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Indicates New Matter

AMENDED

April 7, 2011

**S. 394**

Introduced by Senator Rose

S. Printed 4/7/11--S. [SEC 4/8/11 4:01 PM]

Read the first time January 19, 2011.

**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 ONE HUNDRED THIRTY THOUSAND BUT LESS THAN ONE HUNDRED FIFTY 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 MASTER-IN-EQUITY SERVES; AND TO AMEND SECTION 14-11-30, RELATING TO THE COMPENSATION OF A 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. It is the intent of the General Assembly in this time of economic recession to allow flexibility and discretion to county councils regarding whether to fund a part-time or a full-time master-in-equity regardless of whether the population of a county has increased or decreased. Several factors in addition to population should be considered when county councils hire a master-in-equity, including, but not limited to, available caseload, complexity of the caseload, available resources to compensate the master-in-equity, and the efficiency of the docket. It is, therefore, the purpose of this act to afford county councils discretion, despite a county’s population, on whether to hire a full- or part-time master-in-equity.

SECTION 2. Section 14-11-10 of the 1976 Code, as last amended by Act 678, 1989, is amended to read:

“Section 14-11-10. (A) 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.

(B)(1) A county with a population of more than one hundred thirty thousand, according to the latest official United States Decennial Census, may have a full-time master-in-equity. A county with a population of one hundred fifty thousand or more, according to the latest official United States Decennial Census, must have a full-time master-in-equity.

(2) Nothing in this section prohibits a county or area with a population of ~~less~~ more than one hundred thirty thousand, but less than one hundred fifty thousand, according to the latest official United States Decennial Census, from having either a part‑time or full-time master‑in‑equity in the discretion of the governing body of the county.

(3) Nothing in this section prohibits a county or area with a population of more than thirty thousand, but less than one hundred thirty thousand, according to the latest official United States Decennial Census, from having a part‑time master‑in‑equity.

(4) 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 3. Section 14-11-30(6) of the 1976 Code, as last amended by Act No. 678 of 1989 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 ~~seventy-five percent~~ fifty-five percent of that of a circuit judge if part-time, and must be paid a salary equal to seventy-five percent of that of a circuit judge if full-time.”

SECTION 4. This act takes effect upon approval by the Governor.

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