



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0217 Amended by Senate Judiciary on February 20, 2018
Author: Bryant
Subject: Personhood Act of South Carolina
Requestor: Senate Judiciary
RFA Analyst(s): A. Martin, Gardner, and Heineman
Impact Date: February 21, 2018

Estimate of Fiscal Impact

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

Fiscal Impact Summary

This bill is expected to increase General Fund expenditures by at least \$46,905 beginning in FY 2018-19. This increase is for at least one additional FTE, an attorney, to address increased demand for Guardian ad Litem, and the operating expenses for the new position. General Fund expenditures may be offset by Other Fund reimbursements pursuant to contract between the Department of Social Services and the Guardian ad Litem program, provided additional federal funds are made available to the Department of Social Services for Guardian ad Litem training and attorney’s fees.

Explanation of Fiscal Impact

Amended by Senate Judiciary on February 20, 2018

State Expenditure

This bill creates the Personhood Act of South Carolina stating that the constitutional right to due process of law and equal protection under the law vests at fertilization for each born and preborn human being.

Department of Administration / Guardian ad Litem. The department indicates that this bill would have an expenditure impact on the General Fund and Other Funds for additional staff training and attorneys’ fees. This bill will increase demand for Guardian ad Litem (GAL) services requiring at least one additional attorney, for supervision and support, for every thirty GAL volunteers. Expenditures associated with one attorney (including salary, fringe, and operating expenses) are estimated at \$46,905 in General Fund dollars beginning in FY 2018-19. However, due to the uncertainty surrounding the number of new cases that might result from

enactment of this bill, the department is unable to determine the full expenditure impact at this time.

The Department of Administration indicates that the Guardian ad Litem program currently has agreements in place with the Department of Social Services (DSS) that would allow DSS to reimburse the GAL program for a portion of eligible training expenses and attorney's fees, provided federal funding is made available to DSS to match the increased expenditures. The amount of Other Funds reimbursement depends on the number of GAL attorneys that are needed and whether or not the federal government will make additional federal funds available to DSS. All Other Fund reimbursements received by the GAL program would be used to offset attorney and operating expenditures.

Judicial Department. The department indicates that this bill is not expected to have an expenditure impact on the General Fund, Federal Funds, or Other Funds. However, should this legislation result in a significant number of additional hearings or trials, the courts may experience an increase in expenditures and/or an increased backlog of cases.

Department of Health and Environmental Control. The department reports that this bill would have no immediate expenditure impact on the General Fund, Federal Funds, or Other Funds. The impact of additional births on the public health system cannot be projected at this time.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

Introduced January 10, 2017

State Expenditure

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State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director