



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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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:	H. 3614	Introduced on January 11, 2023
Author:	Ott	
Subject:	Rate Payer Protection Act	
Requestor:	House Labor, Commerce, and Industry	
RFA Analyst(s):	Bryant and Gardner	
Impact Date:	January 24, 2023	

Fiscal Impact Summary

This bill prohibits a public utility from taking adverse employment action against an employee who reported wrongdoing by the public utility to the Office of Regulatory Staff (ORS). The bill also provides remedies if a public utility takes adverse action against an employee who reported wrongdoing.

This bill will have no expenditure impact on the ORS since the bill does not alter the duties or responsibilities of the agency.

Judicial indicates that this bill may increase the number of cases in Common Pleas and Summary Courts. Since the bill creates a new cause of action, there is no data with which to estimate the number of filings. However, Judicial intends to use existing General Fund appropriations to manage any modifications in caseloads. Therefore, this bill will have no expenditure impact on Judicial.

The Revenue and Fiscal Affairs Office (RFA) anticipates this bill may result in an undetermined increase in General Fund, Other Funds, and local revenue due to fines and fees collections in court.

Explanation of Fiscal Impact

Introduced on January 11, 2023

State Expenditure

This bill prohibits a public utility from dismissing, suspending from employment, demoting, or decreasing the compensation of an employee of a public utility because the employee files a report of wrongdoing with the ORS. If the ORS determines the employee's report is unfounded, or amounts to a mere technical violation, and is not made in good faith, the public utility may take disciplinary action including termination. Any public utility covered by Chapter 27, Title 8 may also impose disciplinary sanctions, in accordance with its internal disciplinary procedures, against any of its direct line supervisory employees who retaliate against another employee for having filed a good faith report pursuant to the provisions of this bill. Notwithstanding the filing of a report, a public utility may dismiss, suspend, demote, or decrease the compensation of an employee for causes independent of the filing of a protected report.

This bill also provides remedies if a public utility takes adverse employment action against an employee who reported wrongdoing. An employee may institute a nonjury civil action against the employing public utility if the employee is dismissed, suspended from employment, demoted, or receives a decrease in compensation within one year after having timely reported an alleged wrongdoing under this bill. The action must be brought in the court of common pleas of the county in which the employment action occurred. An action may not be brought under the provisions of this bill unless the employee has exhausted all available grievance or other administrative remedies, and any previous proceedings have resulted in a finding that the employee would not have been disciplined but for the reporting of alleged wrongdoing. Further, the bill specifies that an action must be commenced within one year after the accrual of the cause of action or the exhaustion of all available grievance or other administrative and judicial remedies.

Office of Regulatory Staff. The bill requires the ORS to perform activities that will be conducted in the normal course of agency business. As a result, this bill will have no expenditure impact on the agency.

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State Revenue

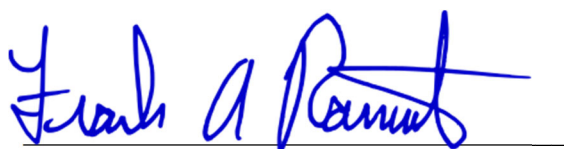
This bill may increase the number of cases in Common Pleas and Summary Courts, which may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined impact to General Fund and Other Funds revenue due to fines and fees collections in court.

Local Expenditure

N/A

Local Revenue

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Frank A. Rainwater, Executive Director