MOOT

Senators Tillery of the 19th, Albers of the 56th, Dolezal of the 27th and Cowsert of the 46th offered the following amendment #1:

Amend the House substitute to SB 479 (LC 39 4401S) by striking lines 1 through 378 and inserting in lieu thereof the following:

To enact statutory changes to implement an amendment to the Constitution relating to calculating and setting the salaries of Justices of the Supreme Court, Judges of the Court of Appeals, judges of the Georgia State-wide Business Court, and superior court judges; to amend Article 1 of Chapter 6 of Title 15 the Official Code of Georgia Annotated, relating to general provisions concerning superior courts, so as to modify provisions regarding the compensation received by superior court judges; to repeal provisions related to local supplements of superior court judges; to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials and cost-of-living adjustments, so as to revise provisions relating to the salaries of Justices of the Supreme Court, Judges of the Court of Appeals, judges of the Georgia State-wide Business Court, and superior court judges; to provide for a definition; to provide for a contingent effective date and for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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) 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~~ <u>Article VI, Section VII, Paragraph V of the Constitution</u>. ~~The~~ <u>Such</u> 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) The annual salary shall be the total compensation to be paid by the state to the superior court judges and shall be in lieu of any and all other amounts to be paid from The Council of Superior Court Judges of Georgia, except as provided in Code Sections 15-6-29.1, 15-6-30, and 15-6-32.

~~(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 the circuit the same county salary supplement, if any, then in effect for the other judge or judges of the judicial circuit. Such salary supplement for such new judge shall be authorized by this subsection and no other legislation or local 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 2.

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 3.

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 as follows:

"45-7-4.

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

(1) Governor	$ 175,000.00
An allowance in an amount specified in the appropriations Act shall also be provided for the operation of the Governor's mansion.	
(2) Lieutenant Governor	54,920.00
Notwithstanding any provision of law to the contrary, the annual salary for the Lieutenant Governor for the 2021 fiscal year shall be reduced by an amount equal to 14 percent of the amount received for such office during the 2020 fiscal year.	
(3) Adjutant general	
The adjutant general shall continue to receive the pay and allowances under the same procedure as provided by law.	
(4) Commissioner of Agriculture	100,429.00
(5) Attorney General	114,633.00
(6) Reserved.	
(7) Commissioner of Insurance	100,396.00
(8) Reserved.	
(9) Commissioner of Labor	100,418.00

The above amount of salary for the Commissioner of Labor shall include any compensation received from the United States government and the amount of state funds paid shall be reduced by the amount of compensation received from the United States government.

(10) Reserved.

(11) Each member of the Public Service Commission 96,655.00

(12) Reserved.

(13) State School Superintendent 102,708.00

(14) Secretary of State 102,708.00

(15) Reserved.

(16) Reserved.

(17) Reserved.

(18) Reserved. ~~Each Justice of the Supreme Court~~ .... ~~175,600.00~~

(19) Reserved. ~~Each Judge of the Court of Appeals~~ .... ~~174,500.00~~

(19.1) Reserved. ~~Judge of the Georgia State-wide Business Court~~ .... ~~174,500.00~~

(20) Reserved. ~~Each superior court judge~~ .... ~~126,265.00~~

(21) Each district attorney 120,072.00

(22) Each member of the General Assembly 16,200.00

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

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

(C) In addition to any other compensation and allowances authorized for members of the General Assembly, each member may be reimbursed for per diem differential and for actual expenses incurred in the performance of duties as a member of the General Assembly in an amount not to exceed $7,000.00 per year. Expenses reimbursable up to such amount shall be limited to one or more of the following purposes: lodging, meals, per diem differential, postage, personal services, printing and publications, rents, supplies (including software), telecommunications, transportation, utilities, purchasing or leasing of equipment, and other reasonable expenditures directly related to the performance of a member's duties. If equipment purchased by a member has a depreciated value of $100.00 or less when such member leaves office, the equipment does not need to be returned to the state. No reimbursement shall be made for any postage which is used for a political newsletter. No reimbursement shall be paid for lodging or meals for any day for which a member receives the daily expense allowance as provided in this paragraph. Eligible expenses shall be reimbursed following the submission of vouchers to the legislative fiscal office in compliance with the requirements of this subparagraph and subject to the provisions of subparagraph (E) of this paragraph. Such vouchers shall be submitted in such form and manner as prescribed by the Legislative Services Committee pursuant to subparagraph (E) of this paragraph, provided that each such voucher shall be accompanied by a supporting document or documents, or legible copies thereof, showing payment for each expense claimed or an explanation of the absence of such documentation; in addition, each such voucher shall include a certification by the member that the information contained in such voucher and supporting document or documents, or legible copies thereof, is true and correct and that such expenses were incurred by the member. The provisions of Code Section 16-10-20 shall be applicable to any person submitting such certified vouchers and supporting documents or copies the same as if the General Assembly were a department or agency of state government. No such voucher or supporting document shall be required for per diem differential.

(D) The amount of per diem differential which may be claimed for each day under subparagraph (C) of this paragraph shall be the difference between the daily expense allowance authorized for members of the General Assembly and $119.00; provided, however, that the General Appropriations Act for any fiscal year may increase such amount of $119.00 per day to an amount not in excess of the federal per diem rate then in effect for the state capital as specified by the General Services Administration. Per diem differential shall be paid by the legislative fiscal office to the member upon the member's notification to the legislative fiscal office of the days for which the daily expense allowance was received for which the member wishes to claim the per diem differential, and the legislative fiscal office shall keep a record of the days for which per diem differential is so claimed and paid.

(E) For the purposes of this paragraph, a year shall begin on the convening date of the General Assembly in regular session each year and end on the day prior to the convening of the General Assembly in the next calendar year. Any voucher or claim for any reimbursement for any year as defined in this paragraph shall be submitted no later than the fifteenth of April immediately following the end of such year. No reimbursement shall be made on any voucher or claim submitted after that date. Any amounts remaining in such expense account at the end of the first year of the two-year biennium may be claimed for expenses incurred during the second year of the two-year biennium. Any amounts remaining in any expense account which are not so claimed by April 15 of the year following the second year of the biennium and any amounts claimed which are returned as hereafter provided for in this paragraph shall lapse and shall be remitted by the legislative fiscal office to the general fund of the state treasury. Any former member of the General Assembly may be reimbursed for expenses incurred while a member of the General Assembly upon compliance with the provisions of this paragraph. The Legislative Services Committee is empowered to provide such procedures as it deems advisable to administer the provisions of this paragraph, including, but not limited to, definitions of the above list of items for which reimbursement may be made; provided, however, that the term 'other reasonable expenditures directly related to the performance of a member's duties' shall be as defined by policies adopted by the Speaker of the House of Representatives and by the Senate Administrative Affairs Committee as to reimbursement of such expenditures incurred by members of the House and Senate, respectively; and provided, further, that the amount of expenses which may be reimbursed within the limits of subparagraph (C) of this paragraph for travel outside the state may be as provided by policies adopted by the Speaker of the House of Representatives and by the Senate Administrative Affairs Committee as to such expenditures of members of the House and Senate, respectively. The Legislative Services

Committee is further empowered to prescribe the form of the voucher or claim which must be submitted to the legislative fiscal office. In the event of any disagreement as to whether any reimbursement shall be made or any allowance shall be paid, the Legislative Services Committee shall make the final determination; except that in the event of any disagreement as to whether any reimbursement under subparagraph (C) of this paragraph shall be made for other reasonable expenses directly related to the performance of a member's duties or for travel outside the state, the Speaker of the House of Representatives shall make the final determination as to such expenses incurred by a member of the House, and the Senate Administrative Affairs Committee shall make the final determination as to such expenses incurred by a member of the Senate. In the event any reimbursement is made or any allowance is paid and it is later determined that such reimbursement or payment was made in error, the person to whom such reimbursement or payment was made shall remit to the legislative fiscal office the amount of money involved. In the event any such person refuses to make such remittance, the legislative fiscal office is authorized to withhold the payment of any other moneys to which such person is entitled until the amount of such reimbursement or payment which was made in error shall be realized.

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

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

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

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

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

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

(b) As an adjustment except as qualified below as to members and member-officers of the General Assembly, the annual salary of each state official whose salary is established by Code Section 45-7-3, this Code section, and Code Sections 45-7-20 and 45-7-21, including members of the General Assembly, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Speaker Pro Tempore of the House of Representatives, may be increased by the General Assembly in the General Appropriations Act by a percentage not to exceed the average percentage of the increase in salary as may from time to time be granted to employees of the executive, judicial, and legislative branches of government. However, any increase for such officials shall not include within-grade step increases for which employees subject to compensation plans authorized and approved in accordance with Code Section 45-20-4 are eligible. Any increase granted pursuant to this subsection shall become effective at the same time that funds are made available for the increase for such employees, except increases for members and member-officers of the General Assembly. That portion of the increase determined by the Legislative Services Committee to reflect a cost-of-living increase based upon objective economic criteria shall become effective for members and member-officers at the same time that funds are made available for the increase for such employees. The balance of the increase for members and member-officers of the General Assembly shall become effective on the convening of the next General Assembly in January of the next odd-numbered year. The Office of Planning and Budget shall calculate the average percentage increase.

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

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

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

(d)(1) For the purposes of this subsection, the term 'base salary' shall have the same meaning as provided for in Article VI, Section VII, Paragraph V(b)(1) of the Constitution.

(2) The annual salary of each of the state officials listed below shall be set by the General Assembly in the General Appropriations Act, provided that such salary shall not exceed the ratio of the base salary listed below for such officials:

(A) Each Justice of the Supreme Court . . . . 100 percent.

(B) Each Judge of the Court of Appeals . . . . 99 percent.

(C) Judge of the Georgia State-wide Business Court . . . . 95 percent.

(D) Each superior court judge . . . . 90 percent."

SECTION 4.

This Act shall become effective on July 1, 2025, only if an amendment to the state Constitution revising provisions relating to calculating and setting the salaries of Justices of the Supreme Court, Judges of the Court of Appeals, judges of the Georgia State-wide Business Court, and superior court judges is adopted by the General Assembly and is ratified by the voters at the 2024 general election. Otherwise, this Act shall not become effective and shall stand repealed by operation of law on January 1, 2025.

SECTION 5.

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