|
| 149 | (4) Commissioner of Agriculture . . . . .   | 100,429.00            |
| 150 | (5) Attorney General . . . . .  | 114,633.00            |
| 151 | (6) Reserved.   |                       |
| 152 | (7) Commissioner of Insurance . . . . .   | 100,396.00            |
| 153 | (8) Reserved.   |                       |
| 154 | (9) Commissioner of Labor . . . . .   | 100,418.00            |
| 155 | The above amount of salary for the Commissioner of Labor shall include                      |                       |
| 156 | any compensation received from the United States government and the                         |                       |
| 157 | amount of state funds paid shall be reduced by the amount of compensation                   |                       |
| 158 | received from the United States government.   |                       |
| 159 | (10) Reserved.  |                       |
| 160 | (11) Each member of the Public Service Commission . . . . .                                 | 96,655.00             |
| 161 | (12) Reserved.  |                       |
| 162 | (13) State School Superintendent . . . . .  | 102,708.00            |
| 163 | (14) Secretary of State . . . . .   | 102,708.00            |
| 164 | (15) Reserved.  |                       |
| 165 | (16) Reserved.  |                       |
| 166 | (17) Reserved.  |                       |
| 167 | (18) <u>Reserved.</u> <del>Each Justice of the Supreme Court . . . . .</del>                | <del>175,600.00</del> |
| 168 | (19) <u>Reserved.</u> <del>Each Judge of the Court of Appeals . . . . .</del>               | <del>174,500.00</del> |
| 169 | (19.1) <u>Reserved.</u> <del>Judge of the Georgia State-wide Business Court . . . . .</del> | <del>174,500.00</del> |
| 170 | (20) <u>Reserved.</u> <del>Each superior court judge . . . . .</del>                        | <del>126,265.00</del> |
| 171 | (21) Each district attorney . . . . .   | 120,072.00            |
| 172 | (22) Each member of the General Assembly . . . . .  | 16,200.00             |

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

322 (1) Is not a member of the General Assembly; and

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

327 (d)(1) For the purposes this subsection, 'base salary' means the annual salary fixed for  
328 the judges of the United States District Court for the Northern District of Georgia on July  
329 1 of the second preceding state fiscal year.

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

334            (A) Each Justice of the Supreme Court . . . . .            100 percent.  
335            (B) Each Judge of the Court of Appeals . . . . .            95 percent.  
336            (C) Judge of the Georgia State-wide Business Court . . . . .            92 percent.  
337            (D) Each superior court judge . . . . .            90 percent."

**SECTION 5.**

Chapter 3 of Title 1 of the Official Code of Georgia Annotated, related 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, 2024, 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 a superior court judge's salary or supplement shall be suspended with respect to any salary, supplement, or other compensation increase during the term of such suspension as a matter of law.

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

(b) As of July 1, 2025, the suspension provided for in subsection (a) of this Code section shall be terminated as to judges, but shall otherwise remain in place for all other officers,

360 officials, and employees. Any salary or compensation change for judges that otherwise  
361 would have gone into effect between July 1, 2024, and June 30, 2025, by operation of a  
362 local law or local ordinance or resolution if such suspension did not occur shall go into  
363 effect for calculations of prospective salary or other compensation accrued on or after July  
364 1, 2025. The termination of the suspension provided for in this subsection shall not entitle  
365 any person to retroactive compensation that he or she otherwise may have earned except  
366 for such suspension, and no such retroactive payments shall be made by any county,  
367 municipality, consolidated, or other local government.

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

371 (2) Nothing in this Code section shall operate to prevent a county, municipality,  
372 consolidated, or other local government from enacting any salary or compensation  
373 changes for any state, county, or local officer, official, or employee that may otherwise  
374 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.