



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
**(803)734-3780 • RFA.SC.GOV/IMPACTS**

*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

---

**Bill Number:** S. 1046 Introduced on February 14, 2024  
**Author:** Hembree  
**Subject:** Judicial Merit Selection Commission  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Miller  
**Impact Date:** February 26, 2024

---

### **Fiscal Impact Summary**

This bill modifies the membership of the Judicial Merit Selection Commission (JMSC) to include members appointed by the Senate, the House of Representatives (House), the Commission on Prosecutions Coordination (CPC), the Commission on Indigent Defense (CID), and the South Carolina Supreme Court Chief Justice. This bill also outlines the responsibilities of the JMSC and when a member of the commission must resign.

This bill will have no expenditure impact for CPC, CID, or Judicial as each anticipate being able to manage any increase in expenses for the per diem, subsistence, and mileage for the members appointed to the JMSC within existing appropriations.

Further, this bill will have no expenditure impact for the House or the Senate. Both bodies can manage the expense to provide mileage, subsistence, and per diem for the members of the JMSC appointed by the respective bodies. Additionally, electing judges is within the normal course of business of the General Assembly. Also, recommending magistrates can be managed within existing appropriations by the legislative delegations.

Lastly, this bill specifies that the executive director of the JMSC will establish a professional staff compliment. The staff hired may not be employed in any other capacity with the General Assembly. The bill does not specify how many staff members may be hired or how these FTE's will be funded. Therefore, this bill will have an undetermined expenditure impact.

### **Explanation of Fiscal Impact**

#### **Introduced on February 14, 2024**

#### **State Expenditure**

This bill establishes the membership of the JMSC and terminates the existing membership. The new membership of the JMSC is as follows:

- one member appointed by the president of the Senate and one member appointed by the chairman of the Senate Judiciary Committee;
- one member appointed by the Speaker of the House and one member appointed by the chairman of the House Judiciary Committee;

- one member appointed by CPC upon the recommendation of the sixteen circuit solicitors. The appointee cannot be an active serving solicitor;
- one member appointed by CID upon the recommendation of the sixteen circuit public defenders. The appointee cannot be an active serving public defender;
- one member appointed by the current South Carolina Supreme Court Chief Justice. The appointee must be a former state or federal member of the bench.

All appointees, except for the member appointed by the Chief Justice, must be members of the South Carolina Bar and in good standing.

This bill outlines the terms of office for the members requires a member to resign if a judicial nominee is a family member.

Further, this bill specifies that the executive director of the JMSC will establish a professional staff compliment. The staff hired may not be employed in any other capacity with the General Assembly. The bill does not specify how many staff members may be hired or how these FTE's will be funded. Therefore, this bill will have an undetermined expenditure impact.

This bill will have no expenditure impact for CID or Judicial as each anticipate being able to manage any increase in expenses for the der diem, subsistence, and mileage for the members appointed to the JMSC within existing appropriations. Also, based on a response for similar legislation, we anticipate CPC will be able to manage any increase in expenses for the per diem, subsistence, and mileage for the members appointed to the JMSC within existing appropriations.

Further, this bill requires the House and Senate to appoint members to the JMSC. Additionally, the General Assembly must hold a joint session to elect judges and a candidate must receive a majority vote from each chamber of the General Assembly. Finally, the legislative delegations must make recommendations for an appointment for magistrate to the Governor. This bill will have no expenditure impact for the House or the Senate. Both bodies can manage the expense to provide mileage, subsistence, and per diem for the members of the JMSC appointed by the respective bodies. Additionally, electing judges is within the normal course of business of the General Assembly. Also, recommending magistrates can be managed within existing appropriations by the legislative delegations.

#### **State Revenue**

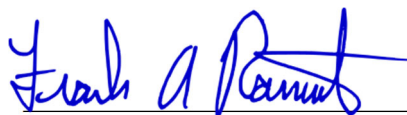
N/A

#### **Local Expenditure**

N/A

#### **Local Revenue**

N/A



Frank A. Rainwater, Executive Director