



Preparing for HB 85 (2025)

Considerations For (and Beyond) County Compensation
of Superior Court Judges

July 30, 2025

Presenters

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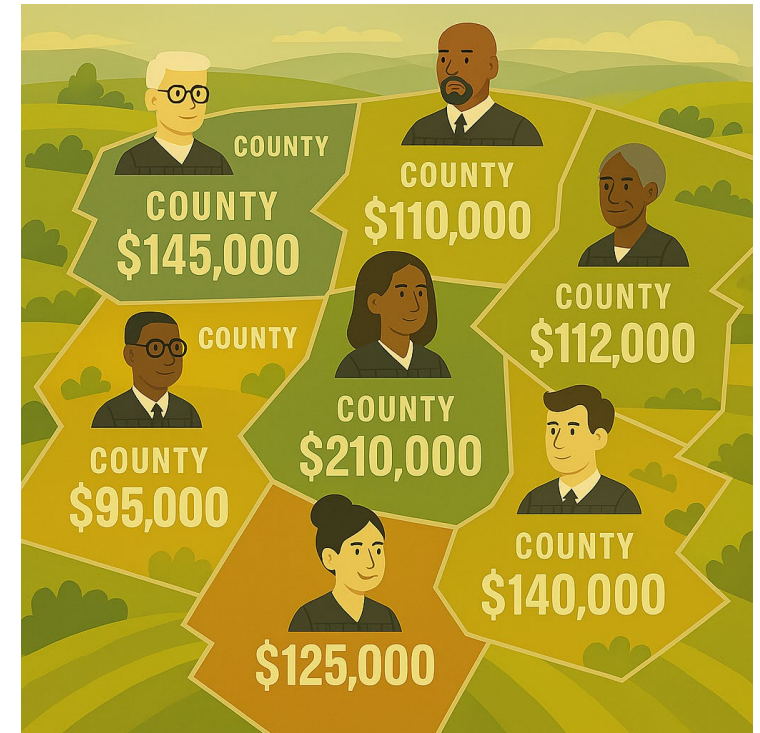
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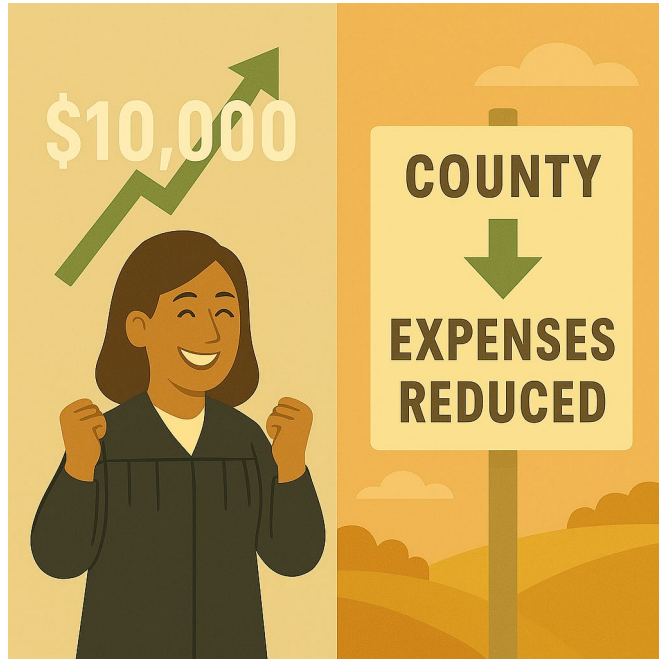
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Landscape Prior to HB 85 (2025)

- Uniform state-paid salary for superior court judges based on a fixed statutory amount plus COLAs.
- Diverse county-paid salary supplements based on local Acts of the General Assembly.
- In some circuits, state pay comprised a large percentage of a superior court judge's pay.
- Large salary supplements in some counties created a statewide pay disparity among judges.



Overview of HB 85 (2025)



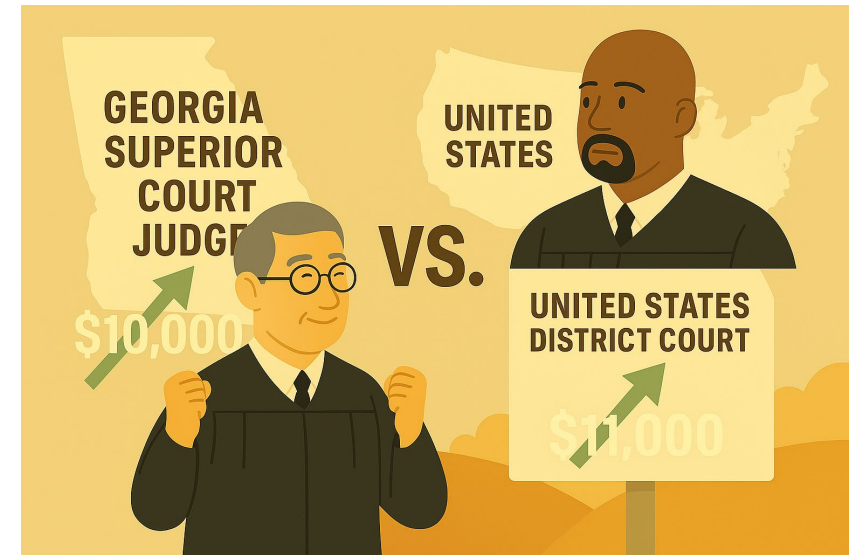
- What was the impetus for HB 85?
- Who does HB 85 benefit?
 - Superior Court Judges: We expect that most superior court judges will receive an increase in their annual salary.
 - Counties: We expect the bulk of the pay increases and a larger portion of the salaries to come from state funds, rather than county funds.
 - Public officers and employees with salaries tied to the pay of superior court judges.

Effects on the Counties

- What problems could HB 85 cause for counties?
- Counties will need to research and review the compensation it pays to all local officers and employees to determine whether that pay is linked to the compensation of superior court judges—directly or indirectly.
- Myriad ways of how counties treat local salaries and local salary supplements.
- Too many nuances county by county for us to provide targeted answers.
- What steps might be considered to reduce the fiscal impacts of HB 85's increase in compensation for superior court judges?

State-Paid Salary to Superior Court Judges

- As of July 1, 2025, the state-paid salaries of superior court judges are set by the General Assembly through the appropriations process, rather than by using a fixed number codified in state law.
- The legislation established a statutory maximum state salary equal to 90% of the federal salary paid to judges of the U.S. District Court for the Northern District of Georgia.
- The state's 2026 Fiscal Year General Appropriations Act - HB 68 (2025) - established the following state-paid salaries for superior court judges:
 - Effective 07/01/2025: \$144,790
 - Effective 01/01/2026: \$201,060



County Supplements for Superior Court Judges

- The General Assembly, by local Act, may not enact new county salary supplements.
- Judges who take office *after* July 1, 2025, are ineligible to receive county salary supplement authorized or required by local Acts.
- Judges in office on July 1, 2025, who:
 - Elect to join the new state salary structure will generally become ineligible for county salary supplements provided by local Acts; and
 - Do not elect to join the new state salary structure will continue to receive existing county salary supplements.
- Exceptions to the rule:
 - Existing county salary supplements for the chief judges remain effective.
 - Make-whole provision: County supplementation is required by HB 85 to prevent judges from opting-in and losing pay.

Locality Pay for Superior Court Judges

- May be granted at the discretion and by official action of the county governing authority.
- Locality pay is only payable to:
 - 1) Those superior court judges who take office after July 1, 2025; and
 - 2) Those superior court judges who were in office on July 1, 2025, and made election to join the new salary structure.
- A county offering locality pay must provide locality pay equally to each judge in the circuit.

Locality Pay (continued)

- May not exceed the lesser of \$20,106, or 10% of the salary paid by state funds to the superior court judges.
- If the state-paid salary for superior court judges increases above \$201,060, then the maximum locality pay will automatically be reduced.
- Locality pay maximum applies collectively among all counties within a judicial circuit.
- Counties will need to track to ensure locality pay is correctly reduced if/when future state increases are awarded.

Irrevocable Election



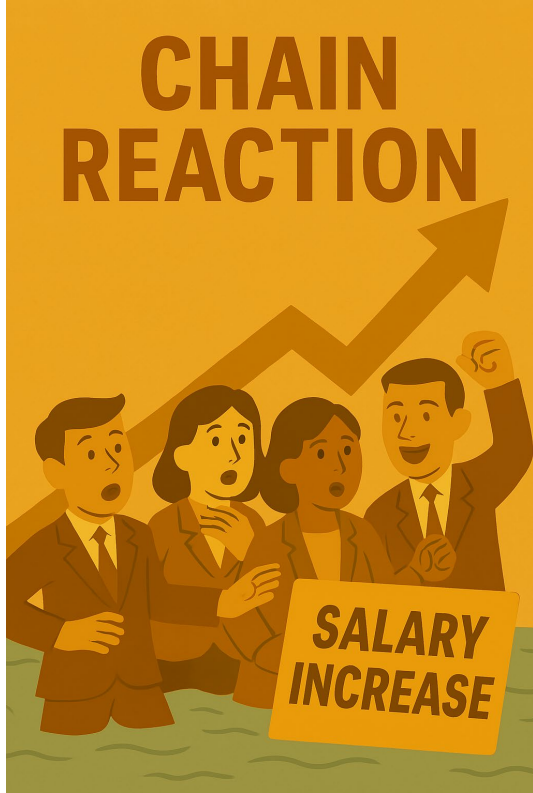
- The irrevocable decision to opt-in can be made at any time while a superior court judge who was serving as of July 1, 2025, remains in office.
- Judges who do not opt-in will “continue to be compensated in precisely the same manner as he or she was compensated as of June 30, 2025.” See O.C.G.A. § 15-6-29(b)(2).
- Make-Whole Provision: Counties within a judicial circuit must pay the difference between the judge’s new state salary plus any locality pay (in proportionate shares among the counties) so that the judge receives at least as much pay as that judge would have been paid if he or she had not made the election.

Fringe Benefits and Retirement Pay

- Counties are authorized to offer “fringe benefits” (an undefined term) to superior court judges, regardless of whether they have opted into the new salary structure.
- To the extent otherwise permitted by law, each county within a judicial circuit is authorized, but not required, to provide retirement benefits based on the locality pay.
- The provisions of HB 85 shall not “alter, amend, contract, expand, extend, limit, modify, or terminate retirement benefits or rights thereto in existence prior to July 1, 2025.”
- Superior court judges who have opted-in “shall have no right to any benefit existing at the time such option is exercised reduced.”



Indirect Effects on Counties



- Many local Acts, ordinances, and resolutions mathematically base or tie the salaries of various local officials to the salary owed to superior court judges.
- Local Acts, ordinances, and resolutions which tie compensation of any person to the compensation of superior court judges, are “suspended”.
- The General Assembly, a county, municipality, consolidated government, or other political subdivision may, *if otherwise authorized by general or local law*, take action to lift the suspension.

A One-Year Freeze for Judges

- One-Year freeze for local judges whose compensation is tied to superior court judges' compensation.
- The suspension/freeze is automatically lifted on July 1, 2026, for all local judges other than superior court judges, such as state, magistrate, probate, and juvenile court judges.
- The one-year freeze allows a single legislative session for counties to engage with their local delegation of the General Assembly to de-couple or otherwise modify existing local Acts regarding such other judges.
- No retroactive compensation.

The Deep and Indefinite Freeze

- As to any other local officials for which a local Act, ordinance, or resolution ties their compensation to that of superior court judges, the suspension will continue indefinitely until the General Assembly modifies the relevant local Act that sets compensation for such positions or, if allowed by law, the county governing authority takes affirmative action on the matter.



General Recommendations

- Time is of the essence, and it may take a substantial amount of time to research and determine the extent to which the salaries of local officials are tied to superior court judges.
- Some automatic associations may create a chain reaction across many positions.
- Given the specific nature of local Acts and the financial impact on local governments, we strongly encourage county officials—together with county attorneys—to review and gauge how HB 85 impacts your county.
- Priority consideration should be given to reviewing other judges' compensation as that suspension will be automatically lifted on July 1, 2026.
- Determine whether local legislation is needed for the 2026 Session of the General Assembly to address such impacts.

Any Questions?

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