



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S.0910 Amended by Senate Judiciary on January 25, 2018
Author: Malloy
Subject: Solicitor Compensation
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: February 21, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	Pending	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill revises the salary structure for certain state judges, including the Chief Justice of South Carolina, Associate Justices of the Supreme Court, the chief judge of the court of appeals, judges of the court of appeals, circuit court judges, and family court judges. The FY 2018-19 Judicial Department budget for these salaries and associated fringe totals \$27,956,247. The new salary structure bases the Chief Justice’s salary on that of a United States district court judge, and Associate Justices’ salaries are set at 95 percent of the Chief Justice’s salary. The other noted judges’ salaries are based on set percentages of an Associate Justice’s salary. The Judicial Department reports that the bill will result in an additional recurring expenditure impact on the General Fund of \$9,759,089. As the Revenue and Fiscal Affairs Office (RFA) is awaiting responses from the Public Employee Benefit Authority, the expenditure impact of the bill is pending.

Explanation of Fiscal Impact

Amended by Senate Judiciary on January 25, 2018

State Expenditure

This bill as amended relates to the annual salaries of certain state officers and certain judges. It requires the General Assembly to, beginning in 2018 and every four years thereafter, establish in the annual general appropriations act, the annual salaries for the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Comptroller General, Superintendent of Education, Adjutant General, and Commissioner of Agriculture. Currently, these salaries are set at specific amounts in S.C. Code Ann. § 1-1-1210. These newly-established salaries will go into effect at the beginning and through the duration of the officers’ four-year terms.

In addition, the bill amends the salaries provided for judges in South Carolina by requiring the General Assembly to establish these salaries in the annual general appropriations act. Currently, the salary rates for justices of the state Supreme Court, and judges of the court of appeals, circuit court, and family court are outlined in S.C. Code Ann. § 14-1-200. The Chief Justice of South Carolina, who is currently paid at a rate of 105 percent of the salary fixed for Associate Justices of the Supreme Court, will now be paid the same salary as that of a United States (U.S) district court judge. According to www.uscourts.gov/judges-judgeships/judicial-compensation, the salary for a U.S. district court judge is \$208,000. This salary will be used as the basis for determining the salaries of all appellate justices and judges' positions and all circuit and family court judgeships.

Associate Justices of the Supreme Court will now be paid a salary equal to 95 percent of the salary fixed for the Chief Justice, or \$197,600. The chief judge of the court of appeals will continue to be paid 99 percent of the salary for an Associate Justice of the Supreme Court, which will now equal \$195,624. Judges of the court of appeals will continue to be paid 97.5 percent of the salary for an Associate Justice of the Supreme Court, which will now equal \$192,660. Circuit court judges will continue to be paid 95 percent of the salary for an Associate Justice of the Supreme Court, which will now equal \$187,720. Family court judges will continue to be paid 92.5 percent of the salary for an Associate Justice of the Supreme Court, which will now equal \$182,780.

The Judicial Department reports that for FY 2018-19, the base amount allocated for salaries and fringe for appellate justices and judges' positions, as well as circuit and family court judgeships, is \$27,956,247. Increasing these salaries in accordance with the provisions of the bill will result in an additional expenditure impact on the General Fund of \$9,759,089. In the event the salary of a U.S. district court judge is increased, the additional expenditure impact would increase accordingly. However, not knowing when the salaries of U.S. district court judges may increase makes it difficult to quantify additional monies that may be needed to cover affected judicial salaries in the fiscal years beyond FY 2018-19.

The Judicial Department also reports that the bill as amended may have an impact on other positions that, by statute, are based on the salary of a circuit court judge, such as masters-in-equity, solicitors, circuit public defenders, worker's compensation commissioners, and magistrates. However, as these positions are not specifically covered in the amended version of the bill, the Judicial Department is unable to estimate any expenditure impact related to the compensation of these positions that may result from the bill.

Department of Administration. The commission reports that the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

Commission on Prosecution Coordination. The commission reports that the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

Commission on Indigent Defense. The commission reports that the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

Public Employee Benefit Authority. The expenditure impact of this bill is pending, contingent upon a response from the agency.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director