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Opinion No. 00-165

1998 Base Salary of Lake County General Sessions Judge

QUESTION

Under Tenn. Code Ann. § 16-15-5003(i)(1), the annual salary for a general sessions court judge must be increased “over the annual compensation and supplements and annual adjustments which each judge actually received as of August 31, 1998” by the formula set forth in the statute. How should the base salary and applicable supplements on September 1, 1998 be determined for the General Sessions Judge of Lake County?

OPINION

By its terms, the base amount is the annual compensation (with supplements and annual adjustments) the judge *actually received* as of August 31, 1998. Under applicable private and public acts, the base salary is the higher of \$36,730, the salary payable to a general county officer in a county of the sixth class under Tenn. Code Ann. § 8-24-102; or the sum of \$20,000 plus required cost-of-living adjustments under Tenn. Code Ann. § 16-15-5003(f), plus a \$7,500 supplement for juvenile jurisdiction.

ANALYSIS

This opinion concerns the salary for the General Sessions Judge of Lake County effective September 1, 1998. Based on our review of the applicable statutes, we assume this question refers to the salary adjustments made under Tenn. Code Ann. § 16-15-5003(i). That statute provides:

- (1) Effective September 1, 1998, the annual salary for a general sessions court judge shall be increased over the annual compensation and supplements and annual adjustments which each judge *actually received* as of August 31, 1998, by the lesser of :
- (A) Ten thousand dollars (\$10,000); or
 - (B) Twenty percent (20%) of such annual compensation and supplements and annual adjustments as of August 31, 1998.

(Emphasis added). The resulting salary is subject to annual cost-of-living increases on each succeeding July 1. Tenn. Code Ann. § 16-15-5003(i)(3).

Thus, by its terms, the base salary is the amount that the Lake County General Sessions Judge *actually received* as of August 31, 1998. It is not clear whether the county is unable to calculate this amount. If the county cannot in fact determine what the total amount of salary and supplements the Lake County General Sessions Judge *actually received* as of August 31, 1998, then it appears the county should use the salary and supplements *payable* to the judge under the applicable statutes.

Lake County was in the seventh class of counties under the 1990 census. Under Tenn. Code Ann. § 16-15-5003(a)(7), the annual base salary for general sessions judges in counties of the seventh class effective September 1, 1990, was \$20,000. A judge in a Class 7 county with juvenile jurisdiction was entitled to an annual supplement of \$7,500.¹ Tenn. Code Ann. § 16-15-5003(d)(1)(A). We have found no private act that gives the Lake County General Sessions Judge any of the other types of jurisdiction listed in Tenn. Code Ann. § 16-15-5003(d). Between 1991 and 1998, the \$20,000 base salary was subject to annual cost-of-living increases as described in Tenn. Code Ann. § 16-15-5003(f). As calculated under Tenn. Code Ann. § 16-15-5003, the Lake County General Sessions Judge's salary would be the sum of the \$20,000 base salary, annual cost of living adjustments to that base salary, and the \$7,500 juvenile jurisdiction supplement.

But Tenn. Code Ann. § 16-15-5003(g) provides:

The compensation, supplement and annual adjustment provisions of this section are to be construed as minimum levels. Nothing in this part shall be construed as prohibiting a county, by private act, from compensating its general sessions judge or judges at levels in excess of what is required by this part. *Any private or public act in effect on September 1, 1990, that provides greater compensation for a general sessions judge than is required by this section shall, to the extent of the judge's amount of compensation, prevail over the provisions of this part, and the base salary of such judge shall be the salary paid to the holder of that office on August 31, 1990, pursuant to such public or private act plus a percentage increase thereto equivalent to the same percentage increase herein given by subsection (a) to a judge of a Class 6 county.* Nothing in this part shall prevent a county from establishing and funding the position of a part-time general sessions judge in a county with a full-time general sessions judge.

Tenn. Code Ann. § 16-15-5003(g)(emphasis added). 1987 Tenn. Priv. Acts Ch. 49 establishes a different method for determining the salary of the Lake County General Sessions Judge. Section 1 of that act states:

(a) Effective September 1, 1990, the compensation of the general sessions court judge of Lake County shall either be the amount established by Tennessee Code

¹ 1995 Tenn. Priv. Acts Ch. 105 would have created a separate juvenile court in Lake County. Apparently, however, this act was never locally adopted and therefore never became effective.

Annotated, Section 16-15-205 for general sessions judges of counties in the same class as Lake County or the amount established in Tennessee Code Annotated, 8-24-102, for clerks and county officers of counties in the same class as Lake County, whichever amount is higher.

(b) Effective September 1, 1990, the position of general sessions judge of Lake County shall be a full-time position.

1987 Tenn. Priv. Acts Ch. 49, § 1. Although the private act refers to Tenn. Code Ann. § 16-15-205, Tenn. Code Ann. § 16-15-5003, enacted as part of 1988 Tenn. Pub. Acts Ch. 698, sets the base salaries for general sessions judges effective September 1, 1990. We think a court would conclude that the private act and the 1988 act should be read together so that the compensation for the Lake County General Sessions Judge, beginning September 1, 1990, was the higher of the salary for a general sessions judge calculated under Tenn. Code Ann. § 16-15-5003 or the salary payable to general county officers under Tenn. Code Ann. § 8-24-102. Thus, we think the private act contemplates that the salary under each statutory scheme — Tenn. Code Ann. § 16-15-5003, and Tenn. Code Ann. § 8-24-102 — will be calculated each year, and that the judge will be entitled to the higher of the two.

Under Tenn. Code Ann. § 8-24-101(6), Lake County is in the sixth class. Notes to Tenn. Code Ann. § 8-24-102 reflect that, effective July 1, 1998, general county officers in counties of the sixth class were entitled to a maximum salary of \$36,730. The base salary for the Lake County General Sessions Judge as of September 1, 1998 is therefore \$36,730 or the salary as calculated above under Tenn. Code Ann. § 16-15-5003, whichever is higher.

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