**A** **BILL**

TO AMEND SECTION 1‑11‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES AND RETIREES ARE ALLOWED TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO UPDATE REFERENCES RELATING TO THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS AND TO ALLOW EMPLOYEES OF BERKELEY CITIZENS, BABCOCK CENTER, CHARLES LEA CENTER, AND TRI DEVELOPMENT CENTER OF AIKEN COUNTY TO PARTICIPATE IN THESE PLANS; AND TO AMEND SECTION 9‑1‑10, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO UPDATE REFERENCES RELATING TO THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES IN THE DEFINITIONS OF “EMPLOYEE” AND “EMPLOYER” AND TO INCLUDE WITHIN THOSE DEFINITIONS BERKELEY CITIZENS, BABCOCK CENTER, CHARLES LEA CENTER, AND TRI DEVELOPMENT CENTER OF AIKEN COUNTY.

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

SECTION 1. Section 1‑11‑720(A)(3) of the 1976 Code is amended to read:

“(3) county ~~mental retardation~~ disabilities and special needs boards funded by the ~~State Mental Retardation~~ South Carolina Department of Disabilities and Special Needs and including Berkeley Citizens, Inc., Babcock Center, Inc., Charles Lea Center, Inc., and Tri Development Center of Aiken County, Inc.;”

SECTION 2. A. Section 9‑1‑10(11) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(11) ‘Employee’ means:

(a) to the extent compensated by this State, an employee, agent, or officer of the State or any of its departments, bureaus, and institutions, other than the public schools, whether the employee is elected, appointed, or employed;

(b) the president, dean, professor, or teacher or any other person employed in any college, university, or educational institution of higher learning supported by and under the control of the State;

(c) an employee, agent, or officer of a county, municipality, or school district, or an agency or department of any of these, which has been admitted to the system under the provisions of Section 9‑1‑470, to the extent the employee, agent, or officer is compensated for services from public funds;

(d) an employee of the extension service and any other employee a part of whose salary or wage is paid by the federal government if the federal funds from which the salary or wage is paid before disbursement become state funds;

(e) an employee of a service organization, the membership of which is composed solely of persons eligible to be teachers or employees as defined by this section, if the compensation received by the employees of the service organization is provided from monies paid by the members as dues or otherwise, or from funds derived from public sources and if the employee contributions prescribed by this title are paid from the funds of the service organization;

(f) an employee of an alcohol and drug abuse planning agency authorized to receive funds pursuant to Section 61‑12‑20;

(g) an employee of a local council on aging or other governmental agency providing aging services funded by the Office on Aging, Office of the Lieutenant Governor;

(h) an employee of a county disabilities and special needs board funded by the South Carolina Department of Disabilities and Special Needs and including an employee of Berkeley Citizens, Inc., Babcock Center, Inc., Charles Lea Center, Inc., and Tri Development Center of Aiken County, Inc.

‘Employee’ does not include supreme and circuit court judges, any person whose services are remunerated solely by per diem payments, or any person employed by a school, college, or university at which the person is enrolled as a student or otherwise regularly attending classes for academic credit unless the person is employed as a school bus driver and is paid by the same school district in which the person is enrolled in school. In determining student status, the system may consider the guidelines of the Social Security Administration regarding student services and other criteria the system uniformly prescribes.”

B. Section 9‑1‑10(14) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(14) ‘Employer’ means this State, a county board of education, a district board of trustees, the board of trustees or other managing board of a state‑supported college or educational institution, or any other agency of this State by which a teacher or employee is paid; the term ‘employer’ also includes a county, municipality, or other political subdivision of the State, or an agency or department of any of these, which has been admitted to the system under the provisions of Section 9‑1‑470, a service organization referred to in item (11)(e) of this section, an alcohol and drug abuse planning agency authorized to receive funds pursuant to Section 61‑12‑20, and a local council on aging or other governmental agency providing aging services funded by the Office on Aging, Office of the Lieutenant Governor, and county disabilities and special needs boards funded by the South Carolina Department of Disabilities and Special Needs and including Berkeley Citizens, Inc., Babcock Center, Inc., Charles Lea Center, Inc., and Tri Development Center of Aiken County, Inc.”

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

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