

**STATE OF TENNESSEE**

OFFICE OF THE  
ATTORNEY GENERAL  
PO BOX 20207  
NASHVILLE, TENNESSEE 37202

August 7, 2001

Opinion No. 1-122

Salary of Overton County General Sessions Judge

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**QUESTION**

According to the 1990 census, Overton County was a county of the sixth class for the purposes of calculating its general sessions judge's salary. According to the 2000 census, Overton County is now a county of the fifth class for the purposes of calculating its general sessions judge's salary. How should the new salary for the general sessions judge be calculated?

**OPINION**

The new salary is the base salary for a judge in a county of the fifth class, plus cost-of-living increases to the base under Tenn. Code Ann. § 16-15-5003(f). To this sum should be added the increase the judge actually received on September 1, 1998, and applicable jurisdictional supplements for a judge in a county of the fifth class. To this sum should be added cost-of-living increases under Tenn. Code Ann. § 16-15-5003(i)(3).

**ANALYSIS**

You have asked how the salary for the Overton County General Sessions Judge should be calculated. Research indicates that, under the 1990 census, Overton County was a county of the sixth class under Tenn. Code Ann. § 16-15-5001 for purposes of calculating its general sessions judge's salary. As a result of the 2000 census, Overton County is now a county of the fifth class. Based on the material included with the request, we assume the Overton County General Sessions Judge was re-elected to that office in 1998. We have found no private act entitling the Overton County General Sessions Judge to any salary supplements, nor does the request specify what additional types of jurisdiction that judge exercises.

We think the new salary should be calculated as follows under Tenn. Code Ann. § 16-15-5003. The new base salary should be \$26,000 — the base salary for a judge in a county of the fifth class — plus cost-of-living adjustments required for that base from July 1, 1990 to July 1, 1998. To this figure should be added the increase the judge *actually received* under Tenn. Code Ann. § 16-15-5003(i)(1) effective September 1, 1998. To this figure should be added applicable jurisdictional supplements for a judge in a county of the fifth class. To this figure should be added cost-of-living adjustments required for the total on

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July 1, 1999 and July 1, 2000. *See* Op. Tenn. Atty. Gen. 01-107 (June 29, 2001); Op. Tenn. Atty. Gen. 01-024 (February 15, 2001).

The request includes materials regarding the correct interpretation of Tenn. Code Ann. § 16-15-5003 as applied to calculating the salary of a judge in a county of the sixth class that has been reclassified as a county of the fifth class. Issues raised in that material are discussed in further detail in Op. Tenn. Atty. Gen. 01-108 (June 29, 2001), a copy of which is attached.

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PAUL G. SUMMERS  
Attorney General and Reporter

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MICHAEL E. MOORE  
Solicitor General

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ANN LOUISE VIX  
Senior Counsel

Requested by:

Honorable Lincoln Davis  
State Senator  
Suite 6-A Legislative Plaza  
Nashville, TN 37243-0212