**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3161**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rutherford and Clyburn

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Companion/Similar bill(s): 43, 73

Introduced in the House on January 8, 2019

Currently residing in the House Committee on **Ways and Means**

Summary: Solicitors, salaries

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

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12/18/2018 House Referred to Committee on **Ways and Means**

1/8/2019 House Introduced and read first time ([House Journal‑page 112](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Ways and Means** ([House Journal‑page 112](file:///h:\hj\20190108.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3161&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3161_20181218.docx)

**A** **BILL**

TO AMEND SECTION 1‑7‑325, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CIRCUIT SOLICITOR SALARIES, SO AS TO PROVIDE CIRCUIT SOLICITORS MUST RECEIVE SALARIES NOT LESS THAN THE SALARY PAID TO THE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA; TO AMEND SECTION 1‑1‑1210, RELATING TO THE ANNUAL SALARIES OF CERTAIN STATEWIDE CONSTITUTIONAL OFFICERS, SO AS TO PROVIDE THAT, BEGINNING IN 2020, AND EVERY FOUR YEARS THEREAFTER, THE GENERAL ASSEMBLY, IN THE ANNUAL GENERAL APPROPRIATIONS ACT, MUST PROVIDE A SALARY FOR THE GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE TREASURER, ATTORNEY GENERAL, COMPTROLLER GENERAL, SUPERINTENDENT OF EDUCATION, ADJUTANT GENERAL, AND COMMISSIONER OF AGRICULTURE THAT BEGINS WITH THE NEW TERMS OF THOSE OFFICERS AND CONTINUES FOR THE FOUR YEARS OF THOSE TERMS; TO AMEND SECTION 14‑1‑200, RELATING TO THE SALARIES OF SUPREME COURT JUSTICES AND COURT OF APPEALS, CIRCUIT COURT, AND FAMILY COURT JUDGES, SO AS TO PROVIDE A SALARY SCHEDULE FOR THOSE MEMBERS OF THE JUDICIARY; TO AMEND SECTION 14‑11‑30, RELATING TO THE SALARY SCHEDULE FOR MASTER‑IN‑EQUITY SALARIES, SO AS TO BASE THE SCHEDULE FORMULA ON THE SALARIES OF CIRCUIT COURT JUDGES; TO AMEND SECTION 17‑3‑510, RELATING TO CIRCUIT PUBLIC DEFENDER SALARIES, SO AS TO PROVIDE CIRCUIT PUBLIC DEFENDERS MUST RECEIVE SALARIES NOT LESS THAN THE SALARY PAID TO THE FEDERAL PUBLIC DEFENDER FOR THE DISTRICT OF SOUTH CAROLINA; TO AMEND SECTION 22‑8‑40, RELATING TO MAGISTRATE SALARIES, SO AS TO PROVIDE A PAY SCHEDULE BASED ON SALARIES PAID TO CIRCUIT COURT JUDGES; AND TO AMEND SECTION 42‑3‑40, RELATING TO WORKERS’ COMPENSATION COMMISSIONER SALARIES, SO AS TO PROVIDE COMMISSIONERS MUST RECEIVE SALARIES EQUAL TO EIGHTY‑FIVE PERCENT OF THE SALARIES PAID TO CIRCUIT COURT JUDGES.

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

SECTION 1. Section 1‑7‑325 of the 1976 Code is amended to read:

“Section 1‑7‑325. (A) The solicitors of this State ~~shall~~ must be full‑time employees of the State of South Carolina~~, provided, however, that any solicitor serving in office on July 1, 1976, whose term of office expires in the year 1979 shall not be required to be full time as provided by this section until the expiration of his term in 1979. Each solicitor~~ and shall receive an annual salary not less than the salary paid to the Unites States Attorney for the District of South Carolina and a monthly expense allowance as is provided by the General Assembly.

(B) When a solicitor is required to serve out of his circuit, he shall also receive such subsistence and mileage as is authorized by law for circuit judges while holding court without the county in which they reside. Each solicitor shall have one full‑time secretary who shall receive such annual salary as may be provided by the General Assembly.”

SECTION 2. Section 1‑1‑1210 of the 1976 Code is amended to read:

“Section 1‑1‑1210. ~~The annual salaries of the state officers listed below are:~~

~~Governor~~ ~~$98,000~~

~~Lieutenant Governor~~ ~~43,000~~

~~Secretary of State~~ ~~85,000~~

~~State Treasurer~~ ~~85,000~~

~~Attorney General~~ ~~85,000~~

~~Comptroller General~~ ~~85,000~~

~~Superintendent of Education~~ ~~85,000~~

~~Adjutant General~~ ~~85,000~~

~~Commissioner of Agriculture~~ ~~85,000~~

~~These salaries must be increased by two percent on July 1, 1991, and on July first of each succeeding year through July 1, 1994.~~

(A) Beginning in 2020 and every four years thereafter, the General Assembly, in the annual general appropriations act, shall provide a salary for the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Comptroller General, Superintendent of Education, Adjutant General, and Commissioner of Agriculture. The salaries provided in the annual general appropriations act must take effect for each officer at the beginning and through the duration of that officer’s four‑year term.

(B) A state officer whose salary is provided in this section may not receive compensation for ex officio service on any state board, committee, or commission.”

SECTION 3. Section 14‑1‑200 of the 1976 Code is amended to read:

“Section 14‑1‑200. The General Assembly shall establish the salary of the Chief Justice ~~and Associate Justices of the Supreme Court~~ in the annual general ~~appropriation~~ appropriations act with the salary of the Chief Justice to be ~~one hundred five percent of the salary fixed for Associate Justices of the Supreme Court~~ the same as the salary of a United States district court judge and shall fix the salaries for the court of appeals, circuit court, and family court according to the following schedule:

(1) ~~The chief judge of the court of appeals shall receive a salary in an amount equal to ninety nine percent of the salary fixed for Associate Justices of the Supreme Court~~ Associate Justices of the Supreme Court shall receive a salary in an amount equal to ninety‑five percent of the salary fixed for the Chief Justice;

(2) ~~Judges of the court of appeals shall receive a salary in an amount equal to ninety seven and one half percent of the salary fixed for Associate Justices of the Supreme Court, and circuit court judges shall receive a salary in an amount equal to ninety five percent of the salary fixed for Associate Justices of the Supreme Court~~ The chief judge of the court of appeals shall receive a salary in an amount equal to ninety‑nine percent of the salary fixed for Associate Justices of the Supreme Court;

(3) ~~Judges of the family court shall receive a salary in an amount equal to ninety two and one half percent of the salary fixed for Associate Justices of the Supreme Court.~~ Judges of the court of appeals shall receive a salary in an amount equal to ninety‑seven and one‑half percent of the salary fixed for Associate Justices of the Supreme Court;

(4) Circuit court judges shall receive a salary in an amount equal to ninety‑five percent of the salary fixed for Associate Justices of the Supreme Court; and

(5) Judges of the family court shall receive a salary in an amount equal to ninety‑two and one‑half percent of the salary fixed for Associate Justices of the Supreme Court.”

SECTION 4. Section 14‑11‑30 of the 1976 Code is amended to read:

“Section 14‑11‑30. (A) The governing body of the county or counties in which a master‑in‑equity serves shall provide the salary, equipment, facilities, and supplies of the master‑in‑equity, together with the salaries of support personnel and all other costs for the necessary and proper operation of the master‑in‑equity’s office. The salaries of the masters‑in‑equity are as follows:

(1) Where the area served has a population of up to thirty‑four thousand, nine hundred ninety‑nine, according to the latest official United States Decennial Census, the master‑in‑equity serving that area is part time and must be paid a salary equal to ten percent of ~~that of~~ the salary paid to a circuit court judge.

(2) Where the area served has a population of between thirty‑five thousand and forty‑nine thousand, nine hundred ninety‑nine, according to the latest official United States Decennial Census, the master‑in‑equity serving that area is part time and must be paid a salary equal to fifteen percent of ~~that of~~ the salary paid to a circuit court judge.

(3) Where the area served has a population of between fifty thousand and seventy‑nine thousand, nine hundred ninety‑nine, according to the latest official United States Decennial Census, the master‑in‑equity serving that area is part time and must be paid a salary equal to twenty‑five percent of ~~that of~~ the salary paid to a circuit court judge.

(4) Where the area served has a population of between eighty thousand and ninety‑nine thousand, nine hundred ninety‑nine, according to the latest official United States Decennial Census, the master‑in‑equity serving that area is part time and must be paid a salary equal to forty‑five percent of ~~that of~~ the salary paid to a circuit court judge.

(5) Where the area served has a population of between one hundred thousand and one hundred twenty‑nine thousand, nine hundred ninety‑nine, according to the latest official United States Decennial Census, the master‑in‑equity serving that area is part time and must be paid a salary equal to fifty‑five percent of ~~that of~~ the salary paid to a circuit court judge.

(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 full time and must be paid a salary equal to seventy‑five percent of ~~that of~~ the salary paid to a circuit court judge.

(7) Where the area served has a population of between one hundred fifty thousand and one hundred ninety‑nine thousand, nine hundred ninety‑nine, according to the latest official United States Decennial Census, the master‑in‑equity serving that area is full time and must be paid a salary equal to eighty percent of ~~that of~~ the salary paid to a circuit court judge.

(8) Where the area served has a population of between two hundred thousand and two 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 full time and must be paid a salary equal to eighty‑five percent of ~~that of~~ the salary paid to a circuit court judge.

(9) Where the area served has a population of over two hundred fifty thousand, according to the latest official United States Decennial Census, or where the area served is located in a county which generates four million dollars or more in accommodations tax revenue, the master‑in‑equity serving that area is full time and must be paid a salary equal to ninety percent of ~~that of~~ the salary paid to a circuit court judge.

(B) No sitting master‑in‑equity, whether full time or part time, may have his salary reduced during his tenure in office. Tenure in office continues at the expiration of a term if the incumbent master‑in‑equity is reappointed.”

SECTION 5. Section 17‑3‑510(C) of the 1976 Code is amended to read:

“(C) By majority vote of its membership, the Circuit Public Defender Selection Panel shall nominate a person to serve as the circuit public defender in the judicial circuit as provided in this article. The commission shall, by majority vote of its members, accept or reject the nomination, but may not substitute the name of another person. Initial appointments of circuit public defenders must be made in order for the first appointees to take office no later than one year from the effective date of this act, for a term of four years. A circuit public defender may be reappointed by the commission to serve successive terms following the same manner of the original appointment. The circuit public defender for each judicial circuit must be a full‑time employee of the State and must ~~be compensated~~ receive a salary not less than the salary paid to the federal Public Defender for the District of South Carolina and have the same benefits as the circuit solicitor. A circuit public defender may not engage in the private practice of law or another full‑time business for profit.”

SECTION 6. Section 22‑8‑40(B)(2) and (3) of the 1976 Code is amended to read:

“(2) There is established a base salary for each population category as follows:

(a) for those counties with a population of one hundred fifty thousand and above, according to the latest official United States Decennial Census, the base salary is fifty‑five percent of the salary paid to a circuit ~~judge’s salary~~ court judge ~~for the state’s previous fiscal year~~;

(b) for those counties with a population of at least fifty thousand but not more than one hundred forty‑nine thousand, nine hundred ninety‑nine, according to the latest official United States Decennial Census, the base salary is forty‑five percent of the salary paid to a circuit ~~judge’s salary~~ court judge ~~for the state’s previous fiscal year~~;

(c) for those counties with a population of less than fifty thousand, according to the latest official United States Decennial Census, the base salary is thirty‑five percent of the salary paid to a circuit court ~~judge’s salary~~ judge ~~for the state’s previous fiscal year~~.

(3) The provisions of this subsection are effective ~~July 1, 2000~~ beginning with the 2018‑2019 fiscal year.”

SECTION 7. Section 42‑3‑40 of the 1976 Code is amended to read:

“Section 42‑3‑40. The annual salary for ~~the commissioners shall~~ each commissioner must be eighty‑five percent of the salary paid to the circuit judges of the State. The commissioners shall receive a subsistence allowance of thirty‑five dollars a day while in the performance of their duties outside the Columbia office.”

SECTION 8. This act takes effect upon approval by the Governor.

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