

ADOPTED

Representative Leverett of the 123rd offers the following amendment:

1 *Amend SB 479 (LC 39 4401S as amended by AM 47 0120) by striking lines 1 through the end*
2 *and inserting in lieu thereof the following:*

3 To amend Article 1 of Chapter 6 of Title 15 the Official Code of Georgia Annotated, relating
4 to general provisions concerning superior courts, so as to modify provisions regarding the
5 compensation received by superior court judges; to provide procedures for superior court
6 judges to opt to receive compensation pursuant to such revised procedures; to provide for
7 grandfathering of certain judges so as to not reduce the compensation paid to such judges;
8 to authorize locality pay by counties to superior court judges in lieu of county salary
9 supplements; to abolish most county salary supplements provided to superior court judges;
10 to authorize the continuation of county salary supplements for chief judges; to authorize
11 continuation of fringe benefits provided by counties to superior court judges; to preserve
12 existing rights and obligations related to retirement benefits provided by counties to superior
13 court judges; to provide for retirement benefits relative to optional locality pay; to amend
14 Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries
15 of certain state officials and cost-of-living adjustments, so as to revise provisions relating to
16 calculating and setting the salaries of Justices of the Supreme Court, Judges of the Court of
17 Appeals, the judge of the Georgia State-wide Business Court, and superior court judges; to
18 provide a definition; to amend Chapter 3 of Title 1 of the Official Code of Georgia
19 Annotated, relating to laws and statutes, so as to suspend the operation of local laws or local
20 ordinances or resolutions that use a superior court judge's salary for the calculation of the
21 salary or compensation of other officers, officials, or employees; to provide for an automatic
22 lifting of such suspension relative to judges; to preserve the authority of the General
23 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 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.

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, 2024, 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. The option provided by this paragraph shall be exercised by such judge filing a written notification thereof with The Council of Superior Court Judges of Georgia and the governing authority of each county comprising the judge's judicial circuit. The failure to exercise the option shall be an election to continue to receive compensation as previously calculated and as outlined in paragraph (2) of this subsection, and until such option is exercised. The option exercised pursuant to this paragraph shall go into effect the next pay period at least five business days following the exercise of such option.

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

(c) 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, 15-6-29.2, 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.

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, 2024, the county or counties comprising a judicial circuit may provide each judge of such circuit with locality pay which shall not 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 elect to exercise the option provided by paragraph (1) of subsection (b) of Code Section 15-6-29 shall receive equal locality pay from any given county within such circuit that has opted to provide such pay.

(b)(1) In no event shall the annual locality pay provided to a judge by the county or counties comprising a judicial circuit in aggregate exceed 10 percent of the state annual salary provided by Code Section 45-7-4 to such judge.

(2) In the event that the state annual salary provided by Code Section 45-7-4 to superior court judges exceeds \$201,060.00, the maximum allowable amount of annual locality pay provided to a judge by the county or counties comprising a judicial circuit shall be capped at \$20,106.00, and such cap shall be reduced in an amount equal to half of the percentage amount of such state annual salary increase above \$201,060.00. The intent of this paragraph is to provide for a decrease in the maximum amount of allowable locality pay so that such maximum shall be decreased by an amount equal to 50 percent of an increase of the state annual salary provided by Code Section 45-7-4 to superior court judges beyond \$201,060.00.

(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 locality pay, if any, then in effect for the other judge or judges of the judicial circuit. Such locality pay for such new judge shall be

100 authorized by this subsection and no other legislation or local legislation shall be required
101 to authorize such locality pay.

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

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

111 (2) For all judges who elect to exercise the option provided by paragraph (1) of
112 subsection (b) of Code Section 15-6-29, to the extent the aggregate salary provided for
113 by subsection (a) of Code Section 15-6-29 and locality pay provided for by subsection (a)
114 of this Code section to a particular judge do not equal or exceed that judge's aggregate
115 salary and local supplement in effect at the time of the judge's exercise of such option,
116 then the county or counties of the circuit shall pay an additional supplement in an amount
117 equal to the difference between the aggregate salary and supplement in effect at the time
118 of the judge's exercise of such option and the aggregate salary provided for by
119 subsection (a) of Code Section 15-6-29 and locality pay provided for by subsection (a)
120 of this Code section. When an additional supplement is required by this paragraph in a
121 circuit consisting of more than one county, then each county shall pay such additional
122 supplement in proportion to each county's contribution to the local supplement in effect
123 at the time of the judge's exercise of the option to participate. In no event shall the
124 additional supplement required by this paragraph result in a judge's aggregate salary that
125 exceeds the aggregate salary and supplement existing at the time of a judge's exercise of
126 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 a judicial circuit in the same manner that such benefits were provided on June 30, 2024.

(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, 2024. 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 4.

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

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

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

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

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

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

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

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

236 (E) For the purposes of this paragraph, a year shall begin on the
237 convening date of the General Assembly in regular session each year and
238 end on the day prior to the convening of the General Assembly in the
239 next calendar year. Any voucher or claim for any reimbursement for any
240 year as defined in this paragraph shall be submitted no later than the
241 fifteenth of April immediately following the end of such year. No
242 reimbursement shall be made on any voucher or claim submitted after
243 that date. Any amounts remaining in such expense account at the end of
244 the first year of the two-year biennium may be claimed for expenses
245 incurred during the second year of the two-year biennium. Any amounts
246 remaining in any expense account which are not so claimed by April 15
247 of the year following the second year of the biennium and any amounts
248 claimed which are returned as hereafter provided for in this paragraph
249 shall lapse and shall be remitted by the legislative fiscal office to the
250 general fund of the state treasury. Any former member of the General
251 Assembly may be reimbursed for expenses incurred while a member of
252 the General Assembly upon compliance with the provisions of this
253 paragraph. The Legislative Services Committee is empowered to provide
254 such procedures as it deems advisable to administer the provisions of this
255 paragraph, including, but not limited to, definitions of the above list of
256 items for which reimbursement may be made; provided, however, that
257 the term 'other reasonable expenditures directly related to the
258 performance of a member's duties' shall be as defined by policies adopted
259 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

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

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

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

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

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

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

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

306 (b) As an adjustment except as qualified below as to members and member-officers of the
 307 General Assembly, the annual salary of each state official whose salary is established by
 308 Code Section 45-7-3, this Code section, and Code Sections 45-7-20 and 45-7-21, including
 309 members of the General Assembly, the Speaker of the House of Representatives, the
 310 President Pro Tempore of the Senate, and the Speaker Pro Tempore of the House of
 311 Representatives, may be increased by the General Assembly in the General Appropriations
 312 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 this subsection, '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 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:

340	(A) Each Justice of the Supreme Court	<u>100 percent.</u>
341	(B) Each Judge of the Court of Appeals	<u>99 percent.</u>
342	(C) Judge of the Georgia State-wide Business Court	<u>95 percent.</u>
343	(D) Each superior court judge	<u>90 percent."</u>

344 SECTION 5.

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

347 "1-3-12.

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

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

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

officials, and employees. Any salary or compensation change for judges that otherwise would have gone into effect between July 1, 2024, and June 30, 2025, by operation of a local law or local ordinance or resolution if such suspension did not occur shall go into effect for calculations of prospective salary or other compensation accrued on or after July 1, 2025. The termination of the suspension provided for in this subsection 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 by any county, municipality, consolidated, or other local government.

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

(2) Nothing in this Code section shall operate to prevent a county, municipality, consolidated, or other local government from enacting any salary or compensation changes for any state, county, or local officer, official, or employee that may otherwise be authorized by general or local law."

SECTION 6.

This Act shall become effective on July 1, 2024.

SECTION 7.

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