

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 31

January 13, 2017

SUMMARY OF BILL: Removes the limitation on the number of delegates and alternate delegates that may be appointed by the General Assembly to a constitutional convention. Requires appointed delegates and alternate delegates be equally representative of the three grand divisions of the state.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – Any variation in the total number of delegates will result in a proportionate variation in expenditures. Each change in the number of delegates will equal an increase or decrease in expenditures exceeding \$300 per delegate. The timing for any such impacts is unknown and would be dependent upon when any constitutional convention is held.

Assumptions:

- Pursuant to Tenn. Code Ann. § 3-18-108 (a)(2), unless established otherwise by the rules and procedures of an Article V convention, it shall be assumed that Tennessee has two delegates and two alternate delegates designated to represent Tennessee.
- Pursuant to Tenn. Code Ann. § 3-18-110 (a), a delegate or an alternate delegate shall not receive compensation, but shall be eligible for reimbursement for expenses and mileage in accordance with the regulations promulgated by the Commissioner of Finance and Administration and approved by the Attorney General and Reporter.
- It is unknown how many delegates and alternate delegates would be appointed to any future constitutional convention under the provisions of this bill. The number could exceed the current limitation, which is four, or be fewer than the current limitation. As a result, the impact to state government could be an increase or decrease in expenditures dependent upon the number of delegates appointed.
- According to information provided by the Department of Finance and Administration (Policy 8 – Comprehensive Travel Regulations), the current reimbursement rate applicable to Tenn. Code Ann. § 3-18-110 (a) is \$0.47 per mile travelled.
- Depending on the sight of the constitutional convention, delegates will receive plane fare or mileage reimbursement. As a baseline, this analysis assumes a minimum expense based on mileage reimbursement.

- The total mileage per round trip per delegate is reasonably estimated to average 300 miles; therefore, the average mileage reimbursement is estimated to be \$141 (\$0.47 x 300 minimum miles) per round trip for each delegate.
- A minimum one night stay in a hotel per delegate at an average rate of \$130 per night.
- The total expense reimbursement for any one delegate or alternate delegate is reasonably estimated to exceed \$271 (\$141 mileage + \$130 hotel).
- Any increase in expenditures resulting from meals and incidentals reimbursement is not included in this analysis.
- Pursuant to Tenn. Code Ann. § 3-18-106 (b), it is a Class E felony offense for any delegate to knowingly or intentionally vote or attempt to vote outside the scope of the instructions established or the limits identified in the joint resolution passed by the legislature necessary for convening a constitutional convention.
- Given the number of constitutional conventions are few, and further given the unlikelihood of a conviction of a delegate, any change to state incarceration costs are assumed to be not significant.

CERTIFICATION:

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



Krista M. Lee, Executive Director

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