

The House Committee on Appropriations offers the following substitute to HB 279:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15, Article 2 of Chapter 12 of Title 17, and Code Section 45-7-4 of the
2 Official Code of Georgia Annotated, relating to courts, public defenders, and annual salaries
3 of certain state officials, respectively, so as to change provisions relating to the compensation
4 of superior court judges, district attorneys, circuit public defenders, Supreme Court Justices,
5 and Court of Appeals Judges; to provide for state salary supplements for superior court
6 judges, district attorneys, and circuit public defenders under certain circumstances; to provide
7 for state salary supplements for superior court judges of drug court, mental health court, and
8 veteran court divisions; to change provisions relating to county salary supplements for
9 superior court judges, district attorneys, and circuit public defenders; to repeal provisions
10 relating to the annual salaries of Supreme Court Justices and Court of Appeals Judges; to
11 enact provisions relating to the annual salaries of Supreme Court Justices and Court of
12 Appeals Judges; to provide for a contingent effective date and effective date; to provide for
13 related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
17 Code Section 15-6-29, relating to the salary of superior court judges, as follows:

18 "15-6-29.

19 (a) The annual salary of the judges of the superior courts shall be as provided in Code
20 ~~Section~~ Sections 45-7-4 and 15-6-29.1 and may be as provided in Code Section 15-6-29.2.
21 The annual salary provided by Code Section 45-7-4 shall be paid by The Council of
22 Superior Court Judges of Georgia in 12 equal monthly installments.

23 (b) The annual salary ~~so fixed~~ shall be the total compensation to be paid by the state to the
24 superior court judges and shall be in lieu of any and all other amounts to be paid from The
25 Council of Superior Court Judges of Georgia, except as provided in Code Sections
26 15-6-29.1, 15-6-30, and 15-6-32.

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27 (c) When a new superior court judgeship is created by law for any judicial circuit, the new
 28 superior court judge shall upon taking office become entitled to and shall receive from the
 29 county or counties comprising the circuit the same county salary supplement, if any, then
 30 in effect for the other judge or judges of the judicial circuit. If the county salary
 31 supplement paid by the county or counties comprising the circuit varies between judges in
 32 the circuit, any newly appointed or elected superior court judge shall receive the lowest
 33 county supplement in effect on the day his or her initial term begins. Such county salary
 34 supplement supplements for such new judge shall be authorized by this subsection and no
 35 other legislation or local legislation shall be required in order to authorize such salary
 36 supplement, but nothing in this Code section shall be construed to prohibit the enactment
 37 of local legislation relating to such salary supplements. A publication of notice of intention
 38 to introduce local legislation as provided for in Code Section 28-1-14 shall be required for
 39 any local legislation granting, changing the amount of, or removing a salary supplement;
 40 but no publication of notice of intention shall be required for a bill creating one or more
 41 new superior court judgeships."

42 SECTION 2.

43 Said title is further amended by adding a new Code section to read as follows:

44 "15-6-29.1.

45 (a) As used in this Code section, the term 'county salary supplement' means the total
 46 supplement being paid to a superior court judge from all of the counties in such judge's
 47 circuit.

48 (b) Notwithstanding Code Section 15-6-27, if on February 15, 2015, a superior court
 49 judge's county salary supplement was less than \$30,000.00, then on and after January 1,
 50 2016, the state shall pay to such judge an annual state salary supplement in an amount
 51 equal to the difference between the amount of such judge's county salary supplement and
 52 \$30,000.00. Such state salary supplement shall be paid from state funds by The Council
 53 of Superior Court Judges of Georgia in equal monthly installments as regular
 54 compensation. The Council of Superior Court Judges of Georgia shall collect data relative
 55 to county salary supplements in order to determine the state salary supplement that shall
 56 be paid to each superior court judge.

57 (c) Whatever county supplement is being paid to a superior court judge on February 15,
 58 2015, if such supplement is:

59 (1) Thirty thousand dollars or more, it shall not be reduced in the future to an amount
 60 less than \$30,000.00; and

61 (2) Less than \$30,000.00, it shall not be reduced in the future to an amount less than it
 62 was on February 15, 2015.

63 (d) When a local law provides for a salary to be paid based on a percentage of, total
 64 compensation for, or similar mathematical relationship to a superior court judge's salary,
 65 the state salary supplement paid pursuant to this Code section shall not be included in the
 66 calculation of compensation to be paid by a county, municipality, or consolidated
 67 government."

68 SECTION 3.

69 Said title is further amended by adding a new Code section to read as follows:

70 "15-6-29.2.

71 (a) As used in this Code section, the term 'accountability court' means a drug court
 72 division, mental health court division, or veterans court division.

73 (b) On and after January 1, 2016, the state shall pay each judge regularly presiding in an
 74 accountability court an annual state supplement of \$6,000.00. Such supplement shall be
 75 paid from state funds by The Council of Superior Court Judges of Georgia in equal
 76 monthly installments as regular compensation. The Administrative Office of the Courts
 77 shall certify to the council the time period for which a judge is serving as the presiding
 78 judge of an accountability court.

79 (c) When a local law provides for a salary to be paid based on a percentage of, total
 80 compensation for, or similar mathematical relationship to a superior court judge's salary,
 81 the state salary supplement paid pursuant to this Code section shall not be included in the
 82 calculation of compensation to be paid by a county, municipality, or consolidated
 83 government."

84 SECTION 4.

85 Said title is further amended by revising Code Section 15-18-10, relating to compensation
 86 of district attorneys, as follows:

87 "15-18-10.

88 (a) Each district attorney shall receive an annual salary from state funds as prescribed by
 89 law. Such salary shall be paid as provided in Code ~~Section~~ Sections 15-18-19 and
 90 15-18-10.1.

91 (b) The county or counties comprising the judicial circuit may supplement the salary of
 92 the district attorney in such amount as is or may be authorized by local Act or in such
 93 amount as may be determined by the governing authority of such county or counties,
 94 whichever is greater.

95 ~~(c) All fees, fines, forfeitures, costs, and commissions formerly allowed district attorneys~~
 96 ~~for their services as district attorney or as solicitor of any other court shall become the~~
 97 ~~property of the county in which the services of the district attorney were rendered. The~~

98 clerk of court shall collect any such fees, fines, forfeitures, costs, and emoluments and
 99 remit the same to the county treasury by the fifteenth day of each month.
 100 (d) No district attorney receiving an annual salary under this Code section shall engage in
 101 the private practice of law."

102 SECTION 5.

103 Said title is further amended by adding a new Code section to read as follows:

104 "15-18-10.1.

105 (a) As used in this Code section, the term 'county salary supplement' means the total
 106 supplement being paid to a district attorney from all of the counties in such district
 107 attorney's circuit.

108 (b) Notwithstanding Code Section 15-18-19, if on February 15, 2015, a district attorney's
 109 county salary supplement was less than \$15,000.00, then on and after January 1, 2016, the
 110 state shall pay to such district attorney an annual state salary supplement in an amount
 111 equal to the difference between the amount of such district attorney's county salary
 112 supplement and \$15,000.00. Such state salary supplement shall be paid from state funds
 113 by the Prosecuting Attorneys' Council of the State of Georgia in equal monthly installments
 114 as regular compensation. The Prosecuting Attorneys' Council of the State of Georgia shall
 115 collect data relative to county salary supplements in order to determine the state salary
 116 supplement that shall be paid to each district attorney.

117 (c) Whatever county supplement is being paid to a district attorney on February 15, 2015,
 118 if such supplement is:

119 (1) Fifteen thousand dollars or more, it shall not be reduced in the future to an amount
 120 less than \$15,000.00; and

121 (2) Less than \$15,000.00, it shall not be reduced in the future to an amount less than it
 122 was on February 15, 2015.

123 (d) Notwithstanding Code Sections 15-18-14 and 15-18-14.2, the state salary supplement
 124 paid pursuant to this Code section shall not be included in any calculation of compensation
 125 paid to assistant district attorneys or victim assistance coordinators that is measured as a
 126 percentage of a district attorney's salary.

127 (e) When a local law provides for a salary to be paid based on a percentage of, total
 128 compensation for, or similar mathematical relationship to a district attorney's salary, the
 129 state salary supplement paid pursuant to this Code section shall not be included in the
 130 calculation of compensation to be paid by a county, municipality, or consolidated
 131 government."

132 **SECTION 6.**

133 Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to
134 public defenders, is amended by revising subsection (a) of Code Section 17-12-25, relating
135 to the salary of the public defender, as follows:

136 "(a) Each circuit public defender shall receive an annual salary of \$87,593.58, and
137 cost-of-living adjustments may be given by the General Assembly in the General
138 Appropriations Act by a percentage not to exceed the average percentage of the general
139 increase in salary as may from time to time be granted to employees of the executive,
140 judicial, and legislative branches of government; provided, however, that any increase for
141 such circuit public defender shall not include within-grade step increases for which
142 classified employees as defined by Code Section 45-20-2 are eligible. Any increase
143 granted pursuant to this subsection shall become effective at the same time that funds are
144 made available for the increase for such employees. The Office of Planning and Budget
145 shall calculate the average percentage increase. Each circuit public defender may also be
146 entitled to a state salary supplement as set forth in Code Section 17-12-25.1."

147 **SECTION 7.**

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

149 "17-12-25.1.

150 (a) As used in this Code section, the term 'county salary supplement' means the total
151 supplement being paid to a circuit public defender from all of the counties in such circuit
152 public defender's circuit.

153 (b) Notwithstanding Code Section 15-18-19, if on February 15, 2015, a circuit public
154 defender's county salary supplement was less than \$15,000.00, then on and after January 1,
155 2016, the state shall pay to such circuit public defender an annual state salary supplement
156 in an amount equal to the difference between the amount of such circuit public defender's
157 county salary supplement and \$15,000.00. Such state salary supplement shall be paid from
158 state funds by the Georgia Public Defender Standards Council in equal monthly
159 installments as regular compensation. The Georgia Public Defender Standards Council
160 shall collect data relative to county salary supplements in order to determine the state salary
161 supplement that shall be paid to each circuit public defender.

162 (c) Whatever county supplement is being paid to a circuit public defender on February 15,
163 2015, if such supplement is:

164 (1) Fifteen thousand dollars or more, it shall not be reduced in the future to an amount
165 less than \$15,000.00; and

166 (2) Less than \$15,000.00, it shall not be reduced in the future to an amount less than it
167 was on February 15, 2015.

168 (d) Notwithstanding Code Sections 17-12-27 and 17-12-28, the state salary supplement
 169 paid pursuant to this Code section shall not be included in any calculation of compensation
 170 paid to assistant public defenders or investigators that is measured as a percentage of a
 171 district attorney's salary."

SECTION 8.

172 Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries
 173 of certain state officials and cost-of-living adjustments, is amended by repealing in their
 174 entirety paragraphs (18) and (19) of subsection (a) and enacting new paragraphs (18) and
 175 (19) to read as follows:
 176

177 "(18) Each Justice of the Supreme Court 179,210.00
 178 (19) Each Judge of the Court of Appeals 178,186.00"

SECTION 9.

- 179 (a) This Act shall become effective only if funds are appropriated for purposes of this Act
 180 in an appropriations Act enacted at the 2015 regular session of the General Assembly.
 181 (b) If funds are so appropriated, then this Act shall become effective on January 1, 2016.
 182 (c) If funds are not so appropriated, then this Act shall not become effective and shall
 183 stand repealed on July 1, 2015.
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SECTION 10.

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