~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 28, 2012

**S. 872**

Introduced by Senators Knotts, Rose, Reese, O’Dell, Verdin, Rankin, Bryant, Malloy, McConnell, Scott, Grooms, Fair, Campbell, Elliott, Setzler, McGill, Davis, Williams, Pinckney, Cromer, Hayes, Land, Jackson, Lourie, Nicholson, Matthews, L. Martin, Alexander and Ford

S. Printed 3/28/12--H.

Read the first time February 29, 2012.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 872) to amend Section 25‑1‑590, Code of Laws of South Carolina, 1976, relating to the retirement of members of the South Carolina National Guard, so as to extend, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Adjutant General’s Office reports this bill will have no fiscal impact on the General Fund of the State or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 25‑1‑590, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RETIREMENT OF MEMBERS OF THE SOUTH CAROLINA NATIONAL GUARD, SO AS TO EXTEND THE RETIREMENT HONORARY PROMOTION PROVISIONS TO HONORABLY DISCHARGED SERVICEMEMBERS WHO ARE REMOVED FROM THE NATIONAL GUARD DUE TO MEDICAL CONDITIONS, AND TO PROVIDE THAT THE EXPANDED HONORARY PROMOTION ELIGIBILITY DESCRIBED ABOVE IS TO BE APPLIED RETROACTIVELY.

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

SECTION 1. Section 25‑1‑590 of the 1976 Code is amended to read:

“Section 25‑1‑590. Officers and enlisted men of the National Guard of South Carolina ~~shall~~ must be retired by order of the commander‑in‑chief with a promotion of one grade, effective the date of retirement or medical discharge at the request of ~~any~~ an officer or enlisted man upon completion of twenty or more years of honorable service in the National Guard of South Carolina, the Armed Forces of the United States, and reserve components ~~thereof~~ of these branches, except that the last ten years of ~~such~~ that service must have been in the South Carolina National Guard, or in the National Guard of the United States, and provided that the individual concerned was a member of the South Carolina National Guard at the time he was ordered to active duty in the National Guard of the ~~U. S.~~ United States status. The years of service requirements shall not apply to members of the National Guard of South Carolina who are medically discharged prior to the completion of at least twenty years of qualifying military service, so long as the individual’s discharge is characterized as honorable. ~~But any~~ A commissioned officer holding the grade of major general ~~shall,~~ upon retirement~~,~~ must be retired in that grade; ~~any~~ a warrant officer holding the grade of chief warrant officer ~~shall,~~ upon retirement~~,~~ must be retired in that grade; and ~~any~~ an enlisted man holding the highest authorized enlisted grade ~~shall,~~ upon retirement~~,~~ must be retired in that grade.

Retired officers and retired enlisted men shall draw no pay or allowances except when placed on duty. They ~~shall~~ must be subject to temporary detail by the commander‑in‑chief, and while on ~~such~~ this duty, shall receive the same pay and allowances as officers and enlisted men of the same rank on the active list. On all occasions of duty or ceremony, retired officers and enlisted men shall take rank below officers and enlisted men of the same grade on the active list.”

SECTION 2. This act takes effect upon approval by the Governor and must be applied retroactively.

‑‑‑‑XX‑‑‑‑