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:	S. 0879 Introduced on January 9, 2024
Author:	Harpootlian
Subject:	Judicial Reform
Requestor:	Senate Judiciary
RFA Analyst(s):	Miller
Impact Date:	January 26, 2024

Fiscal Impact Summary

This bill modifies the membership of the Judicial Merit Selection Commission (JMSC) and requires the JMSC to submit to the General Assembly all qualified candidates. Further, this bill specifies that no relative of a General Assembly member may be elected to a judicial office while the member is serving in the General Assembly.

This bill will have no expenditure impact for the House of Representatives (House), and we anticipate will have no expenditure impact on the Senate as any additional expenses can be managed within existing appropriations. Additionally, this bill will have no expenditure impact for Judicial as it does not fiscally or operationally impact Judicial.

Explanation of Fiscal Impact

Introduced on January 9, 2024
State Expenditure
This bill establishes the membership for the JMSC as follows:

- five members appointed by the Speaker of the House of Representatives
    - two members must be members of the General Assembly who are not licensed to practice law in the state,
    - two members from the general public, and
    - one member from the general public who is licensed to practice law in the state and is recommended by the South Carolina Bar Association;
- two members appointed by the Chairman of the Senate Judiciary Committee;
- two members appointed by the President of the Senate; and
- one member appointed by the Chairman of the Senate Judiciary Committee who is from the general public, licensed to practice law in the state, and is recommended by the South Carolina Bar Association.

This bill also requires the JMSC to submit to the General Assembly all qualified candidates. Further, this bill specifies that no relative of a General Assembly member may be elected to a judicial office while the member is serving in the General Assembly.

Currently, the ten members of the JMSC are as follows:

- five members appointed by the Speaker of the House of Representatives
- two members appointed by the President of the Senate; and
- three members appointed by the Chairman of the Senate Judiciary Committee.

Also, currently, the JMSC must recommend the three most qualified candidates to the General Assembly, and no member of the General Assembly may be elected to a judicial office while he is serving on the General Assembly.

In summary, this bill modifies the membership of the JMSC, expands the number of candidates that mut be reported out of the JMSC, and expands the limitation on who may not serve as a judge to include the relatives of General Assembly members.

If the appointees are members of the General Assembly and must attend committee meetings when the General Assembly is not already in Session, each member will receive round-trip mileage at the federal rate, $50 per diem, and $231.73 subsistence. If the appointees are non-elected appointees, they will receive mileage at the federal rate, $50 per diem, and $42 subsistence. As this bill modifies the members appointed by the House and Senate, this bill may result in minimal expenditure impact. Based on responses to similar legislation, we anticipate these expenses can be managed within existing appropriations. Additionally, reviewing recommendations for a judicial seat is within the normal course of duties for the bodies and, thereby, will have no expenditure impact. Further, this bill will have no expenditure impact for Judicial as it does not fiscally or operationally impact Judicial.
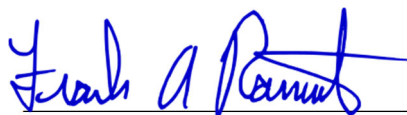
State Revenue
N/A

Local Expenditure
N/A

Local Revenue
N/A

Frank A. Rainwater, Executive Director

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