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COMMITTEE REPORT

April 6, 2011

**S. 394**

Introduced by Senator Rose

S. Printed 4/6/11--S.

Read the first time January 19, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 394) to amend Section 14-11-10, South Carolina Code of Laws, 1976, relating to the establishment of the master-in-equity court, so as to permit, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

GLENN F. McCONNELL for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

There is no fiscal impact on the General Fund of the State or on federal and/or other funds.

**LOCAL GOVERNMENT IMPACT:**

This bill is permissive in nature and does expand the requirement for county master-in-equity courts. A Circuit Court Judge’s annual salary is $130,312 excluding fringe benefits. Seventy five percent of a Circuit Court Judge’s salary including fringe benefits is estimated at $123,290. Fifty-five percent of a Circuit Court Judge’s salary including fringe benefits is estimated at $91,740. These figures exclude court operating costs.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 14-11-10, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE ESTABLISHMENT OF THE MASTER-IN-EQUITY COURT, SO AS TO PERMIT A COUNTY WITH A POPULATION OF MORE THAN THIRTY THOUSAND BUT LESS THAN ONE HUNDRED THIRTY THOUSAND TO HAVE A PART-TIME OR A FULL-TIME MASTER-IN-EQUITY AS DETERMINED BY THE GOVERNING BODY OF THE COUNTY OR COUNTIES IN WHICH THE A MASTER-IN-EQUITY SERVES; AND TO AMEND SECTION 14-11-30, RELATING TO THE COMPENSATION OF MASTER-IN-EQUITY, SO AS TO ALLOW A PART-TIME MASTER-IN-EQUITY IN CITIES OR COUNTIES WITH POPULATIONS OF ONE HUNDRED THIRTY THOUSAND OR GREATER.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 14-11-10 of the 1976 Code, as last amended by Act No. 678, is amended to read:

“Section 14-11-10. As a part of the unified judicial system, there is established in each of the counties of this State having a population of at least one hundred thirty thousand, according to the latest official United States Decennial Census, a master‑in‑equity court. The master‑in‑equity for the court must be appointed pursuant to the provisions of Section 14‑11‑20. Nothing in this section prohibits a county or area with a population of more than thirty thousand but less than one hundred fifty thousand, according to the latest official United States Decennial Census, from having a part time or a full-time master in equity, as determined by the governing body of the county or counties in which a master in equity serves. Nothing in this section prohibits a county or area with a population of less than one hundred thirty thousand, according to the latest official United States Decennial Census, from having a part‑time master‑in‑equity. The governing bodies of any two or more counties may join together to fund the office of master‑in‑equity to serve two or more counties. Funding of this master‑in‑equity must be borne by each county included on a per capita population basis.”

SECTION 2. Section 14-11-30(6) of the 1976 Code, as last amended by Act No. 678, is amended to read:

“(6) Where the area served has a population of between one hundred thirty thousand and one hundred forty nine thousand, nine hundred ninety nine, according to the latest official United States Decennial Census, the master-in-equity serving that area ~~is~~ may be part-time or full-time, as determined by the governing body of the county or counties in which a master-in-equity serves, and must be paid a salary equal to between fifty-five percent and seventy-five percent of that of a circuit judge if part time, and equal to seventy five percent of that of a circuit judge if full time.”

SECTION 3. This act takes effect upon approval by the Governor.

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