**A** **BILL**

TO AMEND SECTION 9‑8‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO INCLUDE THE ATTORNEY GENERAL OF THIS STATE IN THE DEFINITION OF “SOLICITOR” AND TO MAKE THE NECESSARY PROVISIONS FOR THE ATTORNEY GENERAL TO BECOME A MEMBER OF THE SYSTEM; AND TO AMEND SECTION 9‑8‑40, AS AMENDED, RELATING TO MEMBERSHIP IN THE SYSTEM, SO AS TO ALLOW THE ATTORNEY GENERAL SERVING ON JULY 1, 2021, TO ELECT TO BECOME A MEMBER.

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

SECTION 1. Section 9‑8‑10(17) of the 1976 Code is amended to read:

“(17) ‘Solicitor’ means the person holding office as described under Section 1‑7‑310 of the 1976 Code. Subject to the provisions of Section 9‑8‑40, ‘solicitor’ also means the Attorney General of this State as the chief prosecuting officer of the State. For all purposes of this chapter including, but not limited to, employer and employee contributions, calculation of a retirement or other benefit, and adjustment of benefits paid to a retiree or beneficiary, wherever mention is made of the salary of a circuit solicitor, in the case of the Attorney General of this State, the salary referred to is the higher of the salary provided by law for the Attorney General of this State or a circuit solicitor of this State.”

SECTION 2. Section 9‑8‑40(1) of the 1976 Code is amended to read:

“(1) All persons who are judges or solicitors on July 1, 1979, and who have not attained age seventy‑two shall become members of the system as of that date.

(a) All administrative law judges on July 1, 2014, who have not retired may elect to become a member of the system. Administrative law judges making that election may transfer prior service into the system as provided in Section 9‑8‑50, and to the extent the service thus transferred occurred after the member took office as an administrative law judge, that service is deemed earned service in the system.

(b) The Attorney General of this State on July 1, 2021, may elect to become a member of the system. If the Attorney General makes that election, he may transfer prior service into the system as provided in Section 9‑8‑50, and to the extent the service thus transferred occurred after he took office as the Attorney General of this State, that service is deemed earned service in the system.

(c) All other persons become members of the system on taking office as judge, solicitor, or circuit public defender before attaining age seventy‑two.”

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

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