



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. 0130	Introduced on January 10, 2023
Author:	Hembree	
Subject:	Judicial Merit Selection Commission	
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 commission to submit all qualified candidates to the General Assembly for consideration, including appointments made by the House of Representatives (House), Senate, Governor's Office, and the State Supreme Court.

This bill will have no expenditure impact for the House or the Senate. Additionally, we anticipate this bill will have no expenditure impact for the Governor's Office or Judicial. Each can manage the expenses associated with appointing members to the JMSC within existing appropriations. Additionally, reviewing recommendations for a judicial seat is within the normal course of duties for the bodies. We will update this fiscal impact statement if Judicial or the Governor's Office provides information to the contrary.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill establishes the thirteen members of the JMSC as follows:

- two members appointed by the Speaker of the House of Representatives;
- two members appointed by the President of the Senate;
- one member appointed by the Chairman of the Senate Judiciary Committee;
- one member appointed by the Chairman of the House of Representatives Judiciary Committee;
- one member appointed from the general public by the Chief Justice of the South Carolina Supreme Court;
- five members appointed from the general public by the Governor; and
- one member appointed by the South Carolina Bar Association from within its membership.

This bill also limits the term of a legislative member to four consecutive years; the member may be reappointed only after having not served for four consecutive years. This bill also specifies that the commission will review all candidates and submit all qualified candidates to the General Assembly for consideration.

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.

Additionally, only the three best qualified candidates are submitted to the General Assembly currently.

This bill modifies the membership of the JMSC and requires the commission to submit all qualified candidates to the General Assembly for consideration.

House of Representatives and Senate. This bill decreases the number of members on the JMSC appointed the Speaker of the House from five to three. This bill also decreases the number of members on the JMSC appointed by Senate Judiciary or the President of the Senate from five to three. 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 decreases the number of members appointed by the House and Senate, this bill may result in minimal expenditure savings. However, we anticipate any savings will be reallocated for other expenses. Additionally, reviewing recommendations for a judicial seat is within the normal course of duties for the bodies and, thereby, will have no expenditure impact.

Governor's Office. This bill requires the Governor's Office to appoint five members to the JMSC. We anticipate any expenses associated with these appointments can be managed within existing appropriations by the Governor's Office and, therefore, will have no expenditure impact. We will update this fiscal impact statement if the Governor's Office provides information to the contrary.

Judicial. This bill requires the Chief Justice of the South Carolina Supreme Court to appoint one member of the JMSC. We anticipate any expenses associated with this appointment can be managed within existing appropriations by Judicial and, therefore, will have no expenditure impact. We will update this fiscal impact statement if Judicial provides information to the contrary.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director