



Preparing for HB 85 (2025)

Considerations For and Beyond County Compensation of Superior Court Judges

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Overview of HB 85 (2025)

The provisions of HB 85 (2025) substantially revised the state and local salary structure for superior court judges and may have significant direct and indirect effects on county budgets.

In short, nearly all superior court judges will receive an increase in their annual salary to be paid primarily from state funds. Those superior court judges who take office after July 1, 2025, will be limited to receiving a new form of locality pay, which is at the discretion of the county governing authority, rather than county salary supplements; however, superior court judges in office as of July 1, 2025, will have an option for how they will be paid at the local level.

The net impact of the legislation on counties is that over time the counties should be able to reduce their share of superior court judge compensation. During the transition, there may be two or more compensation structures for superior court judges. Additionally, the county will need to research and review the compensation it pays to all other judges, officials, and employees to determine whether that pay is tied to the compensation of superior court judges and what steps might be considered to reduce the fiscal impacts of HB 85's increase in compensation for superior court judges.

As you review this handout, please be aware that many questions that you may have are not addressed directly in HB 85 (2025) and will require careful analysis by county officials and county attorneys.

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 of the 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 and whether local legislation is needed for the 2026 Session of the General Assembly to address such impacts. Priority consideration should be given to reviewing other judges' compensation as that suspension will be automatically lifted on July 1, 2026.

State-paid Salary to Superior Court Judges

Due to the passage of HB 85 (2025), beginning July 1, 2025, the state-paid salaries of superior court judges will be set by the General Assembly through the appropriations process, rather than by using a fixed number codified in state law. Specifically, the legislation established a maximum state salary for superior court judges equal to 90% of the federal salary payable to judges of the United States 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-paid Salary Supplement for Superior Court Judges

Supplements owed pursuant to local Acts of the General Assembly:

- Superior court judges who take office on or after July 1, 2025, are ineligible to receive any county salary supplement authorized or otherwise required by local Acts of the General Assembly.
- Superior court judges who were in office on July 1, 2025, and opt into the new state salary structure will become ineligible for county salary supplements except those applicable to chief judges or certain supplements required by HB 85 to ensure the judges do not earn less than they were entitled to as of June 30, 2025.
- Superior court judges who were in office on July 1, 2025, and do not opt into the new state salary structure will continue to receive existing county salary supplements.
- The General Assembly, by local Act, may not enact new county salary supplements.
- Any local Act in effect on June 30, 2025, which provides an additional county supplement for a chief judge, remains in effect and that supplement must continue to be paid to that chief judge. As of July 1, 2025, no new chief judge supplement may be enacted or increased by local Act of the General Assembly.¹

Locality Pay:

- As a replacement for county salary supplements to superior court judges as previously authorized or required by local Acts of the General Assembly, HB 85 introduced the concept of locality pay which 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 make an irrevocable election to opt-in to the new salary structure.

¹ O.C.G.A. § 15-6-29.2(e)(1)

- Locality pay may not exceed the lesser of 10% of the salary paid by state funds to the superior court judge (which will be equal to \$20,106 as of January 1, 2026, for new judges and those who opt-in to the new salary structure) or \$20,106.²
- If in the future the state salary for superior court judges increases above \$201,060, then the maximum locality pay will automatically be reduced in order to gradually decrease the amount and proportion of pay that is funded by counties.³
- The locality pay maximum applies collectively across all counties in the judicial circuit.
- Each county offering locality pay shall provide equal locality pay to each superior court judge.

One-time “Opt-in” for Current Superior Court Judges:

- The decision to opt-in to the new state salary structure can be made at any time while a superior court judge who was serving as of July 1, 2025, remains in office. A judge’s decision to opt-in cannot be changed in the future and is considered irrevocable.
- 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.”⁴
- Even if a judge makes the election to opt-in and begins to receive a greater share of his or her pay from state funds, he/she may be entitled to additional compensation from counties if the judge does not receive, in total, at least what he/she would have received if he/she had not made the election.
- The counties in a judicial circuit must pay any difference between the judge’s new state salary plus any locality pay (in equal 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 the judges have opted into the new salary structure.⁵
- 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 granted to a superior court judge.
- The provisions of HB 85 do not “alter, amend, contract, expand, extend, limit, modify, or terminate retirement benefits or rights thereto in existence prior to July 1, 2025” and the superior court judges who opt-in “shall have no right to any benefit existing at the time such option is exercised reduced.”⁶

² O.C.G.A. § 15-6-29.2(b)

³ O.C.G.A. § 15-6-29.2(b)

⁴ O.C.G.A. § 15-6-29(b)(2)

⁵ O.C.G.A. § 15-6-29.2(f)

⁶ O.C.G.A. § 15-6-29.2(g)

Effects on Other Local Officers and Employees

- While the focus of HB 85 is increased compensation for superior court judges, the legislation is expected to have indirect effects on the compensation of many other local officials throughout the state because many local Acts, ordinances, and resolutions mathematically base or tie the salaries of various local officials to the salary owed to superior court judges.
- Beginning July 1, 2025, the provisions of any local Act of the General Assembly, ordinance, or resolution, which tie compensation of any person to the compensation of superior court judges, are “suspended” – meaning that the potential impacts from higher total superior court judge pay as a result of HB 85 will not trickle down to that “tied” positions.
- HB 85 does not prevent the General Assembly, a county, municipality, consolidated government, or other political subdivision from, at any time, enacting any salary, supplement, or other compensation change for any state, county, or local officer, official, or employee *if otherwise authorized by general or local law*, and any such change shall become effective in the time and manner stated in such lawful enactment, without regard to the suspension provided for in HB 85.⁷
- In no event shall the lifting of a freeze result in any retroactive compensation, which means that, once the freeze is lifted for other judges and if the freeze is ever lifted for other local county officials, no county is allowed to pay any salary increase for the time period prior to the lifting of the freeze.⁸

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 (state, magistrate, probate, and juvenile court judges). At that time, local Acts, ordinances, and resolutions that automatically tie such judges’ compensation to superior court judge compensation will again become effective.⁹
- This one-year suspension allows a single legislative session for counties to engage with their local delegation of the General Assembly in an attempt to de-couple or otherwise modify any automatic mathematical association between the compensation of superior court judges and their other local judges.

Indefinite suspension for all other positions whose compensation is tied to Superior Court Judges’ compensation:

- 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.¹⁰

⁷ O.C.G.A. § 1-3-12(c)(2)

⁸ O.C.G.A. § 1-3-12(b)(3)

⁹ O.C.G.A. § 1-3-12(b)(1)

¹⁰ O.C.G.A. § 1-3-12(b)(2)