



January 22, 2023

SUMMARY OF BILL: Increases the rate of per diem for certain members of a county public records commission (Commission), from \$25 to up to \$150, for each day of actual meeting.

FISCAL IMPACT:

Increase Local Expenditures – \$6,000/FY23-24 and Subsequent Years/Permissive

Assumptions:

- Pursuant to Tenn. Code Ann. § 10-7-401, the county legislative body shall create within the county a Commission composed of at least six members:
 - One member of the county legislative body;
 - One judge of a court of record or the judge's designee;
 - One genealogist; and
 - Ex officio members: the county clerk, or the county clerk's designee; the county register, or the county register's designee; the county historian; the county archivist; and the county's technology or information technology department's director or director's designee, if designated by the county legislative body.
- Tennessee Code Annotated § 10-7-402 requires the Commission to meet at least twice annually and prohibits members of the Commission from receiving compensation, except that any member who does not receive a fixed annual salary from the state or the county may be paid a per diem of \$25 for each day of actual meeting.
- The proposed legislation increases the rate of per diem to up to \$150 for each day of actual meeting and will result in a permissive increase in local expenditures for any county that elects to increase the rate of per diem above the current rate of \$25.
- Based on the Commission's composition requirements detailed in Tenn. Code Ann. § 10-7-401, it is assumed that only one member of each Commission would not receive a fixed annual salary from the state or the county and thus be eligible to receive the increased per diem rate.
- While each county is required by statute to establish a Commission, in practice these Commissions have varying levels of activity. Due to this variance, it is assumed that 25 percent, or 24 counties (25% x 95 counties), will have a Commission member who is not a state or county employee and is thus entitled to the increased rate of per diem.
- Assuming a county increases the rate of per diem from \$25 to \$150 per day of meeting, the permissive increase to local expenditures is \$6,000 $\{[(\$150 - \$25) \times 2 \text{ meetings} \times 1 \text{ Commission member}] \times 24 \text{ counties}\}$ in FY23-24 and subsequent years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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