



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:	March 11, 2025 - Updated for Additional Agency Response	

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 will have no impact on the House of Representatives, the Senate, the Office of Secretary of State (SOS), or the AG, as the bill's requirements for these entities are expected to be managed with existing resources and staff. Any increase in General sessions caseload or incarcerations as a result of the felony offense created by the bill is expected to be managed with existing resources for Judicial, the Commission on Prosecution Coordination (CPC), the Commission on Indigent Defense (CID), the Department of Corrections (Corrections), and the Department of Probation, Parole, and Pardon Services (PPP). For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,429, of which \$36,553 was state funded.

This bill may result in an undetermined increase in General Fund, Other Funds, and 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.

This fiscal impact statement has been updated to include a response from the AG, Judicial, CPC, CID, Corrections, and PPP.

Explanation of Fiscal Impact

Updated for Additional Agency Response on March 11, 2025

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.

This bill will have no impact on the House of Representatives, the Senate, SOS, or the AG, as the bill's requirements for these entities are expected to be managed with existing resources and staff. Any increase in General sessions caseload or incarcerations as a result of the felony offense created by the bill is expected to be managed with existing resources for Judicial, CPC, CID, Corrections, and PPP. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,429, of which \$36,553 was state funded.

This fiscal impact statement has been updated to include a response from the AG, Judicial, CPC, CID, Corrections, and PPP.

State Revenue

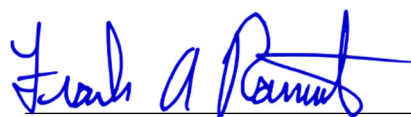
This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in a change to General Fund and Other Funds revenue due to the change in fines and fees collections in court.

Local Expenditure

N/A

Local Revenue

This bill 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 a change to local revenue due to the change in fines and fees collections in court.



Frank A. Rainwater, Executive Director