

Golden Parachute for State Attorney General?

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By Rick Brundrett - The Nerve

House state attorney general Alan Wilson could receive bigger retirement paychecks under legislation sponsored by two House leaders who also are lawyers.

The [bill](#), sponsored by Reps. Murrell Smith, R-Sumter, who is the House Ways and Means Committee chairman, and Chris Murphy, R-Dorchester, who is the House Judiciary Committee chairman, would allow Wilson to move from the retirement system covering general state employees to the retirement system covering judges and solicitors, effective July 1.

The Judges and Solicitors Retirement System (JSRS) is the smallest of the state's five retirement systems, but pays the highest average annual benefits, S.C. Public Employee Benefit Authority (PEBA) records show.

As of July 1, the average annual benefit for 162 retirees in the JSRS was \$141,679, according to a PEBA financial report. In comparison, the average annual benefit in the general state employee retirement system was \$22,173 for 123,268 retirees as of July 1.

Wilson, who was first elected attorney general in 2010, makes \$92,007 annually, according to the state salary database. Smith's and Murphy's bill would classify Wilson as a solicitor, noting the attorney general is the "chief prosecuting officer of the State."

The state has 16 solicitors who oversee criminal cases in their respective circuits, each of which has at least two counties.

The JSRS, which also covers circuit public defenders, had a total of 224 retirees and beneficiaries as of June 30, of whom 29 were retired solicitors or their beneficiaries, PEBA spokeswoman Angie Warren said Thursday in an email response to The Nerve.

The Nerve this week sent written questions to attorney general spokesman Robert Kittle asking, among other things, whether the bill was Wilson's idea, and whether Wilson would participate in the JSRS if it becomes law, though Kittle didn't respond.

Smith and Murphy didn't respond Thursday to written or phone messages from The Nerve seeking comment on why they introduced the bill, which was filed on Feb. 2 and referred to the Ways and Means Committee, which Smith chairs.

The 162 JSRS retirees as of July 1 included 18 who were "retired in place," according to PEBA's annual actuarial valuation report. The Nerve in 2014 [first revealed](#) that a little-known state law allows eligible judges, solicitors and circuit public defenders to draw their full salaries, plus retirement pay equal to 90% of their "current active salary," from age 60 to 72.

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At the time then-Supreme Court chief justice Jean Toal and then-associate justice Costa Pleicones, who later became chief justice, participated in the double-dipping program.
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In 2018, current associate justices John Kittredge and Kaye Hearn [confirmed](#) to The Nerve that they were receiving the special retirement pay. Their annual salary then was \$148,974; Kittredge told The Nerve then he separately received about \$11,000 monthly in gross retirement pay, which worked out to be about \$132,000 yearly.

The Nerve also revealed then that current chief justice Donald Beatty was seeking a 33% pay hike for himself and other judges statewide, which lawmakers approved in 2019. Beatty's annual salary went from \$156,234 to \$208,000; as of November he was making \$212,160, as The Nerve [reported](#).

Under state law, judges' typical retirement benefits are based, in part, on 71.3% of their "current active salary." In her written response Thursday, PEBA spokeswoman Warren said the 33% pay hike approved in 2019 is reflected in the agency's latest annual financial report on the JSRS.

Last month, The Nerve [revealed](#) that House speaker Jay Lucas, R-Darlington, who controls half of the appointments on a committee that nominates judges for election in the Legislature, is the main sponsor of a joint resolution calling for a state constitutional amendment that would increase the total number of Supreme Court justices from five to seven.

That proposal and a related bill are co-sponsored by Smith, who, besides heading the Ways and Means Committee, is the current chairman of the six-legislator, 10-member judicial screening committee known as the Judicial Merit Selection Commission.

South Carolina and Virginia are the only states in which their legislatures play primary roles in electing judges.

Like judges, longtime state lawmakers also receive generous retirement benefits, as The Nerve previously has [reported](#), though that system was closed to new legislators starting in 2012.

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