



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. 3558 Introduced on January 14, 2025
Subject: Commissioners to Article V Convention
Requestor: House Judiciary
RFA Analyst(s): Tipton
Impact Date: February 3, 2025

Fiscal Impact Summary

This bill establishes the process and requirements for the General Assembly to select commissioners to participate in a constitutional amending convention of states provided under Article V of the US Constitution. The bill requires the General Assembly in joint session to name seven commissioners to fulfill the specified functions and duties and provides several background qualifications that must be met. The bill establishes an advisory committee consisting of members of the General Assembly and establishes recourse for the General Assembly and the Attorney General (AG) in the event that a commissioner has acted outside the scope of their authority or committed misconduct in office. The bill also establishes a cause of action against any individual who bribes, threatens, intimidates, or obstructs a commissioner in the performance of their duties.

The expenditure impact related to the compensation for seven commissioners is undetermined. The bill states that each commissioner must receive the same compensation as a member of the General Assembly prorated for the length of time served and are also entitled to receive the same allowance for expenses as provided to a member of the General Assembly. Members of the General Assembly earn a base salary of \$10,400 per year, receive state retirement and health benefits, and receive a payment of \$1,000 per month for in-district expenses. Additionally, pursuant to the FY 2024-25 Appropriations Act, members of the General Assembly are also entitled to per diem of \$50 per day that the legislature is not already in session, subsistence of \$240.07 per day, as well as mileage reimbursement at the rate established by the Internal Revenue Service (IRS) of \$0.70 per mile. The actual compensation amounts for constitutional commissioners will depend on the length of time served and the method of proration. The bill does not specify a funding entity or source.

This bill is not expected to impact the House of Representatives, the Senate, the Office of Secretary of State, or the AG, as the requirements for these entities are expected to be managed with existing resources and staff.

The impact of this bill on Judicial, the Prosecution Coordination Commission (PCC), the Commission on Indigent Defense (CID), the Department of Corrections (DOC), and the Department of Probation, Parole, and Pardon Services (PPP), is pending, contingent upon a response from these agencies.

This bill may result in an undetermined increase in General Fund as well as local revenue related to court fines and fees, as a result of the new cause of action established with a fine of up to \$1,000. However, the number of future actions under this provision is currently unknown.

Explanation of Fiscal Impact

Introduced on January 14, 2025

State Expenditure

This bill establishes the process and requirements for the General Assembly to select commissioners to participate in a constitutional amending convention of states provided under Article V of the US Constitution. The bill requires the General Assembly in joint session to name seven commissioners to represent the state at the Article V Convention for proposing amendments to the constitution, under the requirements set by the bill and any future joint resolution. The bill enumerates several criteria that prospective commissioners to the convention must meet in order to be found qualified for election, including citizenship verification, criminal background checks, personal financial checks, employment history verification, among other items. The bill establishes rules for filling vacancies, appointing interim commissioners, and provides the oath that commissioners must execute prior to exercising any function of the commission. The written oath must be filed with the Secretary of State.

The bill further establishes an advisory committee made up of three members of the General Assembly: one senator appointed by the President of the Senate, one state representative appointed by the Speaker of the House of Representatives, and a member of the legislature nominated by joint action of the President of the Senate and Speaker of the House of Representatives and approved by a majority of each chamber. The advisory committee is required by the bill to provide advice to commissioners in determining whether a certain action would violate the provisions of the commissioning resolution or any further instruction. If the committee believes a commissioner or interim commissioner has acted outside of the scope of their authority, the committee must notify the Speaker of the House, President of the Senate, and the Attorney General. The bill requires the AG to further investigate whether a commissioner or interim commissioner committed misconduct while in office.

Under the bill, commissioners must receive the same compensation as a member of the General Assembly prorated for the length of time served. Commissioners are also entitled to receive the same allowance for expenses as provided to a member of the General Assembly. Members of the General Assembly earn a base salary of \$10,400 per year, receive state retirement and health benefits, and receive a payment of \$1,000 per month for in-district expenses. Additionally, pursuant to the FY 2024-25 Appropriations Act, members of the General Assembly are also entitled to per diem of \$50 per day that the legislature is not already in session, subsistence of \$240.07 per day, as well as mileage reimbursement at the rate established by the IRS of \$0.70 per mile. The bill does not specify a funding entity or source for these expenses. Further, the actual compensation amounts for constitutional commissioners will depend on the length of time served and the method of proration. Therefore, the expenditure impact of the constitutional commissioners is undetermined.

The House of Representatives and Senate. The House of Representatives indicated that the requirements of the bill will be managed with existing appropriations. Therefore, this bill will have no impact on the House of Representatives. We anticipate that the Senate will similarly manage the requirements of the bill with existing appropriations.

Office of Secretary of State. This bill requires each elected commissioner to file a written executed oath with the Secretary of State's Office. We anticipate that this requirement will be managed with existing resources and staff. Therefore, this bill is not expected to materially impact the Secretary of State.

Office of Attorney General. This bill requires the Attorney General, upon determination or referral by the advisory committee, to further investigate whether a commissioner or interim commissioner committed misconduct while in office. We anticipate that this requirement will be managed with existing resources and staff. Therefore, this bill is not expected to materially impact on the AG.

The impact of this bill on Judicial, the Prosecution Coordination Commission (PCC), the Commission on Indigent Defense (CID), the Department of Corrections (DOC), and the Department of Probation, Parole, and Pardon Services (PPP), is pending, contingent upon a response from these agencies.

State Revenue

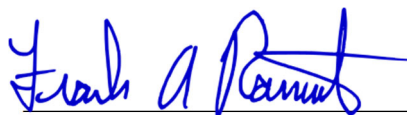
Under the bill, any individual who, while not being privileged by law, knowingly bribes, threatens, intimidates, or obstructs a commissioner or interim commissioner in the performance of their duties is guilty of a felony and, upon conviction, must be fined no more than \$1,000 and imprisoned no more than one year. Therefore, this bill has the ability to increase court fines and fees revenue, which may result in an increase in General Fund revenue. However, as the number of actions that may occur under this provision is currently unknown, the revenue impact is undetermined.

Local Expenditure

N/A

Local Revenue

Under the bill, any individual who, while not being privileged by law, knowingly bribes, threatens, intimidates, or obstructs a commissioner or interim commissioner in the performance of their duties is guilty of a felony and, upon conviction, must be fined no more than \$1,000 and imprisoned no more than one year. Therefore, this bill has the ability to increase court fines and fees revenue, which may result in an increase in local revenue. However, as the number of actions that may occur under this provision is currently unknown, the revenue impact is undetermined.



Frank A. Rainwater, Executive Director